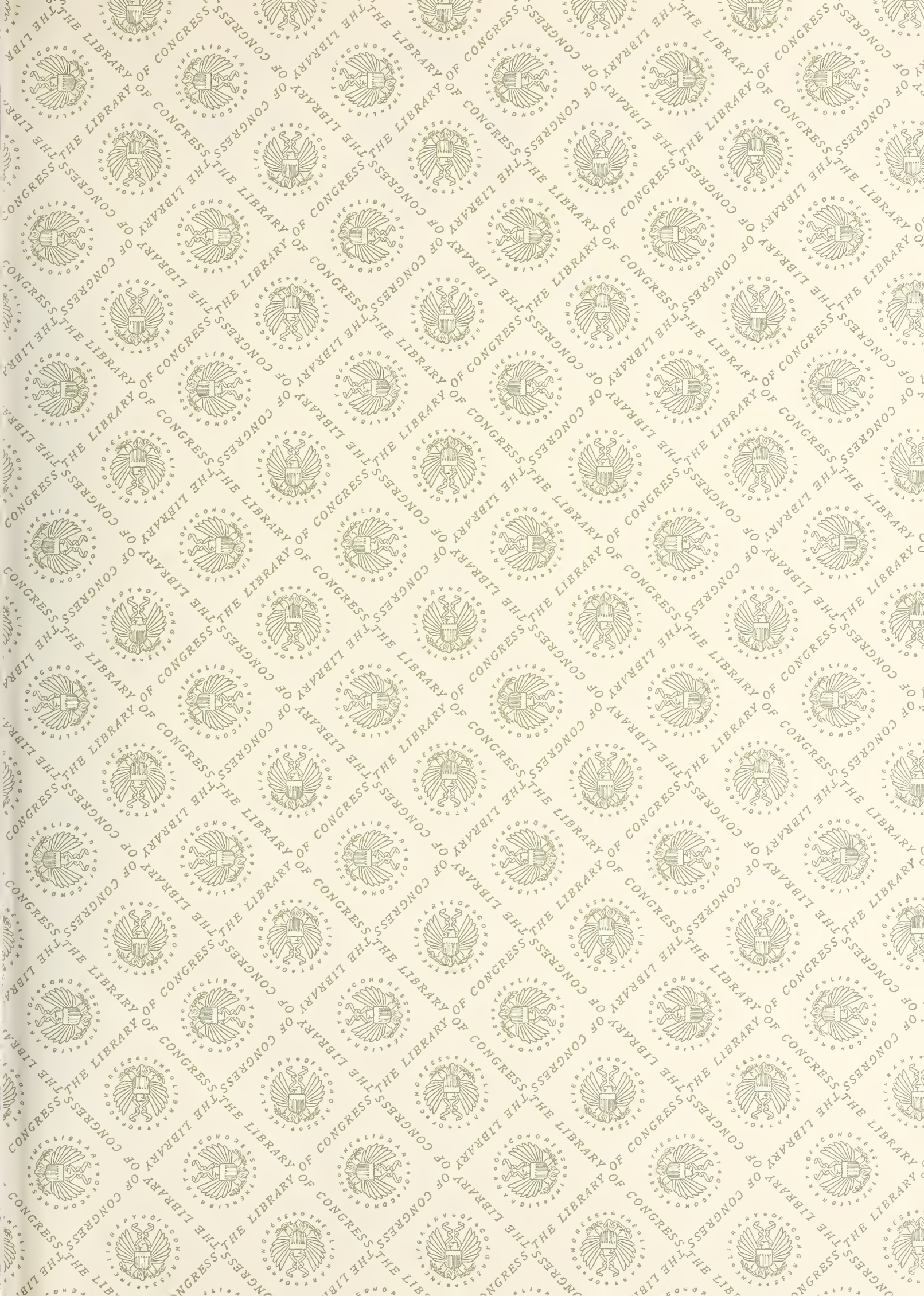
Scanned from the collections of
The Library of Congress



Packard Campus
for Audio Visual Conservation
www.loc.gov/avconservation

Motion Picture and Television Reading Room
www.loc.gov/rr/mopic

Recorded Sound Reference Center
www.loc.gov/rr/record


THE LIBRARY OF CONGRESS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 78 NEW YORK, TUESDAY, OCTOBER 1, 1935 TEN CENTS

Ascap Says No Music Permits Are Cancelled

All Lapsed at Midnight; Hold Unless Voided

Music licensing agreements between exhibitors and the American Society of Composers, Authors & Publishers expired at midnight last night, but renew themselves automatically unless terminated by either party.

E. C. Mills, general manager of Ascap, reported yesterday that there was "not a single instance of cancellation of existing contracts between the society and exhibitors" this year. The current pacts were agreed upon a year ago after negotiations between a national exhibitors' committee and Ascap officials resulted in a compromise of new licensing schedules prepared by Ascap which represented, exhibitors said, increases ranging up to 1,000 per cent.

Herman Starr, vice-president of Warners, who was recently elected a director of Ascap, is in St. Louis for the trial of the Government's con-

(*Continued on page 5*)

Circuits and Union Optimistic on Pact

Hopes of concluding negotiations on a new local wage scale with Local 306 were voiced by theatre representatives yesterday as they prepared to meet with union officials early last evening. Indications were that the meeting would continue to a late hour.

It was stated that efforts would be made to complete a classification of theatres as to size and prevailing admissions first, after which negotiations on the new scales for each classification of theatres would be opened. Several theatre representatives who were to attend the meeting were optimistic over chances of an agreement.

A scale of $1.86 an hour has been agreed upon for RKO and Loew's houses. The negotiators are now concerned with scales for theatres other than RKO and Loew's.

Stockholder Sues to Close Griffith Firm

A stockholders' action alleging mismanagement and waste was filed in Federal court yesterday by John A. Manning against D. W. Griffith, Inc. The petition, in asking for the appointment of a receiver, set forth that the following have been dissipated and converted from the corporation:

A—A $355,000 mortgage which

(*Continued on page 5*)

Labor Terms Are Relaxed In NRA Pacts

Opposition of Industry Causes Rule Change

By BERTRAM F. LINZ

Washington, Sept. 30.—Recognizing the opposition of industry to further control of labor conditions, details of the procedure to be followed with respect to voluntary codes, in which must be incorporated provisions recognizing employes' rights to bargain collectively, made public today by the White House, make provision for the adoption of fair trade practice rules, without labor conditions, under the Federal Trade Commission Act.

The regulations require that, to secure such exemption from the anti-trust laws as the Government may still grant, industries must file voluntary codes under the amended NRA, in which they must include the labor provisions of Section 7 (A) of the act.

However, it was made clear, the door is not closed to the adoption of simple rules of fair practice under the Trade Commission Act, no provisions as to labor being necessary in such agreements.

Jurisdiction over both types of code will be vested in the Trade Commission, but in the formulation of agreements under the NRA the Recovery Administration will participate in the consideration of the labor provisions.

Pathe's Nine-Month Net Equals $1,326,924

A net income of $1,326,924 was reported yesterday by Pathe Exchange, Inc., for the period from Dec. 30, 1934, to Aug. 15 last. The figure includes $1,441,471 proceeds from the sale of 1,400 shares of Du Pont Film Mfg. Co. stock by Pathe last July. The sale reduced Pathe's 49 per cent stock interest in Du Pont to a 35 per cent interest.

The report states that capital surplus has been charged with $1,009,328,

(*Continued on page 5*)

Wisconsin Playdate Law Case Postponed

Milwaukee, Sept. 30.—A hearing scheduled today on the temporary stay granted Fox and M-G-M on Aug. 16 by Federal Judge F. A. Geiger restraining state officials from enforcing the new preferred playdate law has been postponed indefinitely.

The case is to be heard before three Federal judges, probably within a month.

"Call Me 'Toots'"

Lily Pons on arriving here yesterday said to the assembled gentlemen of the press, "You can call me Toots."

Fox Met Fees May Go Over $750,000

Applications for fees for services in connection with the reorganization of Fox Metropolitan Playhouses may aggregate more than $750,000, an incomplete compilation of applications left with the Federal court yesterday by attorneys, creditors' committees, the trustee and others indicated.

A hearing on the applications has been set for tomorrow before Federal Judge Alfred C. Coxe. The Fox Met reorganization plan made provision for final reorganization expenses of $500,000 aggregate. Reductions by the court in the amounts applied for are expected to bring the total of the applications within this figure.

Irving Trust Co., as trustee of Fox Met, asked for a final allowance of

(*Continued on page 5*)

Stock Holdings of Film Men Shifted

Washington, Sept. 30.—Changes in stock holdings of film company officials during August, as reported to the Securities and Exchange Commission include:

Acquisition direct of 24 shares and of 1,156 shares of Columbia Pictures common through a voting trust by a stock dividend by Harry Cohn, who held 1,019 shares at the end of the month direct and 47,457 shares through the voting trust.

Through White, Weld & Co., Harold B. Clark acquired 2,100 six per cent convertible Fox Film debentures, holding 9,700 at the close of the month.

Reports on Warners disclosed that Albert Warner acquired 823,667 six per cent optional convertible deben-

(*Continued on page 5*)

Early End Foreseen For Mexican Strike

Mexico City, Sept. 30.—Early end of the theatre strike of the National Federation of Theatre Workers, stirred up by a demand for higher wages and the threat of American distributors to withdraw from this market unless something were done about high taxes, is predicted.

The withdrawal has been postponed until Oct. 15 to permit a study of the situation by a committee made up of various industry branch representatives and the Government. Distributors show no interest in the strike.

Court Denies Delay; Trial Starts Today

Effort at Postponement Is Overruled

By BILL ORNSTEIN

St. Louis, Sept. 30.—After several previous attempts to launch an immediate trial on indictments against Harry M. Warner, Herman Starr, Abel Carey Thomas, George J. Schaefer, Ned Depinet and their companies—Warners, Paramount and RKO—the Government today was successful in having Federal Judge Moore set Tuesday morning as a definite starting time for the anti-trust action filed against these defendants and their companies.

Judge Moore also overruled an application for continuance filed by Warners and later joined by Paramount and RKO after a full day's argument on motions.

A postponement was sought by Warners on the ground that Thomas is a key witness, but cannot testify

(*Continued on page 4*)

Agreement Reported Set by Para.-FWC

St. Louis, Sept. 30.—Neil F. Agnew, general sales manager of Paramount, who is here for the Government's anti-trust suit, today declared his company's difficulties with Fox West Coast had been straightened out.

Ralph C. Li Beau, Paramount's Kansas City district manager, is here for talks with Agnew.

Los Angeles, Sept. 30.—The difficulties between Paramount and Fox West Coast are understood to have revolved around percentage terms and flat rental prices for the circuit's subsequent runs. F. W. C. has been playing no Paramount product with the result the chain has now fallen behind on releases.

Sirovich Probe Put Over Until Oct. 15

Initial hearings in the investigation of the Sirovich Congressional committee inquiring into patent pools has been postponed until Oct. 15. They were scheduled to have begun yesterday at the Fifth Avenue Hotel. The postponement was made as an accommodation to some of the witnesses who could not conveniently appear at the earlier date.

Numerous film executives have been subpoenaed for the hearings.

PN1993 .M43

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 1, 1935 No. 78

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Mayer, Consolidated Take Over the Cohan

Arthur L. Mayer, in conjunction with Consolidated Amusement Enterprises, has taken over the George M. Cohan with Oct. 18 as the effective date. No definite decision has been made as to policy.

Mayer recently entered the Northern Jersey field and is keeping a paternal eye on progress made on the New Rialto now under construction on the site of the old house at 42nd St. and 7th Ave.

Schumann-Heink and May Robson to Team

HOLLYWOOD, Sept. 30.—M-G-M will team Mme. Ernestine Schumann-Heink and May Robson in "Gram," by Kathleen Norris. John W. Considine, Jr., will produce. There are no other assignments yet.

Lichtman to Coast

Al Lichtman, president of United Artists, left for the coast yesterday over the air lanes. This is the trip he postponed about two weeks ago.

MICHAEL BARTLETT
"SHE MARRIED HER BOSS"
WILLIAM MORRIS OFFICE

Purely Personal

BENNETT CERF of "Random House," book publishing firm, left for Phoenix by air yesterday where this morning he will marry SYLVIA SIDNEY. CERF was guest at an informal part at the LYNN FARNOLS Sunday evening, the guests including JULIE HORNBLOW, ELEANOR SHALOR, KENNETH MCKENNA, WILLIAM MORRIS, JR., and some others.

•

MRS. HAL ROACH leaves Wednesday for the coast. She will take the Santa Fe Grand Canyon Limited out of Chicago and stop over at the canyon one day.

•

HARRIET HILLIARD, singer with OZZIE NELSON'S orchestra has been signed by Radio. She has been appearing at the Cocoanut Grove, Los Angeles, lately.

•

NORMAN H. MORAY, in charge of Warner shorts and trailer sales, is back from Cleveland, Detroit, Indianapolis and St. Louis.

•

LILY PONS, back from the coast where she made "I Dream Too Much" for Radio, will return to the air over Station WABC tomorrow night.

Quip of the Day

Cecil B. De Mille seems to have given an excellent performance during the production of "The Crusades."

One afternoon he shouted:

"You assistants! Can't you do anything I ask? If I asked you to come up here and hit me in the nose, could you?

With one accord they yelled:

"Yes." —The Era, London.

TED HAMMER, of Warners home office playdate department, left yesterday for Memphis to become assistant booker in that territory.

•

JEAN MUIR got into town yesterday. She will attend the opening of "A Midsummer Night's Dream" next week.

•

EDDIE MANNIX'S European trek is vacation stuff with perhaps a contract or two thrown in if he finds likely talent.

•

WILLIAM MOCLAIR, former doorman at the Strand, has just been made manager of the New Yorker Theatre.

•

BEVERLY BAXTER should be in these parts from London, if sailing schedules are running true to form.

•

DAVID SARNOFF, PAUL ROBESON and JACK POWELL arrive on the *Majestic* today.

•

PHIL HARRIS has been signed to appear in a two-reeler for Vitaphone.

•

RICHARD BARTHELMESS was on the air last night as "Jimmy Valentine."

•

VIRGINIA PINE is stopping at the Warwick.

Academy Announces Board, Committees

HOLLYWOOD, Sept. 30.—Frank Lloyd, Academy president, tonight announced the board of governors and executive committees for the coming year, following tabulation of the mail ballot among five branches. Election of new officers at a joint governors' and executive committee meeting has been tentatively set for Oct. 9.

The board of governors is as follows: Actors, Lionel Atwill, Clark Gable, George Irving; Directors, Frank Capra, C. B. DeMille, Frank Lloyd; Producers, Henry Herzbrun, B. B. Kahane, Irving Thalberg; Technicians, John Arnold, Nathan Levinson, Van Nest Polglase; Writers, Howard Estabrook, Robert Riskin, Waldemar Young.

The executive committees are: Actors: Lionel Atwill, Raymond Hatton, Walter Huston, Dewitt C. Jennings, Mitchell Lewis, J. Farrell MacDonald, May Robson; Directors, Frank Borzage, Clarence Brown, Irving Cummings, Tay Garnett, Alfred Green, Norman Taurog, W. S. Van Dyke; Assistant Directors, Al Alborn, Fred Fox, Gordon Hollingshead, Horace Hough, Percy A. Ikerd, R. L. Selander, Frank X. Shaw; Producers, Pandro Berman, Samuel Briskin, B. B. Kahane, William LeBaron, L. B. Mayer, Joseph Schenck, David Selznick; technicians, John Arnold, Gerald Best, Farciot Edouart, Bernard Herzbrun, Nathan Levinson, Wesley Miller, Van Nest Polglase; Writers, John Balderston, Howard Estabrook, Grover Jones, William Slavens McNutt, Jane Murfin, Robert Riskin, Waldemar Young.

NACC Is Seen on Way Out on Coast

HOLLYWOOD, Sept. 30.—The N. A. C. C., which grew to threatening proportions during the past two months, will soon fade out completely, according to a statement from one organization leader today. The first move toward this end is due this week, when the advisory council will file a request with the National Labor Relations Board asking the withdrawal of a petition filed last week requesting all soundmen be permitted to vote on which labor organization they want to represent them in collective bargaining.

The decision of the advisory council, which is considered impotent because of non-affiliation with the American Federation of Labor, was taken following careful investigation over a period of weeks.

Tampa License Fee Cut

TAMPA, Sept. 30.—Exhibitors have secured a reduction of $200 in the proposed occupational tax. The annual fee was to have been boosted from $150 to a top of $450 for 1,000-seat houses. Under the new arrangement all houses up to 1,000 seats will pay $150 and all those over will be assessed $250 annually.

Roxy Makes Denial

S. L. Rothafel (Roxy) last night denied he, in association with Herbert Lubin, had entered any bid for the Roxy Theatre, as reported last week in MOTION PICTURE DAILY.

"Please say for me that I have made no bid to the bondholders' committee at this time," he declared.

Wall Street

Eastman Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	67	67	67	.....
Consolidated	4½	4⅛	4⅛	— ⅜
Consolidated, pfd.	16¼	16	16	— ½
Eastman	156¼	156	156¼	+ ¾
Eastman, pfd.	158½	158½	158½	+ ½
Loew's, Inc.	44¾	44	44	— ⅜
Loew's, pfd	106	106	106	.....
Paramount	11½	11¼	11½	+ ¼
Paramount, 1 pfd.	100	98½	99¾	+1
Paramount, 2 pfd.	13¾	13½	13½	— ⅛
Pathe Film	6¼	6	6	— ⅛
RKO	4¾	4½	4⅝	.....
20th Century-Fox.	17	16½	16⅝	— ⅛
20th Century, pfd	26¾	26	26⅛	+ ⅝
Universal, pfd.	33⅝	33⅝	33⅜	+ ⅛
Warner Bros.	7⅞	7⅝	7⅝	.....
Warner, pfd	42	41¼	41¼	+1

No Change on Curb

	High	Low	Close	Net Change
Sonotone	2½	2¼	2¼	.....
Technicolor	19	19	19	.....
Trans-Lux	3⅛	3⅛	3⅛	.....

Little Activity on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	14¾	14⅜	14½	— ⅜
Loew's 6s '41 ww deb rights.	104¾	104¾	104¾	.....
Paramount Pict. 6s '55	96¾	96⅜	96½	— ¼
RKO 6s '41 pp.	71	70	70	.....
Warner Bros. 6s '39 wd	83¼	82¾	83	.....

(Quotations at close of Sept. 30)

Paramount Holding Minnesota Houses

Paramount has no intention of giving up 75 theatres in Minnesota operated for some time past under a partnership arrangement with Hamm & Charles, it was declared yesterday by Y. Frank Freeman. It is the partnership that has been given up.

The agreement expired on Sept. 28 and the houses are now being operated by Paramount through L. J. Ludwig and John J. Friedl under the supervision of the home office.

Grainger on Trip

James R. Grainger, general sales manager of Universal, left on a sales trip yesterday which will take him to Chicago, Omaha and San Francisco. From that point, he will go to Hollywood for a week at the studio and return east via Dallas, New Orleans and Atlanta.

Universal has sold more contracts thus far this season than in the same comparative period last.

Got No Complaints

ST. LOUIS, Sept. 30.—Ned E. Depinet today denied having received any exhibitor complaint over "Top Hat." He contends this picture is not on last year's program, as claimed by various exhibitor associations in widely spread territories, and that RKO promised only two Astaire-Rogers on the 1934-35 schedule. "The Gay Divorcee" and "Roberta" were delivered.

Denies Gold Mine Buy

BOSTON, Sept. 30.—Denial has been made by Roy Heffener, who handles Bank Night here, that his organization has bought out Gold Mine.

The story was current late last week when James Kennedy, owner of Gold Mine, lost a copyright infringement suit in Federal court and said he would not take an appeal.

1931, April 2nd

LET US ALL THANK HEAVEN

that

GRAHAM McNAMEE ...RIGHT BEHIND THE BAT...WILL ANNOUNCE THE WORLD'S SERIES

for

UNIVERSAL NEWSREEL!

Court Denies Delay; Trial Starts Today

(*Continued from page* 1)

because he was described as suffering from arterio-scelerosis, which was defined as hardening of the arteries and thrombosis, which was stated to be apoplexy. Warner counsel submitted affidavits from three New York physicians who, during the past few months, have examined Thomas and outlined an analysis of his illness.

One doctor said the Warner legal head may be able to testify in two or three months provided he was given mental and physical freedom for this length of time.

Russell Hardy, prosecuting the case for the government, put on the stand for one hour Robert Emmett Kane, head of the surgical staff of De Paul Hospital and also on the staffs of St. Mary's and Barnes Hospitals here, in addition to being chairman of the St. Louis County Old Age Commission, to detail the condition described by Thomas' doctors.

Doctor Testifies

Kane testified that, according to Thomas' symptoms, he will never be able to testify either in court or by deposition and that to force him to do so would shorten the Warner executive's life. Kane disagreed with the inference contained in one of the three doctors' affidavits that Thomas will be able to stand trial in two or three months, contending that no one can tell what effect arterio-sclerosis and thrombosis may have on Thomas within the next few weeks. He pointed out that even the doctors who have examined the Warnerite do not indicate Thomas will ever be able to return to work.

After being examined by Reed at length Kane left the impression that to bring Thomas to trial would jeopardize the latter's life. Hardy told the court that it is plain "that we can never bring Thomas to trial. All they are trying to do is to delay the case until Thomas dies so there won't be a case," he said, to which Reed replied, "Then, why don't you dismiss the indictment against him?"

Reed, Jacob M. Lashly and William R. Gentry then pleaded to put the indictment trial over until after the equity case, scheduled for tomorrow, is heard. Reed offered to bring three doctors who examined Thomas from New York to testify. Gentry said Paramount was entitled to examine Thomas and Lashly stated the government has during the past few weeks insisted on trying the preliminary injunction before the criminal action. Samuel Fordyce also took the same stand as the others. Jeffries, in a special plea, stated that the government has suddenly changed its plans and decided it wants the indictments tried.

In again denying the plea to put the case over to follow the equity hearing Judge Moore said "there is some way of finding out what happened at meetings which Thomas attended." Hardy said that much of what Thomas would testify to "is irrelevant and that Starr and Sears are important witnesses." Reed then said, "We are ready to go to trial under very unfair and unjust conditions."

Hardy Criticized

Jeffries made a last minute effort to get the judge to rescind his ruling until tomorrow to give him additional time to amend the petition for continuance. The court said, "Unless the government counsel consents I will not disturb the order of the calendar." Hardy again refused to change the order, declaring he was ready. Reed then made a formal motion to dismiss the indictment against Thomas because of the government's attitude that he will never testify. Moore said it was up to Hardy, who declined to consider it.

Jeffries criticized Hardy for his adamant attitude.

Hardy told MOTION PICTURE DAILY that the government will be through with its case in four days. Jeffries is on record as saying that the defendants will take from four to six weeks.

George Schaefer, who was absent today, is expected here tomorrow. The government is prepared to start in the morning. There is no indication what witnesses will be put on the stand at the outset. About 30 jurors were dismissed today without a panel being obtained. The selection of jurors will be resumed tomorrow morning.

Under the present set-up of the calendar the equity case will follow the trial of the indictments, indicating that the executives here from the east and west are due for an extensive stay. Meanwhile, the legal batteries of the three companies involved are separately going into session tonight, presumably to prepare for tomorrow's opening. Hardy indicated during the latter part of the hearing that the defendants may take an appeal from Judge Moore's decision to the circuit court of appeals. Whether this move will be taken was not apparent tonight.

In arguing for denial of continuance of the criminal case, Hardy pointed out it would have to go over until the March, 1936, term, if granted. The offense charged in the suit is a misdemeanor and is punishable by one year in jail, $5,000 fine or both.

Demurrer Denied

Judge Moore denied a demurrer filed by Lashly at the morning session, on the ground of insufficient fact in the bills of particulars presented by Hardy. Judge Moore had overruled RKO's motion for additional facts. The denial followed objections by Hardy. Representing the various Warner companies were Harry M. Warner, Herman Starr, Gradwell Sears.

Former U. S. Senator Reed pleaded not guilty on the indictments for Warners, while William Gentry, local Paramount attorney, did likewise for Paramount and George Schaefer, and Lashly for RKO and Ned E. Depinet, president.

In his application for continuance Reed said Warners had about $4,000,000 invested in the Ambassador, New Grand Central and Missouri, and described the company's history in the local theatre field.

Hardy took the stand and detailed a conversation he had had with Reed on Sept. 7, when Reed asked for adjournment after receiving word of the serious illness of his sister, who later died. Hardy tried to point out that this was the only reason for asking the delay. Reed examined Hardy and finally brought out that at the time the equity case and not the criminal action had been scheduled. Hardy objected several times to questions thrown at him by Reed, but was overruled every time.

Hardy, in trying to fix a certain date when he saw Judge Thornton at a Delaware beach in an effort to get a judge to hear indictments during the summer, related how Samuel Fordyce, local Paramount attorney, had visited the same judge that day. Fordyce later asked Hardy on the stand what his motive was for bringing his name into the meeting with the judge at the beach, and Hardy answered it was only to fix the date of his own visit. Fordyce made it clear his meeting with Judge Thornton was an entirely outside matter.

Calls Hays Office Records

The Government has called Carl E. Milliken, Frederick I. Herron and the Hays office records, showing the officers, directors and members of the organization from Jan. 1 to Sept. 15 this year. It also has summoned Skouras Super Theatres Corp. and Samuel B. Jeffries, secretary, for all records showing the stockholders of the company as of July 30, 1932; waiver of notice and consent to a special meeting of Skouras Super Theatres' board on July 30, 1932; minutes of the special meeting of the board held pursuant to the consent and waiver notice at the office of Austin Keough at Paramount's home

(*Continued on page* 5)

In St. Louis for Government Trial



Harry M. Warner



George J. Schaefer



Ned E. Depinet



Herman Starr



Gradwell L. Sears



Jules Levy



Neil F. Agnew



Spyros Skouras



Cresson E. Smith



Irving Lesser

Court Denies Delay; Trial Starts Today

(Continued from page 4)

office on July 30, 1932, and all leases to Skouras Super Theatres or any corporation affiliated with or controlled by it for contracts with the Ambassador, Missouri and New Grand Central during the period from Jan. 1, 1926, to Jan. 1, 1935.

Representing Paramount: George J. Schaefer, vice-president, Paramount Pictures, Inc.; Neil F. Agnew, general sales manager; Austin C. Keough, secretary and general counsel; Louis Phillips, of the home office legal department; William R. Gentry, local.

Representing RKO: Ned E. Depinet, president, RKO Dist. Corp.; Jules Levy, vice-president, RKO Dist. Corp.; Cresson E. Smith, western sales manager; William Mallard and Gordon Youngman of the RKO home office legal staff; George S. Leisure of Donovan, Leisure, Newton and Lumbard, New York; Jacob M. Lashly, local.

Representing Warners: Harry M. Warner, president, Warner Bros. Pictures, Inc.; Gradwell L. Sears, western and southern sales manager; Herman Starr, president, First National Pictures, Inc.; Robert W. Perkins of the Warner home office legal staff; James A. Reed and Samuel B. Jeffries, local counsel; Bruce Bromley and Frederick Wood of Cravath, de Gersdorff, Swaine and Wood, New York.

Representing Fanchon and Marco: Harry and Milt Arthur; Jack Partington and Irving Lesser; Ernest L. Wilkinson, Washington attorney, and John S. Leahy, local counsel.

Representing the government: Russell Hardy, Harold L. Schilz, Dwight L. Savage, William R. Benham and John Claggett.

Others from out-of-town are Spyros Skouras, and William T. Powers, lawyer in many Skouras matters.

Subpoenaed locally are these:

Louis Ellman, RKO; Maurice Schweitzer, Paramount; James Winn, Warners; Clayton Lynch, M-G-M; Harry Scott, U. A.; Joseph Garrison, Universal; Byron S. Moore, Shubert Theatre; Robert Hicks, Orpheum; Harry Greenman and Charles Kurtzman, Fox Theatre; Clarence M. Turley and Allen L. Snyder, Ambassador; Tom K. Smith and Jacob Chasnoff of Boatmen's Bank; John S. Leahy, Bank of Commerce; Thomas M. Dysart, Frederick H. Keisman, Joseph H. Grand, Fred Wehrenberg and Bruce Barnes. From out of town are Harry C. Arthur, Irving Lesser, Jack Partington and Spyros Skouras, from New York; J. M. Ulmer and B. D. Gordon, from Cleveland; David Levinson, M. A. Rosenthal and Frederick W. Straus, the last named of Straus Securities Corp., Chicago.

Thornburg a Spectator

ST. LOUIS, Sept. 30.—Don Thornburg, who recently leased the Family and Strand in Marshalltown, Ia., to Mort Singer, is here watching the Government trial. He alleges he was forced to lease his theatres because he could not get product and has filed a conspiracy suit against major distributors.

Ascap Says No Music Permits Are Cancelled

(Continued from page 1)

spiracy charges against Warners, RKO and Paramount, and during his absence no moves to compose differences between Warners and Ascap will be made, it was stated on good authority. Warners have threatened to withdraw from Ascap as a result of the differences.

Ascap yesterday issued its annual survey of NBC and CBS radio programs which showed that during 1934 the 85 leading song numbers were played a total of 1,255,669 times by the two principal networks. According to the report "Love In Bloom," from the film "She Loves Me Not," led with a total of 24,374 renditions on 674 key broadcasts. "All I Do Is Dream of You," from "Sadie McKee," and "Carioca," from "Flying Down to Rio," were second and third, respectively, in number of times rendered over the air, according to the report.

The report is cited by Ascap in substantiation of its contention that "radio must pay for the performance of music a sum sufficient to compensate for some of the losses in sheet music sales." The report shows that sales of sheet music on "hit" songs in some instances is one-fourth that prior to large scale national broadcasting.

Stock Holdings of Film Men Shifted

(Continued from page 1)

tures through a liquidating dividend, holding 1,565,333 at the end of the month. He also held 239,520 debentures through his holding company A, while his holding company B reported disposition of 823,667 debentures. H. M. Warner acquired 823,667 debentures from holding company B; and at the end of the month held 1,602,333.

Reports on the holdings of officials at the end of August showed Albert Warner to have 63,260 shares of Warner common and 10,618 $3 cumulative preferred, direct, and 5,988 shares of common through holding company A and 4,786 shares of preferred through holding company B. H. M. Warner held 67,460 shares of common and 10,618 preferred direct, 2,115 shares of common through holding company A and 4,786 preferred through holding company B. Harold B. Clark reported holdings of 201 shares of Fox A common.

No Cuts Made in 51 Films by Bay State

BOSTON, Sept. 30.—Censorship cuts were notable by their absence in the latest list of approved films as put out by the Massachusetts Department of Public Safety, in charge of enforcing Sunday censorship laws. Fifty-one films were passed without a deletion. They include such pictures as: "The Crusades," "The Dark Angel," "Big Broadcast of 1936," "Broadway Melody of 1936," and "The Goose and the Gander."

Stockholder Sues to Close Griffith Firm

(Continued from page 1)

covers land at Mamaroneck where the defendant production plant was formerly located.

B—Four blocks of stock consisting of 500 shares of United Artists Corp. common; 650 shares of American Can common; 300 shares of Continental Can common and 208 shares of Standard Oil of California.

C—Various sums of money which have been diverted by officers received for payment of royalties and picture rights.

D—Money received for the sale of fixtures of the defendant corporation which money was converted by the officers of the corporation.

The petition further sets forth that the defendant has been out of actual production since 1932 and is insolvent and unable to pay its creditors. Manning charges that the directors, officers and relatives of the officers of the defendant corporation have grossly mismanaged and wasted the assets of the corporation. He also requested an injunction to prevent any interference with the action of the receiver and also asked liquidation of the firm.

Gotham Denied Stay On "Seas" at Dorset

Justice Edward S. Dore in Manhattan Supreme Court yesterday denied a motion made by the Gotham Amusement Corp. to restrain M-G-M Distributing Corp. from delivering "China Seas" to the Dorset.

In his decision Justice Dore said: "It appears from the complaint itself that the defendant has contracted to supply the picture to the Dorset for exhibition. No claim is made that the Dorset had a knowledge that the contract between itself and the defendant violated any rights of the plaintiff. The theatre is not a party to the present action."

Youngclaus Seeking U. S. Booking Probe

LINCOLN, Neb., Sept. 30.—William Youngclaus is seeking a Federal investigation into what he claims are his booking difficulties at the Grand Island Empress.

With his attorneys, former Attorney General Paul Good and former Senator W. H. Thompson, from whom he rents the theatre, he has conferred with U. S. Senators Norris of Nebraska and Nye of North Dakota.

New Fox Operating Units Are Formed

WILMINGTON, Sept. 30.—Fox Intermountain Agency Corp., Fox Midwest Agency Corp., Fox Wisconsin Agency Corp. and National Agency Corp. have been chartered here as operating concerns for units in the new Fox theatre setup.

Incorporators named were Samuel C. Wood, R. J. Gorman and Charles N. Caldwell, Jr.

Other incorporations are:

Regal Theatres Enterprises, Inc., by Lea Perot, William C. Wright and Ruth M. Krause, Philadelphia.

Atlas Pictures Corp., to deal in plays, by Charles N. Caldwell, Jr., David H. Jackman and George V. Reilly.

Chevy Chase Amusement Corp., to operate theatres, by S. L. Mackey, M. C. Palmatory and K. D. Rau of Wilmington.

Fox Met Fees May Run Over $750,000

(Continued from page 1)

$75,000. Its petition set forth that during the period of receivership there has been a total saving of $89,443 in rent reductions and that many leases have been successfully cancelled. It also pointed out that a saving of $91,000 in executive salaries has been effected and that cash in the trustee's hands amounts to $2,483,000, in addition to $700,000 held in a special account as a deposit on the reorganization plan, as compared with $236,872 cash on hand when Irving Trust took over the Fox Met assets.

Pathe's Nine-Month Net Equals $1,326,934

(Continued from page 1)

representing the cost of Du Pont stock sold and the value placed thereon by the board of directors in 1931.

Operating deficit as of Aug. 15 last was $5,171,020, against $6,415,941 on Dec. 30, 1934. Net sales for the 33 weeks ended Aug. 15 amounted to $400,595; operating expenses, $346,053; profit from laboratory operations, $43,145; other income, including $147,000 dividends received from Du Pont Film Mfg., $165,332.

Maria Jeritza Decorated

VIENNA, Sept. 30.—Maria Jeritza, bride of Winfield Sheehan, has been decorated with the cross of the Austrian Order of Knighthood.

THEATRE ACCOUNTING

by WILLIAM F. MORRIS, is still the best bookkeeping system for theatres. It not only guides you in making the proper entries but provides sufficient blank pages for a complete record of your operations for each day of the year. Notable for its simplicity.

Order Now—$3.00—Postage Prepaid

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

Variety Club

Omaha

OMAHA, Sept. 30.—SID MCARDLE of Film Transport upset local dope by winning the first annual golf tournament here at the Field Club.

He not only won the $8 driver, first prize, but also the sweat shirt given for low medalist.

The tourney was marred somewhat by an accident which occurred to ROY PALMQUIST, Paramount salesman, who was struck in the eye by a bouncing ball. PALMQUIST was felled and knocked unconscious. A doctor, who had joined in the tourney, revived him. PALMQUIST withdrew from further play with nothing worse than a badly blackened and swollen eye.

HARRY FRANKLE, salesman for United Artists, was the unhappy driver of the ball.

About 40 exhibitors, branch managers and salesmen participated.

Houses Employing Own Giveaway Plan

CHICAGO, Sept. 30.—With none of the theatres in the Tri-Cities, Davenport, Moline and Rock Island, using Bank Night and Screeno, a cash giveaway plan of their own devising is being used by all theatres, both circuit operated and independent. A $500 cash award is split up and given away every few weeks. Sometimes an automobile is awarded.

Hub Has New Giveaway

BOSTON, Sept. 30.—Greyhound Derby is the latest giveaway to be introduced here. It is being handled by the newly formed B-G Film Co., headed by Myer Gruber and Harry Bloomberg.

Handles Bank Night

KANSAS CITY, Seut. 30.—W. R. Thomsen of Des Moines has been named Bank Night sales representative in this territory by R. W. McEwan, distributor.

Screeno Seven Nights

CHICAGO, Sept. 30.—The Mode here sets some sort of a record. The house has Screeno seven nights a week.

Pathe Lot a Busy Spot

HOLLYWOOD, Sept. 30.—With Sol Lesser, Reliance and Republic all making their headquarters at the Pathe lot in Culver City, that studio is currently one of the busiest in town. Lesser is now shooting "The Calling of Dan Matthews," and Republic is making "Forced Landing." Within the next few days, Republic will start "Dancing Feet," "Legion of the Lost," and "Sailors Forget." And within two weeks Reliance plans to get "The Last of the Mohicans" under way.

Sisk Assigned to Two

HOLLYWOOD, Sept. 30.—Robert F. Sisk, who has been acting as assistant to J. R. McDonough at Radio, has been assigned two pictures which he will produce. They are, "Long Ago Ladies," which will feature Anne Shirley, and "The Farmer in the Dell," which Fred Stone will make. Though Sisk was elevated to associate producer some months ago, these will be his first pictures.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"I Live for Love"

(Warner)

HOLLYWOOD, Sept. 30.—Although offering several novel and whimsical touches, the story's lightness holds this picture to average classification. Dolores Del Rio, as a Latin stage star, and Everett Marshall, radio singer, fight when placed on the same air program. For the publicity value Berton Churchill, Guy Kibbee, Allen Jenkins and Hobart Cavanaugh, as the business managers of the couple, change the feud to a romance, then reverse their tactics when the pair actually fall in love. The lovers separate again, but reunite when they discover the ulterior motives of the interferers.

Lightly directed by Busby Berkeley, these situations become entertaining although the ultimate outcome is never doubtful. To cover the slim plot the picture features several tuneful numbers, which Marshall sings well and offers a singing novelty in which Eddie Conrad, with Shaw and Lee as musical stooges score laughs.

Miss Del Rio wears clothes that will delight feminine patrons and handles her role with dignified distinction. The original screen play by Jerry Wald, Julius Epstein and Robert Andrews has amusing lines which Kibbee, Jenkins and Churchill deliver skillfully. The production by Brian Foy is good.

Production Code Seal No. 1,075. Running time, 60 minutes. "G."

"Rainmakers"

(Radio)

HOLLYWOOD, Sept. 30.—In spite of the fact that a drought is a grim tragedy in a large part of the country, Wheeley and Woolsey use it as a comic background, leaving their antics on dynamite-loaded locomotives as the film's best exploitation angle.

Woolsey, as a fugitive rainmaker, picks up dirt farmer Wheeler in the middle of a dust storm which blows Wheeler's house away. They go to California, where Berton Churchill and George Meeker are gypping farmers with a plan to bring water to their parched crops. Woolsey plans the crash of two locomotives to draw a crowd necessary for the operation of the rain-making machine. The locomotive engineers leave when dynamite is discovered in the coal. Wheeler and Woolsey become engineers and a wild chase over mountain grades provides the main comic sequence with a terrific explosion bringing rain.

Henry Spencer is good as a bewildered banker, Dorothy Lee provides the romantic interest in the story by Fred Guiol and Albert Treynor and the screen play by Grant Garrett and Lester Goodwins. Fred Guiol directed and Lee Marcus produced. Even Wheeler and Woolsey fans will have to stretch their enthusiasm for this one.

Production Code Seal No. 1,268. Running time, 75 minutes. "G."

Looking 'Em Over

"The Public Menace"

(Columbia)

A combination of romance, newspaper reporter excitement and gangster pursuit, this repeats a tried and old formula in story construction. It rates as average entertainment material, suitable as half of a double bill where they like action, police guns and newspaper atmosphere.

Featured are George Murphy and Jean Arthur, with Douglas Dumbrille and George McKay in chief support. Murphy, newspaper reporter, who thinks he is good, is assigned to cover a ship arrival. Taken in by a girl aboard who wants to get ashore, he permits her to marry him and loses the scoop which results when gangster chief Dumbrille, escapes from the ship.

The girl tries to help him when he is fired, but succeeds in making matters worse, causing Murphy to be the laughing stock of the town when he writes an erroneous story about the gangster's death which the girl had framed to assist him. Eventually, however, Murphy succeeds in capturing Dumbrille, with the aid of the girl, and gets his job back. Of course he is no longer interested in the divorce he was going to get.

Production Code Seal No. 1,118. Running time, 65 minutes. "G."

Short Subjects

"Popular Science"

(Paramount)

An effective compilation of modern scientific miracles in domestic, engineering and kindred fields, this short done in Technicolor is certain to appeal to all audiences. From a microscopic examination of plant life it proceeds to a portable biscut baking oven, detailed manufacture of power cables and their construction, to the marvels of the new Boulder Dam. Because it is timely and of general appeal it is highly recommended. Production code seal, No. 1,052. Running time, 10 mins. "G."

"Father, Son" Day Again Set on Coast

HOLLYWOOD, Sept. 30.—The industry's second annual "Father and Son" day will be celebrated at the Uplifters' Ranch on Sunday morning, Oct. 6. The idea of bringing together first and second generations of films was so successful when tried out last year under sponsorship of Sol Lesser that it was voted to make such a gathering a yearly event.

An honorary committee includes Joseph I. Breen, Sam Briskin, Joe E. Brown, James Gleason, Sol Lesser, Jesse L. Lasky and Jack L. Warner. A barbecue breakfast will be served at 11:30. Following that, the fathers will play the sons at soft ball, with other athletic events to follow.

No Clearance Shift For Loew's, Boston

BOSTON, Sept. 30.—According to the local M-G-M exchange, the shift of Loew's Orpheum, downtown house, to day and date with Loew's State is having no effect on clearance, even though the Orpheum formerly played features two weeks after the State. Protection, however, has been and is being figured 30 days from the opening at the State.

Big Feature to Get 47

CINCINNATI, Sept. 30.—Big Feature Rights Corp., which recently transferred headquarters here from Louisville, will distribute 47 First Division pictures. There will be six First Division; 18 Chesterfield and Invincible; eight Hoot Gibson; eight Big Boy Williams and seven B.I.P.

Lee Goldberg is president. His brother, Joe, has been brought here from Louisville as office manager.

Form Odessa Operating

ALBANY, Sept. 30.—Odessa Operating Corp. has been chartered here by Ruth Blundell, Emma F. Kob and Catherine R. Muench.

The name of Playgoers' Guild, Inc., has been changed to Playgoers, Inc.

A certification dissolving the C. H. Buckley Theatrical Enterprises, Inc., has been filed. A similar certificate has been filed for Artlee Pictures Corp.

Rush "Slide, Kelly"

HOLLYWOOD, Sept. 30.—Warners are rushing a short called "Slide, Kelly, Slide" into production to cash in on the popularity of "soft ball." Murray Roth is working on the script and Brian E. Foy will produce. No cast assignments have been made as yet.

"Top Hat" Is Strong in 4th Capital Week

WASHINGTON, Sept. 30.—"Top Hat" was still demonstrating remarkable drawing powers in its fourth week here. It grabbed $10,000, which is within $600 of a first week's par at RKO Keith's.

"Anna Karenina" at Loew's Columbia—a return engagement—took $4,800 against an average of $3,600 and "Accent on Youth" at the Metropolitan took $5,000, or $700 over average.

The Belasco did not fare so well, receiving $900 for "The Man Who Knew Too Much" on three days on a second week and $800 on a four-day run of "Poil de Carotte." House average for the week is $2,200.

Total first run business was $70,600. Average is $75,900.

Estimated takings, exclusive of tax:

Three Days Ending Sept. 23:

"THE MAN WHO KNEW TOO MUCH" (G. B.)

BELASCO—(1,140), 25c-65c, 3 days, 2nd week. **Gross:** $900. (Average, first week, $2,200)

Week Ending Sept. 26:

"SHE MARRIED HER BOSS" (Col.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Xavier Cugat & Orchestra, with Carmen Castillo, Nita Carlo, Don Reed; Georges & Jalna; Raul & Eva Reeves; the Du-Ponts. **Gross:** $22,900. (Average, $18,400)

"ANNA KARENINA" (M-G-M)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,800. (Average. First run, $3,600)

"HERE COMES THE BAND" (M-G-M)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Glen Gray & Casa Loma Orchestra, with "Pee Wee" Hunt, Ken Sargent, Bob Murphy, with Dick & Dorothy; Paul Nolan. **Gross:** $18,100.

"STEAMBOAT 'ROUND THE BEND" (Fox)

LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $8,100. (Average, first run, $15,900)

"ACCENT ON YOUTH" (Para.)

METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $5,000. (Average, first run, $4,300)

Week Ending Sept. 27:

"POIL DE CAROTTE" (Pathe-Nathan)

BELASCO—(1,140), 25c65c, 4 days. **Gross:** $800. (Average, seven days, $2,200)

Week Ending Sept. 28:

"TOP HAT" (Radio)

RKO-KEITH'S—(1,836), 25c-55c, 7 days, 4th week. **Gross:** $10,000. (Average, first week, $10,600)

Museum to Show Films

CHICAGO, Sept. 30.—Stephen C. Simms, director of the Field Museum, says that on Saturday mornings during October and November, nine programs of free films will be shown to children.

The James Nelson and Anna Louis Raymond Foundation is presenting 34 reels of educational film dealing with history, travel and zoology.

Sam Blair Returns

KANSAS CITY, Sept. 30.—Sam Blair, who operates an independent group of houses in Kansas from headquarters at Belleville, has just returned from the south, where he spent several weeks on the Gulf. He plans to go to Mayo Brothers' clinic this month. He has been recuperating slowly from an illness of 18 months.

Adrian Mourns Mother

HOLLYWOOD, Sept. 30. — Adrian, fashion designer for M-G-M, is mourning the loss of his mother, Mrs. Helen Adrian who is dead at 61.

"China Seas" Gets Lead in Montreal

MONTREAL, Sept. 30.—"China Seas" proved the town's outstanding money-maker of the week with a take of $13,000 at the Palace, over normal by $2,000.

"Under the Pampas Moon" and "Welcome Home," with a stage show at Loew's, were well on the profit side of the line with a take of $12,000. "The Dark Angel" and "Rainbow Over Broadway" took $6,000 in the second week at the Princess. The San Carlos Opera Co. was strong opposition.

Total first run business was $42,500. Average is $40,500.

Estimated takings for the week ending Sept. 28:

"DANTE'S INFERNO" (Fox)
"REDHEADS ON PARADE" (Fox)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)

"LA VEUVE JOYEUSE" (French)

IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

"UNDER THE PAMPAS MOON" (Fox)
"WELCOME HOME" (Fox)

LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Radio City Scandals." **Gross:** $12,000. (Average, $10,500)

"CHINA SEAS" (M-G-M)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $13,000. (Average, $11,000)

"THE DARK ANGEL" (U. A.)
"RAINBOW OVER BROADWAY" (Chesterfield)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,000, 2nd week. First week, $10,500. (Average, $6,000)

Ohio State Theatres Bonds to Pay $1.17

COLUMBUS, Sept. 30.—Holders of the defaulted Ohio State Theatres of Columbus bonds will receive $1.17 on the dollar, according to Dayton Keith, chairman of the bondholders' committee.

Holders of the Columbus Theatres bonds are to receive 65 cents on the dollar, the disparity being due to the difference in earning power of the invested capital.

The theatres formerly comprising the two companies are: State, Eastern, Clinton and Cameo, now known as the J. Real Neth Theatres Co., under a reorganization program. They originally were under Neth's control, but were sold at court auction a few weeks ago on a bid of $342,000, made by J. H. McCoy, president of the City National Bank and Trust Co., who represented Neth in the transaction.

Warner Club Heads Shift

BOSTON, Sept. 30.—Max Melincoff, Warner theatre head in this territory and retiring president of the Massachusetts Warner Club, has been elected treasurer of the club. Harry Spingler, office manager at the Hub exchange, succeeds Melincoff as president. The new vice-presidents include Sadie Dotz, Paul Wenzell and Frank Machan. Jack Magann, Harry Hurst, and Herbert Higgins have become directors, while Thomas B. Spry, New England manager, has been named chairman.

Darling Fox Art Head

HOLLYWOOD, Sept. 30.—Darryl F. Zanuck has signed William Darling, art director, to a one-year contract for Twentieth Century-Fox. Darling succeeds Jack Otterson, resigned. His first assignment will be the sets for "King of Burlesque."

"Melody" Big In Detroit on $15,400 Take

DETROIT, Sept. 30.—Three hits reached town together, with "Broadway Melody of 1936" making the best showing of the trio by getting $15,400, up by $5,400, at the United Artists.

"Top Hat," in its fourth week at the Downtown, was right out in the van with a take of $15,300, over the line by $5,300, and "Big Broadcast of 1936" garnered a fine $23,500, with the help of vaudeville, at the Michigan. "Diamond Jim," brought back as a second run at the Adams, was strong at $5,200.

Total first run business was $82,000. Average is $67,500.

Estimated takings for the week ending Sept. 26:

"DIAMOND JIM" (Univ.) (Second Run)

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"SHE MARRIED HER BOSS" (Col.)

FOX—(5,100), 15c-55c, 7 days. Stage: 5 acts vaude. **Gross:** $16,400. (Average, $15,000)

"BIG BROADCAST OF 1936" (Para.)

MICHIGAN—(4,100), 15c-55c, 7 days. Stage: 5 acts vaude. **Gross:** $23,500. (Average, $20,000)

"WITHOUT REGRET" (Para.)
"HOPALONG CASSIDY" (Para.)

STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $15,400. (Average, $10,000)

"THE CLAIRVOYANT" (G. B.)

LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $1,900. (Average, $2,500)

"TOP HAT" (Radio)

DOWNTOWN—(2,950), 15c-55c, 7 days, 4th week. **Gross:** $15,300. (Average, $10,000)

Ohio Savings Gain Heavy During Year

COLUMBUS, Sept. 30.—One of the favorable straws in the Ohio wind is the increase in savings deposits in banks operating under state charters.

According to a report just released by the State Banking Department, the increase in five major communities during the past year were: Cleveland, $51,468,233; Cincinnati, $19,776,368; Toledo, $17,811,962; Akron, $9,789,659, and Columbus, $2,388,589. The increase in savings account deposits in both state and national banks in Ohio since June, 1934, has been $146,704,793.

Ohio is skyrocketing back to the $1,000,000,000 mark, and Charles G. Saffin, attorney for the department, advances the opinion that this prosperous trend is not only definite but permanent.

Open Euclid, Brooklyn

Michael Meyerowitz and George I. Rudnick last week opened tthe Euclid, Brooklyn, which had been closed for some time. Murray Weiser, who has been associated with Fox Metropolitan, Randforce and several other independent circuits, is managing the house.

Frank Stuart Joins "U"

DETROIT, Sept. 30.—Frank Stuart, state salesman for First Division-Excellent, has resigned to join the Universal sales staff here. He is succeeded by Max Heine, former New Orleans exhibitor.

"Top Hat" Strikes Indianapolis Hard

INDIANAPOLIS, Sept. 30.—"Top Hat" swept out front with a terrific rush at the reopened Indiana, piling up a gross of $12,000, which was far in excess of anything else in town.

"Steamboat 'Round the Bend" was pulled after three days at the Apollo and "Page Miss Glory" was rushed in for the remaining four. "Dark Angel," at Loew's, took a par $4,500, and "Little Big Shot" held to a normal $7,000 at the Lyric.

Total first run business was $33,000. Average without the Indiana is $19,500.

Estimated takings for the week ending Sept. 28:

"STEAMBOAT 'ROUND THE BEND" (Fox)

APOLLO—(1,100), 25c-40c, 3 days. **Gross:** $2,500.

"PAGE MISS GLORY" (W. B.)

APOLLO—(1,100), 25c-40c, 4 days. **Gross:** $4,000. (Average, $4,000)

"HERE COMES COOKIE" (Para.)
"ANNAPOLIS FAREWELL" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,000. (Average for single feature, $4,000)

"TOP HAT" (Radio)

INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $12,000. (Average, $7,000)

"DARK ANGEL" (M-G-M)

LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500)

"LITTLE BIG SHOT" (W. B.)

LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)

Early Sales Studied On K. C. Protection

KANSAS CITY, Sept. 30.—Tentative approaches to independents on new season product by distributors indicates Fox Midwest has purchased a "mild" form of protection, which consists largely of prior runs, and this not in every zone. The zones themselves apparently are not very definitely marked out.

W. D. Fulton, operator of five independent houses, pointed out that this form of protection would not be disadvantageous to the independent operator. Jay Means, operator of the Bagdad and Oak Park, can't see that any undue advantage is going to accrue to the buyer of protection.

Under the present schedule there are too many day and date runs, Means believes.

"I don't think I could play successfully behind a 15-cent house," Means says, "but, on the other hand, I don't think it is going to hurt me to play a week or so behind a 20-cent house. Even a difference of five cents between two theatre admissions doesn't make the difference to the public exhibitors fear it does.

"When a person wants to see a picture he picks out the picture he wants to see."

Emanuel Rolsky of the National and St. John, vice-president of the ITO, says he will oppose zoning if he can get support among independents.

One by-product of zoning, in Rolsky's opinion, will be a hike in film rentals due to exhibitors bidding against each other.

Nichols Buys Homestead

DANBURY, Sept. 30.—Dudley Nichols has purchased the old Marsh homestead in the Merryall district of New Milford. The property consists of 100 acres of land and a 10-room Colonial house built in 1765. Nichols has been a summer resident of New Milford for several years and this property adjoins his present place.

"Top Hat" Is Twin Cities' Big Holdover

MINNEAPOLIS, Sept. 30.—"Top Hat" continued to be a smash hit here in its second week at the Orpheum, more than tripling the Orpheum average with a gross of $19,000, and across the river at tthe St. Paul Orpheum it more than doubled normal on a take of $8,500, also in its second week, a total of $27,500 for the week.

"Anna Karenina" held up in the face of this competition by getting $5,000 at the Century, and "Bonnie Scotland" was strong at the Lyric.

Total first run business in Minneapolis was $27,500. Average is $21,000. Total St. Paul business was $21,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Sept. 25:

"ANNA KARENINA" (M-G-M)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"BONNIE SCOTLAND" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending Sept. 26:

"TOP HAT" (Radio)
ORPHEUM—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $10,000. (Average, $5,500)

"TWO FOR TONIGHT" (Para)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"CHICAGO WORLD'S FAIR" (Chicago)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"NELL GWYN" (U.A.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Sept. 26:

"TWO FOR TONIGHT" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"DANTE'S INFERNO" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"TOP HAT" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $8,500. (Average, $4,000)

"SILK HAT KID" (Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"CHAPAYEV" (Amkino)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

"Top Hat" $19,000 Buffalo Smash Hit

BUFFALO, Sept. 30.—"Top Hat" cornered the heavy business of the week, going to $19,000 at the Great Lakes. Average for the house is $7,300.

"Diamond Jim" was also in the money on a take of $7,000 at the Lafayette, over par by $1,300.

Total first run business was $48,500. Average is $37,900.

Estimated takings for the week ending Sept. 27:

"STEAMBOAT 'ROUND THE BEND" (Fox)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $12,500. (Average, $12,000)

"HERE COMES THE BAND" (M-G-M)
"BEHIND THE GREEN LIGHTS" (Mascot)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,800. (Average, $5,600)

"TOP HAT" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $19,000. (Average, $7,300)

"RETURN OF PETER GRIMM" (Radio)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $4,200. (Average, $7,300)

"DIAMOND JIM" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,000. (Average, $5,700)

Out Hollywood Way

HOLLYWOOD, Sept. 30.—GARY COOPER has gone to Ensenada, Mexico, on a fishing trip. . . . Shooting resumed on "Klondike Lou" after delays due to three changes in cameramen. . . . MAE WEST wanted KARL STRUSS, but he wasn't available. . . . OSCAR HAMMERSTEIN and JEROME KERN busy on tunes for Universal's "Showboat."

Rehearsals begun by SAMUEL GOLDWYN on EDDIE CANTOR's "Shoot the Chutes." . . . ROBERT ALLEN teaching the girls dance routines. . . . FANNIE BRICE taking a census here of former Ziegfeld girls. . . . NAT PENDLETON says he has photographs to prove an elephant sat on him. . . . He wants to play "Sandow." . . . IRENE HERVEY buys home in Beverly Hills.

MICKY ROONEY given a surprise party on his birthday by 40 young pals. . . . RICHARD MACAULEY scouting for a home. . . . RUSSELL SIMPSON gets cake and 20 candles in honor of his 20th anniversary in pictures from cast of "Paddy O'Day," Twentieth Century-Fox.

✣

Casting—GEORGE LEWIS in "Fighting Marines," Mascot. . . . CHARLES WILSON, BRIAN DONLEVY and HATTIE MCDANIELS in Radio's "It Happened in Hollywood." . . . EDDIE ACUFF and OLIN HOWLAND set for "Petrified Forest," Warners. . . . CRAIG REYNOLDS set in "Ceiling Zero," also at Warners.

DR. LIPPE, NELSON EDDY's singing teacher, gets first acting part as sheriff in "Rose Marie," M-G-M. . . . GREGORY RATOFF signed for "The King of Burlesque," Twentieth Century-Fox. . . . SHAW and LEE, musical comedy team, in same film. . . . JULIUS TANNEN signed by Paramount for "Collegiate."

✣

Writers—NAT LEVINE has five writers busy for pictures he will release through Republic. . . . They are: WILLIAM A. ULLMAN, JR., RICHARD CARROLL and TRACY KNIGHT, on "You're in the Navy Now," and DORRELL and STUART MCGOWAN, on "Along Came a Woman." . . . ARTHUR HORNBLOW working on script of "Concertina," which he will produce for Paramount with GEORGE RAFT starred.

✣

Directors—CHESTER FRANKLIN gets term contract at Paramount. . . . Working on an original which he will direct.

"Cookie," Amateurs Set Louisville Mark

LOUISVILLE, Sept. 30.—Leading a general upturn, with the arrival of cool weather and the general excellence of the fall product, "Here Comes Cookie," with Major Bowes' Amateurs on the stage, broke all records at the Rialto, with a gross of $11,000. This figure is sensational for this town, and $7,500 above par.

"Alice Adams" was also big at the Brown, grossing $4,000, and will be held over another week. "Mary Jane's Pa" and a stage show at the National drew better than any previous week, lifting the gross at that house to $4,200, $1,200 above par.

Other first run houses were well on the profit side of the line, the Strand grossing $3,500 with "Redheads on Parade," and Loew's State garnering $5,000 with "The Dark Angel."

Total first run business was $33,100. Average is $18,500.

Estimated takings for the week ending Sept. 26:

"HERE COMES COOKIE" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. Stage: Major Bowes' Amateurs, Unit No. 4. **Gross:** $11,000. (Average, $3,500)

"THE DARK ANGEL" (U. A.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"REDHEADS ON PARADE" (Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,600. (Average, $2,500)

"ALICE ADAMS" (Radio)
BROWN—(1,400), 25c-40c, 7 days. **Gross:** $4,200. (Average, $2,000)

"LITTLE BIG SHOT" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $3,200. (Average, $2,500)

"MARY JANE'S PA" (W. B.)
NATIONAL—(2,400), 25 cents. 7 days. Stage: "Follies of Paris," Bob Hall, Mickey Conti, Jans & Lynton, Jean Hazlett, Ozzie Swanstrom, York & Tracey. **Gross:** $4,500. (Average, $3,000)

"HOPALONG CASSIDY" (Para.)
"HOT TIP" (Radio)
"TUMBLING TUMBLEWEEDS" (Republic)
"THE AWAKENING OF JIM BURKE" (M-G-M)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,600. (Average, $1,400)

"Moon," Ates Pull $3,100 in Lincoln

LINCOLN, Neb., Sept. 30.—A personal appearance of Roscoe Ates at the Orpheum in conjunction with "Manhattan Moon" for three days and a subsequent good turnout for the dual, "Return of Peter Grimm" and "Streamline Express," got the house $3,100 this week, $1,400 over par.

"Anna Karenina" was over the line $300 at the Stuart on a tally of $3,400. The Varsity, in a vaudeville farewell week for the time being, was up a similar sum on "Public Menace" with $2,000 even.

"Annapolis Farewell," at the Lincoln, had it not been for the extra drag of the quintuplets picture, "Going on Two," would have suffered badly, but was $100 to the good with $2,300.

Total first run business was $11,700. Average is $9,850.

Estimated takings:

Week Ending Sept. 25:

"HOPALONG CASSIDY" (Para.)
"STORM OVER THE ANDES" (Univ.)
COLONIAL—(750), 10c-15c, 7 days. **Gross:** $900. (Average, $850)

Week Ending Sept. 26:

"MANHATTAN MOON" (Univ.)
"RETURN OF PETER GRIMM" (Radio)
"STREAMLINE EXPRESS" (Mascot)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days. Three with "Sirens in Satin" unit headlining Roscoe Ates on stage. **Gross:** $3,100. (Average, $1,700)

"ANNAPOLIS FAREWELL" (Para.)
"GOING ON TWO" (Radio)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,300. (Average, $2,200)

"PUBLIC MENACE" (Col.)
VARSITY—(1,100), 10c-15c-25c, 7 days. Stage: Waller & Lee, Burns, Moriarty & Dell, on full week. **Gross:** $2,000. (Average, $1,700)

Week Ending Sept. 27:

"ANNA KARENINA" (M-G-M)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,400. (Average, $3,100)

Paramount Holds Lackey

HOLLYWOOD, Sept. 30.—William T. Lackey, Paramount supervisor, has received an extension on his contract.

"Hot Tip" Is $14,500 Draw In Cleveland

CLEVELAND, Sept. 30.—"Hot Tip" demonstrated plenty of strength at the RKO Shubert, with the help of a stage show which included Leo Carrillo. The $14,500 gross was over normal by $2,500.

"Steamboat 'Round the Bend" was still doing well at the end of the fourth week with a take of $2,850, which was slightly above a first week par. "Harmony Lane" at the Strand reached $2,500, above the line by $1,000.

Total first run business was $59,950. Average is $60,200.

Estimated takings:

Week Ending Sept. 26:

"HARMONY LANE" (Mascot)
STRAND—(1,300), 15c-25c, 7 days. **Gross:** $2,500. (Average, $1,500)

Week Ending Sept. 27:

"SHE MARRIED HER BOSS" (Col.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $16,500. (Average, $12,000)

"TWO FOR TONIGHT" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $9,200. (Average, $10,000)

"HOT TIP" (Radio)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Hollywood Parade" with Leo Carrillo. **Gross:** $14,500. (Average, $12,000)

"THE RETURN OF PETER GRIMM" (Radio)
RKO CAPITOL—(1,200), 35c-42c, 7 days. **Gross:** $3,600. (Average, $6,500)

"TOP HAT" (Radio)
RKO LYRIC—(1,400), 35c-42c, 7 days, 3rd week. **Gross:** $5,700. (Average, $6,500.) Moves to RKO Grand.

"STEAMBOAT 'ROUND THE BEND" (Fox)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 4th week. **Gross:** $2,850. (Average, $2,750)

"THE BLACK ROOM" (Col.)
RKO FAMILY—(1,000), 15c-25c, 7 days. **Gross:** $2,100. (Average, $2,450)

"LIVE FOR LOVE" (W. B.)
KEITH'S—(1,500), 30c-40c, 4 days, then pulled. **Gross:** $2,800. (Average, 7 days, $6,500)

"Goose" and Sally Rand, N.H., $8,500

NEW HAVEN, Sept. 30.—"The Goose and the Gander," with Sally Rand on the stage, was a sensation at the Roger Sherman with a take of $8,500, over par by $4,000. All the returning Yale boys apparently turned out.

"The Big Broadcast of 1936" and "Dressed to Thrill" proved a strong dual at the Paramount, the $6,400 take going above the line by $1,600.

Total first run business was $25,600. Average is $18,500.

Estimated takings for the week ending Sept. 27:

"STEAMBOAT 'ROUND THE BEND" (Fox)
"Super Speed" (Col.)
COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $3,200. (Average, $2,700)

"BIG BROADCAST OF 1936" (Para.)
"DRESSED TO THRILL" (Fox)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $6,400. (Average, $4,800)

"SHE MARRIED HER BOSS" (Col.)
"ATLANTIC ADVENTURE" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $7,500. (Average, $6,500)

"GOOSE AND THE GANDER" (W. B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. Stage: Sally Rand. **Gross:** $8,500. (Average, $4,500)

Imperial-Cameo in Deal

BOSTON, Sept. 30.—Imperial Distributing Corp., has acquired New England distribution of Cameo attractions, giving it a total of about 40 independent features for the season.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 79 NEW YORK, WEDNESDAY, OCTOBER 2, 1935 TEN CENTS

Fox Met Fees Of $867,011 Before Court

Noteholder Group Seeks Total of $197,427

Applications for fees and expenses of lawyers, creditors' committees and others for services in the receivership and reorganization of Fox Metropolitan Playhouses filed with the Federal court aggregate $867,011, according to a final computation made yesterday.

The largest amount sought by a single applicant is the $117,500 in fees and $79,927 expenses asked by the Fox Met noteholders' committee. The application petitions $20,000 for Ernest W. Niver, chairman of the committee; $20,000 for William Greve, committee member; $17,500 for Max Horwitz, a member, and $40,000 for Alvin J. Schlosser, a member. In addition, a fee of $7,500 is asked for the estate of Casimir I. Stralem, a member of the committee up to the time of his death in 1932, and $5,000 for Herbert

(*Continued on page 5*)

Films Not Touched By Security Ruling

WASHINGTON, Oct. 1.—Issuance by the Securities and Exchange Commission of regulations granting a temporary relaxation of registration requirements to holding companies will have no bearing on the Twentieth Century-Fox situation, it was said today by officials of the commission.

It was explained that the new regulations apply to holding companies in the utility field only. Further, it was pointed out, no public offering of securities has been involved in the film merger. If, after the merger, the company offers securities to the public, registration will be required.

Fox Theatre Heads Soon to Get Pacts

ST. LOUIS, Oct. 1.—Five-year contracts for various divisional executives of the Fox theatre arm are being drafted, will be ready in a few weeks and then signed, Spyros Skouras, here for the Government trial, stated today. All points have been agreed upon, including identical percentages of profit for each as well as salary.

The pacts will go to Jack Sullivan, E. L. Alperson, Rick Ricketson, Elmer C. Rhoden, Arch M. Bowles, Harold J. Fitzgerald and Charles Buckley.

Para. Is Only Film Unit in Probe by SEC

Reorganization Study Is Practically Complete

By CLARENCE LINZ

WASHINGTON, Oct. 1. — No film companies other than Paramount will be studied by the Securities and Exchange Commission in its investigation of reorganizations which some months ago brought to light details of profits made by members of protective committees and others.

Officials of the commission said today that they have practically completed their investigation and are now engaged in collating the material gathered in preparation for the writing of the report which they are to submit to Congress next winter.

It was explained that while there were several mergers in the picture industry, the investigation was of a general nature and it was felt that a study of one case would be sufficient to disclose conditions. In general SEC sought to take one case in each of a number of industries.

Seek Dismissal of St. Louis Fox Suit

ST. LOUIS, Oct. 1.—Edmond Koeln, one of the two Circuit Court receivers for the Theatre Realty Co., owners of the Fox, has filed a motion in U. S. District Court asking dismissal of the suit recently filed by minority bondholders for the purpose of securing a reorganization under Section 77B of the bankruptcy law.

Koeln and Harry Greenman, president of the company, are joined in the

(*Continued on page 5*)

Those Lights Again

On the marquee of Loew's Willard in Woodhaven:

"Annapolis Farewell."
"Without Regret."

Chance Games Hit Downtown L. A. Theatres

LOS ANGELES, Oct. 1.—Bank nights and various types of giveaways formerly confined to outlying districts are now sweeping the downtown section as a result of court decisions favoring Bank Night in patent infringement suits in several states.

Fifteen subsequent runs have been signed and an equal number is expected, according to Ray Olmstead, manager of Affiliated Enterprises. Contracts with F. W. C. become effective Oct. 15, Olmstead says.

Far West Exchanges, sellers of Movie Sweepstakes, have signed up eight Warner subsequent runs, two of which are in Seattle, and also have signed two independents, one in Burbank. Two more local houses have joined in Gift Stamp giveaways, making the total 11 for this stunt.

U. S. Attorney Calls Beano Party Illegal

BOSTON, Oct. 1.—U. S. District Attorney Francis J. W. Ford has declared illegal the mammoth Beano party held a few days ago by the Church of Our Lady of the Angels in Worcester, at which $50,200 was given out in prizes before some 30,000 peop'e.

Key City Grosses Fall Off Slightly After Labor Day

Box-office takings in 22 key cities fell off slightly to a point somewhat lower than last year's levels for the week ending Sept, 19-20, a reaction, apparently, from the terrific Labor Day boom. The total was $1,363,790.

For the previous week the total was $1,386,711. Last year, for the week ending Sept. 27-28, the total was $1,419,815 with 132 theatres in operation. At present there are 135.

	Week Ending Sept. 19-20		*Week Ending Sept. 12-13*	
	No. Theatres	*Gross*	*No. Theatres*	*Gross*
Boston	7	$91,500	7	$99,500
Buffalo	5	46,950	5	40,400
Chicago	8	130,300	8	128,300

(*Continued on page 5*)

Trust Cases Off for Day In St. Louis

Court Permits Delay on Warner, Para. Pleas

By BILL ORNSTEIN

ST. LOUIS, Oct. 1.—Although the Government stubbornly refused to agree to any kind of continuance of the criminal anti-trust suits against three major companies and their executives yesterday despite persistent pleas of former U. S. Senator James A. Reed and Samuel B. Jeffries, Warner special counsel, another effort was more successful today.

In a surprise move by Reed and Jeffries, Warners sought a one-week postponement during an informal conference in court with Judge George Moore. Participating were U. S. District Attorney Blanton, special assistant U. S. Attorney General Russell Hardy, Samuel W. Fordyce and William S. Gentry.

Moore refused the request and then

(*Continued from page 8*)

Photophone vs. Erpi Move Up to Sarnoff

Whether or not RCA Photophone will take action as a result of its study of Erpi's recording license agreements with studios will be up to David Sarnoff, RCA head, to decide, it was stated yesterday at the office of Donovan, Leisure, Newton & Lumbard, special counsel for RCA.

A report on the Donovan offices' findings during its two months' study of the Erpi pacts and the licensing situation here and in Hollywood has been completed and will be delivered to Sarnoff at once, it was said. The RCA head returned from a two months' European trip yesterday and is expected to decide shortly whether further action is warranted.

Hearing on Sales Tax Is Adjourned

A hearing on objections of United Artists and Universal to the application of the city sales tax to film rentals locally was opened yesterday before representatives of the city comptroller's and corporation counsel's office and was adjourned indefinitely to permit the film companies to gather additional data for their opposition. It is expected that the hearing

(*Continued on page 5*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 2, 1935 No. 79

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Cbicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencbo Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Wall Street

Slight Losses Mark Big Board

	High	Low	Close	Net Change
Columbia	67	66⅝	66⅝	— ⅜
Consolidated	4¼	4⅛	4¼	+ ⅛
Consolidated, pfd.	16	16	16	.....
Eastman	154½	154½	154½	—1¾
Loew's, Inc.	44⅛	43½	43½	— ½
Paramount	11½	11¼	11¼	— ¼
Paramount, 1 pfd.	100½	99½	99½	— ¼
Paramount, 2 pfd.	13⅝	13¼	13¼	— ¼
Pathe Film	6⅛	5⅝	5⅝	— ⅜
RKO	4⅞	4½	4½	— ⅛
20th Century-Fox.	16⅞	16½	16½	— ⅛
20th Century, pfd.	26⅜	26	26	— ⅛
Warner Bros.	7⅝	7¼	7¼	— ⅜
Warner, pfd	41¼	41	41	— ¼

Little Activity on Curb

	High	Low	Close	Net Change
Sonotone	2¼	2⅛	2¼	.....
Technicolor	19	18½	18½	— ½

General Theatre Bonds Gain

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	14	15¼	+ ¾
General Theatre 6s '40 ctf	15	14⅜	15	+ ¾
Loew's 6s '41 ww deb rights.	104⅞	104¾	104⅞	+ ⅛
Paramount Pict. 6s '55	97	96½	97	+ ½
Warner Bros. 6s '39 wd	83	82¼	82¼	— ¾

(Quotations at close of Oct. 1)

Bond Gains Slowly

PHILADELPHIA, Oct. 1.—Clayton Bond is making slow, but gradual recovery from an extremely severe attack of the "flu." He continues to be seriously ill, however.

Insiders' Outlook

By RED KANN

INTERESTING to record, even if the date is late, is the verbatim comment of J. Edgar Hoover, director of the Federal Bureau of Investigation, at the recent Ampa luncheon to Martin Quigley. Interesting because his remarks, personal and official, shower high praise on this industry and because they may serve to silence outside criticism here and, not less importantly, in England over the G-Man cycle which has been accused of resolving itself into nothing more than a new gangster series with blazing guns transferred to the hands of Government operatives. . . .

▼

This is Hoover:

"I want to take this opportunity to express to you publicly not only my official, but my personal appreciation of the obligation which I feel to you for having created a great public sentiment of law enforcement consciousness, counteracting in great measure that wave of crime consciousness that had permeated the American public for many years. There are three great factors in this country which mold public opinion—the press, the radio, and the motion picture. I hope that the men charged with the direction of these three industries fully appreciate their great responsibility to the safety of our country and the preservation of our institutions. I want to say here and now that I have never viewed a single inch of film that carried one expression of disloyalty to our Government, and that, I believe, is something of which the motion picture industry may be justly proud.

"While the Federal Bureau of Investigation has carried on a relentless and diligent war against the forces of lawlessness, I fully realize that the success which has been ours could not have been attained had we not had the support and backing of all law-abiding citizens, and to attain this support and backing, public sentiment and enthusiasm had to be created. Therefore, to you gentlemen today I wish to pay tribute and to give to you my thanks for having performed one of the most unselfish acts of public service in bringing to the millions of Americans today a true picture of the efforts of law enforcement agencies. You have portrayed in the recent series of pictures dealing with the so-called G-Men a type of law enforcement officer of whom any true American may be justly proud and you have brought through the medium of your industry to practically every home in America a realization that crime truly does not pay.

"I well know that the accomplishment of this result required much work and effort upon your part, but you should feel gratified and satisfied in knowing that you have performed one of the greatest services for your country that has yet been performed."

▼

A further feather in the celluloid cap along identical lines is that incident wherein Hearst Metrotone News photographed the six banditti who recently killed Edwin Esposito, a collector for the B.M.T. transportation system in Brooklyn. The clip reconstructed the crime in narrative form, was shown in the usual course of events in Philadelphia where a patron identified Salvatore (Duke) Scata as one of a gang which had murdered a patron of the Idle Hour Cafe in that city. The charge that films foster crime must of necessity fade considerably in the light of these two incidents. . . .

▼

Happenings such as these serve to further focus attention on the social aspects which are inherent in films. There are obviously and at least two phases to this industry. One has to do with the normal job of making and selling entertainment. The other, which in no general discussion of motion pictures can hope to be obliterated or even overlooked, deals directly with their broader aspect. For films, it seems elementary to point out again at this late date, wield an impossible-to-ignore influence for good or for evil. The general direction in which they are pointed by the industry can be only one and that, we take it, needs no labeling by this department. . . .

▼

While some there have been who have been wondering exactly how to reduce Charlie Pettijohn to a definition, it took Hoover on that same Ampa day to do it neatly:

"I want to say here that he is indeed not only a most capable and effective lawyer, but also a rather novel individual. He seems able to withstand the siren voices of Hollywood and safely to navigate the somewhat overheated labyrinths of politically infected Washington. Through all of these temptations and mazes of activities he comes out still a wholesome and real fellow and I am happy to take this opportunity to call him my friend."

▼ ▼

The day's embarrassment: News department routine called for the whereabouts of Leslie Howard, just in from his English holiday via Quebec. The Warners, for whom he stars, were not quite certain. A quick canvass of some leading hotel registers revealed exactly nothing. Occurred the thought to check with the drama department of *The New York Times,* which, whether you read it or not, you must concede readily is a pretty good newspaper. The thought was then transferred into action without divulging who was making the call. Came the reply:

"Call MOTION PICTURE DAILY. You certainly can find out there". . .

Center Open Tonight With a Film Policy

The Center, 3,400-seat house on Sixth Avenue, smaller sister and companion theatre to the Music Hall, opens tonight as a first run film house, after having been closed since Sept. 14, when "The Great Waltz," stage play, closed after 44 weeks. The last pictures to play the house were "Little Man, What Now," and "Sisters Under the Skin," played on a double bill, on July 6, 1934.

"Here's to Romance" will be the opening attraction this evening, with the picture's star, Nino Martini, appearing in person. B. A. Rolfe and his orchestra will furnish the music with some scenery planned, singing talent, a quartet and the like, but without actual stage presentations. An electric organ will be used with the orchestra. Continuous performances at prices ranging from 35 cents to 85 cents will be the policy. "Here's to Romance" was reviewed in MOTION PICTURE DAILY on Aug. 26.

European Business Gaining—Reisman

Phil Reisman, vice-president in charge of the RKO Export Corp., returned yesterday on the *Majestic* after two months abroad, and reported business good throughout most of Europe.

In London, especially, he said, theatres are busy. The improvement he noted he foresees as continuing. During his stay he visited Sweden, Denmark, Holland, Belgium, France and England. He closed deals with Radio Cinema in Paris and with distributors in Belgium and Holland, among others.

Warners Congratulated

The Shakespeare Association of America, through its president, Dr. A. S. W. Rosenbach, has congratulated Warners for its production of "A Midsummer Night's Dream," in a letter to Will H. Hays, president of the M. P. P. D. A. The production is seen as increasing the study of Shakespeare's works.

Fox Asks Approval

An application was filed yesterday in Manhattan Supreme Court by counsel for Fox Film Corp. to confirm an award of $299 made in arbitration proceedings between Fox and the State Amusement Co. of Clifton, N. J. The matter will be heard this morning by Justice William T. Collins.

Holt in Bickford Role

HOLLYWOOD, Oct. 1.—Jack Holt replaces Charles Bickford in "The Littlest Rebel," Twentieth Century-Fox, because of the injuries sustained by Bickford last week when he was mauled by a lion during the filming of scenes for Universal's "East of Java."

Fox Met Fees Of $867,011 Before Court

(*Continued from page* 1)

P. Howell, who served as a voting trustee and director of Fox Met in 1932 at the behest of the committee. In addition, the committee's petition asks $55,370, plus $2,816 interest, for loans to meet its expenses, and $20,241 for additional disbursements. It also asks that a reserve fund of $1,500 be set aside for future expenses.

The law firm of Beekman, Bogue, Leake, Stephens & Black, which served as counsel to the committee, asks for a fee of $125,000 and expenses of $1,926.

Milton C. Weisman, receiver of Fox Theatres and proponent of the Fox Met reorganization plan, asks for a fee of $75,000 and remuneration for disbursements amounting to $24,509.

Charles W. Littlefield of Dawes, Abbott & Littlefield, counsel to Irving Trust Co. as receiver and trustee of Fox Met, asks for a fee of $110,000 and $601 expenses. Irving Trust asks a fee of $75,000.

Kresel Asks $50,000

Central Hanover Bank & Trust Co., trustee under the Fox Met mortgage indenture, asks a total of $20,575 for itself and a $55,000 fee and $64.41 expenses for its counsel, Larkin, Rathbone & Perry. Isidor J. Kresel, counsel for Weisman, asks a fee of $50,000. Percival E. Jackson, attorney, representing Fox Met bondholders, while not specifying a particular amount, sets forth in his application for allowances that he put in 135 hours on the Fox Met reorganization and that his customary fee is $50 per hour, or a total, on that basis, of $67,500. He also requests remuneration for an estimated 50 to 100 hours' work by his office assistants, which might bring his total application to approximately $75,000.

Archibald Palmer, attorney, representing Fox Met bondholders, asks $40,000 as a fee and $255.60 expenses. C. Frank Reavis, attorney for Si Fabian in the presentation of an unaccepted plan of reorganization for Fox Met, asks a fee of $15,000 and expenses of $1,054. Lybrand, Ross Bros. & Montgomery, auditors, ask a $600 fee.

A hearing on the applications has been set for today, but indications are that it may be postponed pending the return from a European vacation of Federal Judge Julian W. Mack, who has had jurisdiction over Fox Met's rehabilitation processes.

Seek Dismissal of St. Louis Fox Suit

(*Continued from page* 1)

action by eight bondholders and a bondholders' protective committee claiming deposits of $3,142,100 of $4,500,000 outstanding first mortgage and leasehold bonds. They claim that if the new reorganization plan is made effective it will be controlled by three bondholders with claims for $5,500, and state that a reorganization plan has already been worked out by 75 per cent of the security holders.

U. S. District Judge George H. Moore has set Oct. 15 as the time for a hearing.

Key City Grosses Fall Off Slightly After Labor Day

(*Continued from page* 1)

	Week Ending Sept. 19-20		Week Ending Sept. 12-13	
	No. Theatres	Gross	No. Theatres	Gross
Cleveland	5	65,250	5	63,350
Denver	6	32,500	6	34,500
Detroit	7	84,300	7	77,400
Indianapolis	4	23,000	4	21,750
Kansas City	5	37,500	5	39,200
Los Angeles	9	91,940	10	110,780
Minneapolis	6	33,000	6	22,200
Montreal	5	49,000	5	41,500
New York	8	255,700	8	256,331
Oklahoma City	4	11,100	4	18,900
Omaha	3	19,650	3	25,400
Philadelphia	9	63,100	9	77,900
Pittsburgh	5	45,500	4	39,850
Portland	6	27,700	6	31,700
Providence	6	43,800	6	40,500
San Francisco	8	76,100	8	87,250
St. Paul	5	22,200	5	17,600
Seattle	6	31,500	6	30,500
Washington	8	82,200	8	81,900
	135	$1,363,790	135	$1,386,711

Comparative grosses for the last available periods:

Week Ending	No. Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 18-19	140	1,405,417
Feb. 21-22	137	1,318,630
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119
July 11-2	127	1,063,200
July 18-19	125	1,023,457
July 25-26	126	989,500
Aug. 1-2	122	1,051,219
Aug. 8-9	123	1,121,730
Aug. 15-16	122	1,108,380
Aug. 22-23	123	1,210,965
Aug. 29-30	122	1,221,567
Sept. 5-6	130	1,595,351
Sept. 12-13	135	1,386,711
Sept. 19-20	135	1,363,790

(*Copyright, 1935, Quigley Publications*)

Third Suit Started On Warner Control

A third stockholders' suit in which charges of mismanagement and squandering and wasting of funds are alleged was filed in the New York Supreme Court yesterday by Harris Pepper against Warner Bros. Pictures, Inc.

The plaintiff set forth that he was the holder of 125 shares of common stock and that he intends to include as defendants in the suit past and present directors. Pepper asserted that the assets of Warner Bros., including over 175 subsidiaries, have dropped between 1929 and 1934 from $230,000,000 to less than $160,000,000.

He charges that new subsidiaries are always being created and engaged in such unrelated enterprises as operating a radio broadcasting station and reclaiming silver. He further charged that the present board of directors is wholly under control and dominated by Harry, Albert and Jack Warner and they own more than 60 per cent of the preferred stock. He cited about 10 different transactions which he charged showed negligence on the part of the directors in the handling of Warner Bros. assets. Pepper is seeking to have the court ascertain the losses and to have a receiver appointed to compel the directors to make good the losses.

Besides the three Warner brothers, the following were named as defendants by Pepper: Waddill Catchings, Henry A. Rudkin, Abel Carey Thomas, Stanleigh P. Friedman, Morris Wolf, Sam E. Morris, Samuel Carlisle, Hyman Fabian, Walter Sachs, Irving D. Rossheim, Harold S. Bareford, Charles S. Guggenheim and Renraw, Inc.

"Harris Pepper is listed as the holder of 125 shares of stock. His action and others filed will face trial. It will be too bad for them all," said Friedman yesterday in commenting on the latest action.

Hearing on Sales Tax Is Adjourned

(*Continued from page* 1)

will be resumed in about 10 days or two weeks.

Although United Artists and Universal are the only companies whose local film revenue has been assessed by the city for the sales tax the levy would be applied to all local distributors in the event the city succeeds in establishing its contention that film rentals are subject to the tax. A city ruling to this effect, however, could be appealed by the film companies to the appellate division of the court.

The film companies contend that pictures are leased and not sold and that rentals, therefore, are not subject to a sales tax.

Griffith Gets New Pact

HOLLYWOOD, Oct. 1.—Raymond Griffith has signed a new three-year contract as an associate producer for Twentieth Century-Fox. The first assignment will be on a Darryl Zanuck film, "Professional Soldier."

"Legong" Has Premiere

The American premiere of "Legong" was held last night at the World. The film is the first to be made entirely in Technicolor in the tropics by the Marquis Henri de la Falaise.

READY FOR

THE NEW
CHARLES FARRELL

Crashing, smashing through with the greatest role of his life — in Universal's champion of all football classics!

"FIGHTING YOUTH"

with June Martel, Andy Devine, J. Farrell MacDonald, Eddie Nugent, Ann Sheridan and these Great All-America Football Stars: Larry "Moon" Mullins, Jim Purvis, Paul Schwegler, Dale Van Sickel, Jim Thorpe, Leslie Cooper, Howard "Red" Christie, Nick Lukats, Frank Sully.

A Fred S. Meyer Production
Presented by Carl Laemmle. Directed by Hamilton Macfadden. Original story by Stanley Meyer. Ansel Friedberger, Associate Producer

EDMUND LOWE

Drawing them in bigger droves than ever before with Universal's marvel of melodious melodrama and comedy!

KING SOLOMON OF BROADWAY

with DOROTHY PAGE, PINKY TOMLIN, ED PAWLEY, LOUISE HENRY, Charles Grapewin, Arthur Vinton, Bradley Page, Clyde Dilson... Story and screenplay by Albert J. Cohen and Robert T. Shannon... Music and lyrics by Con Conrad, Herb Magidson, Pinky Tomlin and David Klatzkin

Directed by Alan Crosland
Produced by Julius Bernheim • A Universal Picture



...RARIN' F

RECORDS!

ZASU PITTS and HUGH O'CONNELL

Bursting the laugh-vessels of the nation in their newest Universal riot of fun!

"THE AFFAIR OF SUSAN"

With Walter Catlett...Inez Courtney, Thomas Dugan, James Burke, Mae Busch, Buster Phelps

Directed by Kurt Neumann

Produced by David Diamond

Your Own Beloved

MAY ROBSON

In the grandest role she has ever played—
in Universal's heart-wallop for all humanity!

THREE KIDS AND A QUEEN

with Charlotte Henry, Billy Burrud, Frankie Darro, Henry Armetta, John Miljan, Ferdinand Gottschalk, William Benedict, Henry Kolker, Tom Dugan.

Screenplay by Barry Trivers and Samuel Ornitz

Story by Harry Poppe and Chester Beecroft

Directed by Edward Ludwig

Produced by Ben Verschleiser

OR RUNS!

Trust Cases Off for Day In St. Louis

(*Continued from page* 1)

Reed and Jeffries asked for a delay until tomorrow morning. Moore also refused this, but with the provision that if Hardy should consent the court would grant it. The Government counsel agreed after some hesitation, providing all parties would give assurance they would be ready Wednesday morning at 10 o'clock. This was done.

After the court had announced the continuance Reed, for Warners, and Gentry, for Paramount, stated that the move did not waive their claims for a continuance, but that they would be ready in accordance with the court's instructions.

This move by Paramount and Warner counsel stirred some conjecture as to its purpose. RKO counsel did not join in.

Hardy requested that records and files subpoenaed be checked. This was done. He then called for responses to subpoenas, with Allen L. Snyder the only one absent.

No Jurors Selected

Judge Moore said the equity case, an application for an injunction to prevent the defendants from continuing their alleged agreement not to supply film to the Missouri, Grand Central, Ambassador and Fox theatres, scheduled for hearing today, will be passed to await further order of the court. A hearing probably will be held immediately after the criminal trial.

No jurors were selected today, but this will be the first order of business Wednesday. Some predictions are that it will take two days to pick a jury. Thirteen or 14 are to be selected from a list of 27 called. Only 12 will serve, but under an act passed June 29, 1932, the court may direct the calling of additional jurors in its discretion, these to be known as alternates. One or two additional will be chosen to sit through the entire proceedings, so that in the event one of the regular jurors is taken ill, or dies, an alternate can replace the absentee.

H. M. Warner, Herman Starr, Gradwell L. Sears, George J. Schaefer, Ned E. Depinet, the defendants, and a crowd of witnesses and jurors again jammed the courtroom.

Union Meets Continue

Further progress toward a final agreement with Local 306 on a new wage scale was reported by theatre representatives following a meeting which lasted until late Monday night. No meeting was held yesterday, but the theatre men expect Local 306 representatives to arrange a session for today at which, they believe, final phases of an agreement may be settled.

RAYMOND WALBURN
"SHE MARRIED HER BOSS"
WILLIAM MORRIS OFFICE

On the Lighter Side

ST. LOUIS, Oct. 1.—SPYROS SKOURAS requires two seats in the courtroom. One he uses for himself and the other to rest his infected foot. He has to depend on a cane to get around and even has his attorney, WILLIAM T. POWERS, assisting him.

✚

During the afternoon session Monday there was a sudden flash from the rear of the court room as though the elements were getting ready for a heavy storm. The joker was that HARRY WARNER was having his picture flashed by a cameraman of a local newspaper. And he wore his best Sunday smile, too.

✚

NEIL AGNEW's colored shirts always get the comments. Contrasted with his white hair, they make an intriguing combination.

✚

NED DEPINET and JULES LEVY are inseparable. So much so they even managed to wear the same color in suits—grey—yesterday.

✚

IRVING LESSER is looking thinner these days. That's because of his diet.

✚

MILTON B. ARTHUR says everything is going along smoothly on the coast. He describes it as "harmonious."

✚

FRED WEHRENBERG, tucked in a heavy blue overcoat with a felt hat to match, was very much in evidence, saying hello to the gang.

✚

RALPH LIBEAU, district manager for Paramount, expects to leave tonight for a tour of his exchanges. Which reminds us that the last time AGNEW was in court LIBEAU was beside him, as he was today.

✚

All the Paramount folks are stopping at the Coronado, the Warners at the Park Plaza, but to RKO goes the prize for picking the swankiest hotel in town—the Chase.

✚

Former Senator JAMES A. REED is a wit. Several times he had Judge MOORE and the invited guests in the court room giggling at his remarks, particularly during and after Dr. ROBERT EMMETT KANE's testimony on the three affidavits submitted by doctors in connection over ABEL CAREY THOMAS' condition.

✚

For a moment there was surprise in court when RUSSELL HARDY stated that Ex-Senator REED had 25 attorneys assisting him in preparation of his case. But the consternation was short-lived when REED came back at HARDY and said:

"You know that isn't true."

✚

DON THORNBURG, who operated the Family and Strand in Marshalltown, Iowa, before MORT SINGER took them over on a long-term lease, is attending the criminal trial with his wife. He met HARRY ARTHUR today and said he had some information to give him in connection with the suit. THORNBURG said he recently filed a conspiracy suit against major distributors because he couldn't get product and had to sell out.

✚

SAMUEL FORDYCE, local attorney representing Paramount, and JAMES A. REED, who heads the Warner legal battery here, have a distinctive shade of white hair.

✚

CHARLES KURTZMAN and HARRY GREEMAN of the Fanchon & Marco houses have to drop their managerial duties during court hours.

✚

CLAYTON LYNCH, who became a bridegroom exactly three weeks ago today, was back in the courtroom today after a short honeymoon. He's manager of the local M-G-M exchange.

Arthur's Ailment

St. Louis, Oct. 1.—After hearing so much about arterio-scelerosis and thrombosis in court on Monday, Harry Arthur upped to remark his trouble was "Spyrosos Skourosis."

Wisconsin IEPA to Combat Protection

MILWAUKEE, Oct. 1. — Independent exhibitors here are disturbed over the report that Fox and M-G-M have assented to contracts submitted by H. J. Fitzgerald, general manager for Fox theaters here, which calls for more protection for Fox houses.

A committee of five members of the I. E. P. A. has been empowered to do anything necessary.

Registered letters have been sent to all local branch exchange managers and copies of these letters to the general sales managers of the film companies requesting that the committee be granted a hearing with branch managers on zoning and clearance before any new product is sold according to Fitzgerald's demands.

In addition to calling for greater protection, the schedule being submitted by Fitzgerald also claims protection of his Milwaukee houses over all theatres in Milwaukee county, Waukesha, Oconomowoc, Port Washington, Pewaukee, Hartland, Menominee Falls, West Bend, East Troy and Racine, it is said.

Kamen Sued on Contract

A suit for $79,000 alleging breach of contract was filed yesterday in the Manhattan Supreme Court by Betty Longacre against Herman Kamen, otherwise known as Kay Kamen, and Kay Kamen, Inc.

According to the complaint, the plaintiff charged that in April, 1932, Kay Kamen, Inc., hired her with reference to a contract which the defendant had with Walt Disney Enterprises of Hollywood concerning the use of Mickey Mouse on merchandise or other articles. She charged that the defendant breached the contract on Dec. 24, 1934. She further averred that she was to receive 50 per cent of the net profits of this relationship. The plaintiff says that she received only $21,000 and that under the agreement there is still due her $79,000. No answer was filed to the suit.

In commenting on the suit last night Kamen said: "There is no reason for the suit. It is ridiculous."

◂ *Purely Personal* ▸

MAE MURRAY, "DEAC" AYLESWORTH, FELIX F. FEIST, bubbling over with the reactions of his recent European trip; JOAN CRAWFORD and FRANCHOT TONE among those at "21" yesterday. Later: Miss CRAWFORD, target of a cocktail party in the Perroquet Suite at the Waldorf with HOWARD DIETZ, SI SEADLER and Leo's publicity boys buzzing pleasantly around.

•

DAVE BERNSTEIN and "LEP" FRIEDMAN strolling past Broadway's largest hole in the ground—the site of the former Criterion and Loew's New York. Later: FRIEDMAN at the Martin Beck to see "Winterset."

•

M. B. SHANBERG and GREGORY LA CAVA, who forsook FELIX F. FEIST in Europe to travel on to Budapest and Magyar music, are expected back about the 10th.

Quip of the Day

Following the statement that Garbo is to play Camille come rumors that other actresses also are to essay the role.

The Camilles are coming.

—The Era, London.

ROBERT E. SHERWOOD, who has been in England working on "The Ghost Goes West" for ALEXANDER KORDA, will arrive on the *Bremen* on Thursday.

•

WILLIAM P. PHILIPS, executive of Reliance Pictures, arrived yesterday aboard the *Majestic* from a short visit in London.

•

JOE CANTOR, United Artists branch manager in Indianapolis, left yesterday for his home quarters after a few days here.

•

JEAN BENOIT-LEVY is coming over from France to attend the opening of "La Maternelle" which he directed. At the 55th Street Playhouse.

•

ROY DEL RUTH will hurry east shortly for a vacation in Europe. He has just finished "Thanks a Million" for 20th Century-Fox.

•

HERMAN ROBBINS and SAM DEMBOW, JR., lunched at Dinty Moore's yesterday.

•

MARVIN JENSEN has been added to ED SULLIVAN's troupe which will open at the Roxy Friday.

•

SAM MARX, head of the M-G-M studio story department, is in town again and at the Waldorf once more.

•

OSGOOD PERKINS, who recently finished work in "I Dream Too Much, arrived in town yesterday.

•

The ED CHURCHILLS forsake Great Neck for a city apartment in a couple of weeks. Just winter stuff.

•

LESTER HAMMEL of the William Morris Agency, returns from Pittsburgh today.

Variety Club

Washington

WASHINGTON, Oct. 1.—Solution of the problems of public utilities is of more than passing interest to exhibitors, declared W. A. ROBERTS, people's counsel in public utility matters, at the semi-monthly luncheon of the Variety Club.

Complication of the traffic situation and inadequacy of parking places are tending to keep people in the outlying sections, with the consequent development of other shopping centers, he said. He proposed municipally-owned garages.

Entertainment provided by HARDIE MEAKIN and DR. FRANK T. SHYNE, kings for a day, were piano solos by Little JACK LITTLE, through the courtesy of the Earle.

The board of governors will hold a meeting on Oct. 4.

The smoker of Oct. 7 has been cancelled because of Yom Kippur.

Kings for a day to officiate at the next few functions will be: Oct. 4, luncheon, SAM A. GALANTY and HARRY S. BROWN; Oct. 21, smoker, JAKE FLAX and JAMES A. BURNS; Oct. 28, luncheon, SAM N. WHEELER and HERMAN A. BLUM; Nov. 4, smoker, LOUIS BERNHEIMER and FRANK STORTY; Nov. 11, luncheon, SAM M. FLAX and JOSEPH B. FIELDS; Nov. 18, smoker, STEPHEN E. COCHRAN and JOHN CHEVALIER; Dec. 2, luncheon, GENE FORD and FULTON BRYLAWSKI; Dec. 9, smoker, HARRY F. BACHMAN and BEN LUST; Dec. 16, luncheon, SIDNEY B. LUST and A. JULIAN BRYLAWSKI.

The get-together which might fall on Nov. 25 was omitted because of the second annual banquet and ball.

Chief Barker RUDOLPH BERGER has changed the committee lineup for the annual banquet. GENE FORD becomes chairman of the entertainment committee with HARRY E. LOHMEYER and GUY WONDERS as vice-chairman. HARRY HUNTER becomes chairman of the reservations and seating committee with NAT B. BROWN as vice-chairman.

Fox Midwest Men Shift

KANSAS CITY, Oct. 1.—Fox Midwest managers have been shifted as a result of the resignation of William Wagner of the Plaza.

Roy Gato, Granada, Kansas City, Kan., goes to the Warwick to replace James Long, who took Wagner's post at the Plaza. Jerry Parker of the Kennedy, Kirksville, Mo., goes to the Granada, and is replaced at Kirksville by Herbert Golladay of the DeGrew, Brookfield, Mo.

Melvin Miller has resigned as manager of the Auditorium, Marshall, Mo., to open a dance club at Topeka. William Clark succeeds him.

"Dream" Date Set

ST. LOUIS, Oct. 1.—"A Midsummer Night's Dream" will open here at Warners' Shubert on Oct. 25. Popular prices will prevail for the week, during which duals will make way for the Reinhardt spectacle. The picture is being advertised to run for one week only.

"Grimm" to Music Hall

RKO's "The Return of Peter Grimm" opens at the Radio City Music Hall Thursday.

Looking 'Em Over

"Dr. Socrates"

(Warners)

The story of a young and brilliant doctor, who seeks to build a practice in a small and narrow town and who therein runs into romance, gangsters, G-Men and eventual triumph, this picture offers fast-moving entertainment, topped by the expected capable performance of Paul Muni in the title role.

Ann Dvorak and Barton MacLane are in chief support, she as the girl who comes unexpectedly into Muni's previously embittered life, and he as the tough gang leader who terrorizes a section and is brought to book, with Muni cleverly beating the efficient G-Men to the punch. It is well-handled entertainment with William Dieterle, the director, having made the most of his opportunity in putting punch and action into the picture.

Once again right and the forces of law and order win, but this time in a slightly different setting and with a somewhat different focus. Muni is disliked in town because he keeps to himself. He has difficulty paying his bills. Then after a raid, MacLane forces him to dress a gunshot wound, paying him with a bill which is later traced to the doctor. Miss Dvorak, hitch-hiker, is picked up by MacLane, forced to participate in a raid on the town's bank.

She is shot trying to escape, and Muni protects and helps her. MacLane needs Muni again and at the same time kidnaps Miss Dvorak, while the G-Men prepare to close in on the hideout. Muni frightens the gang with talk of disease and injects dope into each of them. Romance with Miss Dvorak and the respect of the town are his.

Production Code Seal No. 1,074. Running time, 70 minutes. "G."

"Broadcast," Show, $26,000 in Boston

BOSTON, Oct. 1.—Outstanding in a week of generally good business was "The Big Broadcast of 1936," with a stage show headed by Morton Downey, at the Metropolitan. The $26,000 gross was above normal by $3,000.

"Top Hat" continued its sensational pace in its fourth week at Keith's Memorial, garnering $14,000, above a first week average by $2,000. "The Dark Angel" was also a heavy grosser, getting $15,000 at Loew's State. "The Farmer Takes a Wife," with a stage unit headed by Art Jarrett and his band with Eleanor Holm, took a fine $13,500 at the RKO Boston.

Total first run business was $94,000. Average is $80,500.

Estimated takings for the week ending Sept. 27:

"THE GOOSE AND THE GANDER" (F. N.)
"WELCOME HOME" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"TOP HAT" (Radio)
KEITH'S MEMORIAL—(2,907). 25c-65c, 4th week, 7 days. **Gross:** $14,000. (Average, $12,000)

"THE DARK ANGEL" (U. A.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000)

"THE DARK ANGEL" (U. A.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $15,000. (Average, $12,000)

"BIG BROADCAST OF 1936" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Morton Downey with big cast, Elida Ballet, Fabian Sevitzky. **Gross:** $26,000. (Average, $22,000)

"THE GOOSE AND THE GANDER" (F. N.)
"WELCOME HOME" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

"THE FARMER TAKES A WIFE" (Fox)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Art Jarrett and his Orchestra, featuring Eleanor Holm, and other RKO acts. **Gross:** $13,500. (Average, $11,000)

Hold Barbara Stanwyck

HOLLYWOOD, Oct. 1.—Barbara Stanwyck has been signed to a new long term contract by Radio.

Pennsylvania Spots Use Sunday Trailers

PITTSBURGH, Oct. 1. — Between now and the general election in November, theatres will show one-minute trailers urging the electorate to vote in favor of Sunday shows. The shorts, while sponsored by Warners and made on the coast under the supervision of George Bilson, will feature stars from all of the lots in Hollywood.

Some of the independently-owned theatres are not expected to show the trailers, since they are lined up against seven-day shows. It is freely predicted that the referendum will pass without much trouble in the state's two leading cities, Pittsburgh and Philadelphia, but the circuits are worried about the smaller communities.

Under the terms of the bill, shows on the Sabbath are a matter of local option entirely.

Yorke Resigns from Fox

HOLLYWOOD, Oct. 1.—Gabe Yorke has resigned from the Twentieth Century-Fox publicity department, effective Oct. 15. Since Harry Brand recently took over the studio publicity department Yorke has been handling the department's exploitation division.

Yorke will announce his future plans, he says, after a brief vacation.

Close Philippine Deal

RKO has closed a deal with Acme Film Corp. of Manila for distribution in the Philippines of the 1935-36 lineup, including "March of Time" and two pioneer color specials. Reginald Armour, RKO manager in India, and W. H. Berger of Acme signed the contract.

Mamoulian in Boston

BOSTON, Oct. 1.—Rouben Mamoulian is here with a new stage production, "Porgy and Bess," for which George Gershwin penned the music. It is a Theatre Guild piece.

Short Subjects

"The Great Air Mystery"

(Universal)

Taken from the newspaper cartoon strip by Hal Forrest, which should in itself mean a good exhibitor buildup exploitation opportunity, this action yarn of "Tailspin Tommy," played by Clark Williams, has plenty in it for the youngsters in the serial line. The first three chapters of the 12 recount how Tommy and his buddy, played by Noah Beery, Jr., are hired to take air pictures of an oil field on a Pacific island, and of how they are beset by the menacing factors, headed by Mathew Betz. A dirigible crash at sea in a storm, dog fights between planes, crashes and anti-aircraft guns all serve to put into the serial real action of the sort which should bring the youngsters up in their seats. Romance is handled by Clark and Jean Rogers. Production Code Seal Nos. 1126, 1127 and 1128. Running time, each episode, 21 mins. "G."

"Bird Scouts"

(Van Beuren-Radio)

A novel idea, cleverly illustrated and executed, makes this color cartoon suitable for most audiences. With birds as scouts, the offering has them in camp. One lazy bird is punished by being confined in a cage and hoisted up a tree. A marauding cat attacks the remaining part of the troop and makes off with them. The confined bird escapes and goes to the rescue, causing the cat to almost drown. Saved from drowning by the good turn of the lazy bird the cat is grateful and becomes a good scout. Production Code Seal No. 0,506. Running time, 7 mins. "G."

"Amateur Broadcast"

(Universal)

Another in the current group of cartoons burlesquing the present amateur radio hour rage, this rates as average. Oswald, the Rabbit, is the announcer, and his amateurs include a kangaroo quartet, a lamb which cannot make the grade, and a one-man band in the form of an octopus. A tough looking frog seeks to hog the mike until he is neatly disposed of. Production Code Seal No. 940. Running time, 7 mins. "G."

"Beach Masters"

(Van Beuren-Radio)

An interesting bit of natural history. Breeding habits of seals on an island in the Bering Sea are the subject of this short. Photographed to fine advantage, it should be found satisfying to audiences. Exceptional shots of the animals in amorous, fighting and playful moments enlivens it. Altogether it should be of general appeal. Recommended. Production Code Seal No. 1,308. Running time, 11 mins. "G."

"Monkey Love"

(Columbia)

The amorous problem of a monkey and his "heart" in the face of ferocious competition of a gorilla is the carbon copy that patterns the plot of this color cartoon. When the villainous gorilla molests the hero's sweetheart an army of vermin comes to the rescue. With the terror out of the way love pursues its course. Production Code Seal No. 1,014. Running time, 8 mins. "G."

"Hat" Leads St. Louis on $15,700 Take

ST. LOUIS, Oct. 1.—"Top Hat" did here what it has been doing in key cities and smaller towns everywhere—led the first run takes by a wide margin. The $15,750 gross at the Orpheum was over normal by $7,250. It was held over.

"My Song for You" and "Dante's Inferno" also proved a winning combination, as the $18,900 take at the Fox was above par by $6,900.

"Dark Angel" proved something of an angel for the box-office at Loew's State with a take of $13,500, or $4,500 better than average.

"Bright Lights" and "Wanderer of the Wasteland," a dual at the Shubert-Rialto did $8,800, which is $2,300 above the average pull for that house, while "Storm Over the Andes" and "Old Homestead," also a dual at the Missouri, checked out with a total for the week of about $8,000, which happens to be that house's average.

Total first run business was $77,700. Average is $53,800.

Estimated takings for the week ending Sept. 26:

"RED SALUTE" (U. A.)
AMBASSADOR — (3,018), 25c-35c-55c. **Gross:** $12,750. (Average, $10,000)

"DANTE'S INFERNO" (Fox)
"MY SONG FOR YOU" (G. B.)
FOX—(5,038), 25c-35c-55c. **Gross:** $18,900. (Average, $12,000)

"DARK ANGEL" (U. A.)
LOEW'S STATE — (3,162). 25c-35c-55c. **Gross:** $13,500. (Average, $9,000)

"STORM OVER THE ANDES" (Univ.)
"OLD HOMESTEAD" (Liberty)
MISSOURI—(3,514), 25c-40c. **Gross:** $8,000. (Average, $8,000)

"TOP HAT" (Radio)
ORPHEUM—(2,950). 25c-35c-55c. **Gross:** $15,750. (Average, $8,500)

"BRIGHT LIGHTS" (F. N.)
"WANDERER OF THE WASTELAND" (Para.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c. **Gross:** $8,800. (Average, $6,500)

"Agent" Only Good Draw in Oklahoma

OKLAHOMA CITY, Oct. 1.—"Special Agent" was the only attraction to stand up in the face of the competition of the annual state fair here. It garnered $2,850, up by $850, at the Capitol.

"Diamond Jim" was within $300 of normal on a take of $3,700 at the Midwest, but "Two for Tonight," "Storm Over the Andes" and "Hot Tip" failed to make much of an impression.

Total first run business was $12,150. Average is $13,500.

Estimated takings for the week ending Sept. 28:

"SPECIAL AGENT" (W. B.)
CAPITOL—(1,200), 10c-40c, 7 days.. **Gross:** $2,850. (Average, $2,000)

"TWO FOR TONIGHT" (Para.)
CRITERION — (1,700). 10c-55c, 7 days. **Gross:** $3,700 (Average, $5,000)

"STORM OVER THE ANDES" (Univ.)
LIBERTY—(1,500), 10c-35c, 3 days. **Gross:** $900.

"HOT TIP" (Radio)
LIBERTY—(1,500). 10c-35c, 4 days. **Gross:** $1,000. (Average, $2,500)

"DIAMOND JIM" (Univ.)
MIDWEST — (1,500), 10c-55c, 7 days. **Gross:** $3,700. (Average, $4,000)

Openings Continue In K. C. Territory

KANSAS CITY, Oct. 1.—Openings in this territory are numerous. William Wagner has reopened the remodeled Beldorf at Independence, Kan. This house is a landmark.

J. L. Binney has opened the new Binney in Pattonsburg. The house is completely new. T. H. Slowthower has opened the new Southern in Wichita, Kan. This house is of modernistic design. The Meade brothers have reopened the Meade in Kingman, Kan., after a remodeling job. Also, C. A. Bull has bought property and a building to erect a theatre in Hillsboro, Kan. At an estimated cost of $40,000 this town of 1,800 will have its first theatre. Commonwealth Amusement Corp. has opened the Royal at Trenton with Wendell Lenhart in charge.

Six Open in Middletown

MIDDLETOWN, O., Oct. 1.—With the reopening of the Sorg Opera House and the Strand last week, there are six houses in operation here with a combined seating capacity of 6,000. The population is 30,000, or one seat to every five inhabitants.

To take care of colored patrons, for whom a section is reserved in the balcony, the Sorg Opera House, which was reopened last week by the Gordon Theatre Co., employs a colored usher. This in addition to the corps of regular balcony ushers who look after the white trade.

The service is without precedent in this territory.

Add Nickel for "Gifts"

BRIDGEPORT, Oct. 1. — Gift night in some of the houses here means an extra nickel added onto the admission price if you take the "gift."

Albie Booth, former Yale football star, and Harold June, who was with Byrd at the South Pole, act as master of ceremonies at Norwalk theatres for sponsored gift contests.

Chicago Agreement Due

Chicago, Oct. 1.—The clearance problem, with B. & K. wanting seven days between C week and first run, is due for early settlement. Independent exhibitors may threaten with a boycott of Paramount films if a satisfactory agreement is not reached. They claim moving the schedule ahead one week in A or B classification will not help. It is understood B. & K. is demanding and getting clearance in contracts with some exchanges, but independents claim this is illegal, and they will take the matter to court if necessary. A meeting is set for tomorrow to settle the matter. Ed Kuykendall, M. P. T. O. A. president, here, says the local situation is healthier than anywhere he has been.

See Phila. Settlement

PHILADELPHIA, Oct. 1.—The five-week disagreement between musicians and theatre managers is expected to be settled here today. The Earle opens its stage show on Friday and the Fox is bringing back shows Oct. 11. The Fox agreement is reported to call for 15 men all day with 20 men alternating on part time. The Earle agreement, similar, calls for fewer men. The demand of the union for more men employed on part time was the source of the trouble.

"Hat," "Melody" Big Portland Holdovers

PORTLAND, Oct. 1.—Two holdovers held up in a big way here. "Top Hat," in its third downtown week, was good for $4,000, over a first week normal by $1,000.

"Broadway Melody of 1936" was strong at $6,000 in its second week at the United Artists. This tops par by $1,000.

Total first run business was $31,200. Average is $24,700.

Estimated takings for the week ending Sept. 28:

"HERE COMES THE BAND" (M-G-M)
"PURSUIT" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LES MISERABLES" (U. A.)
"PEOPLE WILL TALK" (Para.)
(2nd Run)
BLUE MOUSE — (1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"TOP HAT" (Radio)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. 3rd Downtown Week. **Gross:** $4,000. (Average, $3,000)

"SHE MARRIED HER BOSS" (Col.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $5,000)

"TWO FOR TONIGHT" (Para.)
"JALNA" (Radio)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

Stage Shows Return To Columbus; Held

COLUMBUS, Oct. 1. — "Folies Bergere," playing the RKO Palace last week, the first stage show of the new season at that house, held over this week. Although heavily exploited, including an $800 Neon sign on the marquee, the expense of which will be split with Cleveland, when the attraction plays there, the gross only went a trifle over the $10,000 mark.

"Hot Tip" was the screen feature. This week it is to be "Here Comes Cookie," plus the Baer-Louis fight pictures. An effort was made to transfer the show to Detroit for this week, but this was impossible, due, it is said, to union conditions there.

Lesser Signs Jessel

HOLLYWOOD Oct. 1.—George Jessel today signed with Sol Lesser as a producer-actor-author. His first assignment is to produce and act in "The Show Must Go On," starring young Bobby Green. The story was by Jessel and Herman Timberg. Jessel plans a key city personal appearance tour with Green in conjunction with the film.

Books Chaplin Film

HOLLYWOOD, Oct. 1.—Arthur Jarratt, G. B. film buyer, today booked Charlie Chaplin's "Modern Times" into the Tivoli, London, for pre-release dated Dec. 19. The price paid is said to be far above that for any other single feature, but no figures are available.

Loew Dividend Up

Loew directors meet today to vote on the quarterly dividend of $1.62½. No action is expected on successors to Arthur and David Loew on the board.

"Hat" Is 3rd Week High in Frisco Slump

SAN FRANCISCO, Oct. 1.—"Top Hat" continued an outstanding draw in its third week at the Golden Gate by piling up $15,500, above a first week normal by $1,000, in the face of a general slump.

The only other first run to make a really good showing was "China Seas," which took $22,000, up by $1,000, at the Warfield. "Special Agent" was over the line by $500 on a $7,500 gross at the St. Francis. "Call of the Wild" fell off to $3,300 in its fourth week at the United Artists.

Total first run business was $71,950. Average is $76,500.

Estimated takings:

Week Ending Sept. 24:
"TOP HAT" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days, 3rd week. Stage band. **Gross:** $15,500. (Average, $14,500)

Week Ending Sept. 25:
"SHE MARRIED HER BOSS" (Col.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $6,800)

"REDHEADS ON PARADE" (Fox)
"GOOSE AND GANDER" (W. B.)
PARAMOUNT — (2,740), 25c-35c-40c, 7 days. **Gross:** $10,500. (Average, $11,500)

Week Ending Sept. 26:
BISHOP MISBEHAVES" (M-G-M)
'STORM OVER ANDES" (Univ.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $6,000)

"SPECIAL AGENT" (W. B.)
ST. FRANCIS — (1,470), 15c-30c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)

"CHINA SEAS" (M-G-M)
WARFIELD — (2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $22,000. (Average, $21,000)

Week Ending Sept. 27:
"LOVE OF NORAH O'NEALE"
(Guarantee)
CLAY—(400), 25c-35c. 7 days. **Gross:** $1,150. (Average, $700)

"CALL OF THE WILD" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 4th week. **Gross:** $3,300. (Average, $9,000)

"Two for Tonight" $4,500, Charlotte

CHARLOTTE, Oct. 1.—"Two for Tonight" was the money-maker of the week here. It passed the Imperial par by $1,500 on a take of $4,500.

Major Bowes' amateurs were brought into the Carolina for one night with "She Gets Her Man" on the screen, but failed to make much of an impression on a take of $500.

Total first run business was $14,000. Average is $11,666.

Estimated takings for the week ending Sept. 28:

"LITTLE BIG SHOT" (W. B.)
BROADWAY — (1,114), 25c-40c, 6 days. **Gross:** $4,000. (Average, $4,000)

"SHE MARRIED HER BOSS" (Col.)
CAROLINA — (1,400). 25c-40c, 5 days. **Gross:** $5,000. (Average for 6 days, $4,000)

"SHE GETS HER MAN" (Univ.)
CAROLINA — (1,400). 25c-40c, one day. **Gross:** $500. (Average for one day, $666)

"TWO FOR TONIGHT" (Para.)
IMPERIAL—(949), 30c-40c, 6 days. **Gross:** $4,500. (Average, $3,000)

Form Two New Firms

ALBANY, Oct. 1.—Two new incorporations here are Prudential Circuit of Theatres, Inc., New York, by David Coral, Jacob Schaum and Margaret Henaghan, and Bull Theatres, Inc., New York, by Alexander Ramer, Meyer Funt and Leo Fortier.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 80 NEW YORK, THURSDAY, OCTOBER 3, 1935 TEN CENTS

Jury Picked As St. Louis Trial Starts

Harry Arthur Expected To Be First Witness

By BILL ORNSTEIN

St. Louis, Oct. 2.—Twelve jurors were definitely selected today to decide the anti-trust charges instituted by the Government and for which indictments have been returned against Harry M. Warner, Gradwell L. Sears, Herman Starr, George J. Schaefer, Ned E. Depinet, Abel Carey Thomas, Paramount, Warners, RKO and their subsidiaries.

The opening session today lasted six hours. At 5:30 court was adjourned, leaving two alternate jurors to be selected from eight to be called tomorrow.

Altogether 21 jurors were interrogated by both sides before final selections were announced. Two were challenged, one excused because of a bad cold and six eliminated by peremptory challenges.

Harry C. Arthur, head of Fanchon

(*Continued on page 6*)

Mexicans Threaten Theatre Closings

By JAMES LOCKHART

Mexico City, Oct. 2.—The Federation of Workers and Peasants, Mexico's strongest labor organization, asserts that it means what it says when it threatens to close all theatres in Mexico next Friday.

The move is aimed to help striking employees of American distributors who timed their walkout in the midst of negotiations to secure tax cuts from the Government.

The Confederation of Chambers of Commerce is urging that a mixed commission of Government representatives be named to investigate the plight of the industry and to reduce import duties on films in order to permit it to survive.

Wampas Winding Up As an Organization

Hollywood, Oct. 2.—The Wampas, coast press agent organization, came to an end here last night following a meeting of 40 members who were unable to suggest a plan to revive interest within the group and decided on a voluntary end. Dissolution plans will be formed immediately. The assets probably will be divided among the 65 active members. The Wampas started 15 years ago as one of the industry's strongest organizations.

Only 12 Films Are Banned Of 1,749 Viewed By Censor

Of 1,749 pictures — features and shorts — reviewed by the New York state censors during the year ended June 30, 1935, only 12 were rejected completely. Three of these were later revised and approved, according to the annual report of the Motion Picture Division of the State Department of Education, made public yesterday by Irwin Esmond, director of the division.

Eliminations were made in 225 films upon statutory grounds. Of the total number reviewed, 769 were features and 980 were short subjects, the classification taking all pictures having five or more reels as features.

There were 1,868 eliminations of scenes, sub-titles or dialogue. The statutory reasons for the eliminations were: 604, indecent; 628, immoral or tending to corrupt morals; 436, tending to incite to crime; 136, inhuman; 64, sacrilegious, according to the report.

In all, 8,745 reels, or approximately 9,000,000 feet of film were reviewed during the year.

During the year five appeals were taken to the Commissioner of Education. In three cases the division was sustained, in one case reversed, and one appeal is pending.

Total receipts of the division during the fiscal year were $238,613.39, as compared with $231,497.88 for the preceding year, an increase of $7,115.51. The expenditures of the division were $61,197.59, as compared with $60,827.09 for the previous year. The net revenue to the state, after deducting operating cost, was $177,415.80, comparing with $170,670.79 for the preceding year.

Few Cuts in Ohio

Columbus, Oct. 2.—Of a total of 557 reels reviewed by the Ohio state censor board in September, 541 of them were passed. This means that eliminations were made in only 16 reels.

Starr to Hold Ascap Post Until Year End

St. Louis, Oct. 2.—Herman Starr, Warner treasurer, said today he would remain as a member of the board of the American Society of Composers, Authors and Publishers until Jan. 1 in an effort to straighten out the difficulties between the latter organization and Warners. If his efforts are successful, it was intimated, he would continue on the Ascap board.

Starr said that he had been informed

(*Continued on page 4*)

Coast Runs Causing Bad Film Shortage

Los Angeles, Oct. 2.—Subsequent run houses here are threatened with one of the worst shortages of good films known in years.

The condition is due to extended runs of several important pictures which have had single billings in their

(*Continued on page 4*)

Theatre Tax Levies Jump In Manhattan

Manhattan theatre assessments have been boosted $350,000 for 1936 by the Department of Taxes and Assessments. This is a gain of $200,000 for theatres in buildings owned by film companies and a gain of $150,000 for theatre buildings alone.

Brooklyn theatre assessments declined $10,000 and on theatres in office buildings the levy remains the same. Assessments also were lowered $50,000 in Queens on buildings and theatres. In the Bronx there was no change. In Richmond there was a decline of $10,000.

Details of the changes follow:

MANHATTAN

Buildings

	1935	1936
Loew's State	$3,900,000	$3,800,000
Paramount	11,600,000	11,400,000
RCA	26,000,000	26,500,000
RKO	11,500,000	11,500,000
	$53,000,000	$53,200,000

Theatres

	1935	1936
Astor	$1,650,000	$1,650,000
Capitol	2,450,000	2,450,000
Center	4,500,000	4,500,000
Globe	1,075,000	1,050,000
Hollywood	1,025,000	1,250,000
Mayfair	1,725,000	1,725,000
Palace	1,250,000	1,250,000
Rivoli	1,550,000	1,550,000
Strand	3,150,000	3,200,000
Ziegfeld	1,090,000	1,040,000
	$23,115,000	$23,265,000

(*Continued on page 4*)

Duals Gain Slowly In Denver Theatres

Denver, Oct. 2.—Never a menace, at least as far as first runs are concerned, double bills in Denver have increased only slowly the past year. At present 18 houses are using double bills (three of these only occasionally, however), with four dime and one neighborhood houses being the only

(*Continued on page 4*)

Slight Hopes Held for New Industry Code

MPTOA Sentiment Veers To Regional Plans

Little or no possibility of the adoption of a voluntary trade practice code by the industry is seen by exhibitor leaders affiliated with the M.P.T.O.A., it was learned yesterday. This was made evident through scores of replies from regional exhibitor association members to an M.P.T.O.A. bulletin circulated during July, which asked for viewpoints and suggestions on the drafting of a fair and workable voluntary code. Responses to the bulletin have been pouring into M.P.T.O.A. headquarters throughout the summer and recently were gathered together and analyzed.

A preponderance of exhibitor thought, the analysis of the replies disclosed, saw no advantage to be gained by the industry through adoption of a voluntary code of doubtful enforceability, and many saw distinct disadvantages in an invitation to Federal agencies to take over industry regulation without compensating benefits in return. Distinct sentiment for a form of trade practice regulation

(*Continued on page 4*)

Wage Deal Program Is Presented to 306

Progress in the new wage scale negotiations with circuits was reported to a membership meeting of Local 306 in Brooklyn yesterday by the union's negotiating committee. The report included the recent agreement on a basic scale of $2.40 per hour for Broadway de luxe houses, including the Music Hall and Capitol, in place of the former $2.55 per hour rate. The agreement leaves only a scale for two-a-day and road show houses to be decided upon.

No meeting of the negotiating committee was held with theatre representatives yesterday but it is expected that what may be the final meeting will be called for some time today.

Beano Is Declared Illegal for Maine

Augusta, Me., Oct. 2.—Beano has been declared illegal in a ruling by Attorney General Clyde Chapman. The ruling follows a Federal move against the game in Massachusetts where huge sums have been spent on tickets.

Coin machines incorporating any element of chance also have been ruled illegal.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 3, 1935 No. 80

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Selznick Silent on New Company Detail

HOLLYWOOD, Oct. 2.—Refusing to comment on the nature or extent of the sponsorship or financing for his new producing company, David O. Selznick said he would release a complete announcement of all details and the personnel of his new organization in a week or so.

At present he is engaged in editing and previewing "A Tale of Two Cities," his last for M-G-M.

Asked if stock in his new company is to be listed on the New York Stock Exchange, he replied emphatically in the negative.

Lichtman Reaches Coast

HOLLYWOOD, Oct. 2.—Al Lichtman, United Artists president, arrived here yesterday to confer on general release dates of the new Chaplin film and the Goldwyn releases, "Splendor" and "Shoot the Chutes," the latter starring Eddie Cantor.

Not With Sweepstakes

George Jeffreys will not represent Movie Sweepstakes in Boston, according to the home office in New York.

MELVILLE COOPER
"THE BISHOP MISBEHAVES"
WILLIAM MORRIS OFFICE

Purely Personal

BOB O'DONNELL, that big theatre man from Texas, was guest of The Off-the-Record Club at its regular meeting in its usual haunt—"21"—yesterday. Present also, but not included in the organizational proceedings, were R. H. COCHRANE, M. H. AYLESWORTH, LESLIE E. THOMPSON, PHIL REISMAN, WILLARD MCKAY, JOAN CRAWFORD, FRANCHOT TONE, RICARDO CORTEZ, LEONARD GOLDSTEIN. On the same gilt-edged precincts after the theatre the night before: TRUMAN and MRS. TALLEY, ED HILL, LEOPOLD FRIEDMAN.

Quip of the Day

A director is a man who yells "Cut" at the actors and wishes it was their throats.—Fred Allan. —The Era, London.

MAX REINHARDT and his son, WOLFGANG, arrive today on the *Conte di Savoia.* WALTER HUSTON and NAN SUTHERLAND, also coming over from Europe, are due in today on the *Bremen.*

•

JEAN MUIR, scheduled to arrive here yesterday, will get here tomorrow. She will attend the New York premiere of "A Midsummer Night's Dream" and then leave for England.

•

S. BARRET MCCORMICK is in from a short stay at the Radio studio. He stopped off in St. Louis en route to confer with NED E. DEPINET and JULES LEVY.

•

LEOPOLD FRIEDMAN resumes wear and tear on his horse next week. The chap to be seen shortly riding around the park with him will be MARVIN SCHENCK.

•

LOUIS WEISS is expected in from the coast about Oct. 15 with a print of "Custer's Last Stand." This will be available as a serial and a feature.

•

FRANK BUCK will talk on his jungle adventures at the Boys' Club of New York clubhouse, Avenue A and 10th St., Friday afternoon.

•

NICHOLAS M. SCHENCK is on a two week holiday which he is spending quietly with his family at Great Neck.

•

HOWARD STRICKLING, head of the M-G-M studio publicity department, is due in town today from Culver City.

•

FRED ALLEN, back from Hollywood where he did a picture, returned to the air last night.

•

IRENE DUNNE will be guest artist on the Hollywood Hotel program Friday night.

•

BOB GILLHAM is in Atlanta on business having to do with "So Red the Rose."

•

FRANK FAY is in from the coast and is stopping at the Lombardy.

•

MILTON H. FELD leaves for the coast on Saturday.

Stay Is Sought for Sweepstakes Makers

Injunction proceedings were filed in the Supreme Court yesterday by Playmore Premiums, Inc., against Charles Streimer, doing business as the Streimer Ad Service. Also named as defendants were Charles Streimer and Abraham Schreiber, doing business as Weartex Products. The complaint of Playmore Premiums states that it is in the business of manufacturing a game called Sweepstakes (Lucky Game) and the necessary products used in the game since June 27, 1935. "Thereafter," the complaint avers, "the defendants without authority imitated the plaintiff's 'Sweepstakes'."

The defendants entered a denial and further declared that on June 6, 1935, Abraham Schreiber invented Sweepstakes and that Schreiber gave information concerning Sweepstakes to Seymour Stern and Seymour Premiums, Inc., in strict confidence, solely for the purpose of entering into an agreement for the sale of the game. The defendant asserts that in a breach of confidence Seymour Stern caused Playmore Premiums to be organized for the manufacture of Sweepstakes, as devised by Schreiber. The defendants further charge that Seymour Stern and Seymour Premiums, Inc., are intimidating exhibitors by threatening to enjoin them and to sue if they use Sweepstakes now being sold by the defendant. The defendants are counter suing for an injunction on their own grounds and also asking for an award of $50,000 damages.

Mitchell on Tour

Gordon Mitchell, manager of the technical bureau and research council of the Academy, left last night for the coast with four stopovers scheduled in the Middle West where he will discuss and explain to exchangemen the purposes of the 2,000-foot reel which the Academy is recommending for adoption throughout the industry here and abroad.

Defer Fox Met Hearing

A Federal court hearing on the applications for fees and expenses aggregating more than $800,000 for services of lawyers, committees and others in the reorganization of Fox Metropolitan Playhouses was postponed indefinitely yesterday to permit review by Federal Judge Julian W. Mack, when he returns from a European vacation.

Cooper in New Post

HOLLYWOOD, Oct. 2.—Having completed editing of "The Last Days of Pompeii," Merian C. Cooper has moved over to the United Artists' studio to begin work as vice-president of Pioneer Pictures. He expects to start on his first Technicolor feature for the new Pioneer list within two months.

Foster, Blane to Marry

HOLLYWOOD, Oct. 2.—Sally Blane and Norman Foster have filed marriage intentions with the county clerk. They say they will be married Tuesday.

F. & M. to Stage Revue

Fanchon and Marco plan to produce a musical revue starring Olsen and Johnson on Broadway this fall.

Wall Street

Losses Mark Trading on Board

	High	Low	Close	Net Change
Columbia, vtc	66½	64½	64½	—2⅛
Consolidated	4¼	4	4	— ¼
Consolidated, pfd.	16	15½	15⅜	— ⅜
Eastman	153½	151	152	—2½
Eastman, pfd	159	158½	158½	.....
Loew's, Inc.	42¾	40¾	41½	—2
Paramount Publix	11	10	10½	— ¾
Paramount, 1 pfd	99⅛	95½	95½	—4
Paramount, 2 pfd	13¾	12½	12⅝	— ⅝
Pathe Film	5⅜	5	5	— ⅝
RKO	4½	3⅞	4	— ½
20th Century-Fox.	16¼	16	16⅛	— ⅜
20th Century, pfd.	25⅞	24¾	24¾	—1¼
Warner Bros.	7⅛	6½	6⅝	— ⅝
Warner Bros., pfd	40⅛	39¾	39¾	—1¼

Curb Issues Off

	High	Low	Close	Net Change
Sentry Control	5/16	5/16	5/16	.....
Sonotone	2⅛	2	2⅛	— ⅛
Technicolor	18¼	17¼	17½	—1
Trans-Lux	3	2¾	2¾	— ⅜

Bonds Sustain Small Losses

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	14¼	14¼	—1
General Theatre 6s '40 ctf	15	14	14	—1
Keith B. F. 6s '46	89⅞	87¼	87¼	—1¾
Loew's 6s '41 ww deb rights	104⅞	104¾	104¾	— ⅛
Paramount B'way 3s '55	62	61½	61½	—1½
Paramount Pict. 6s '55	96⅝	95¾	95¾	—1¼
RKO 6s '41 pp	70½	70	70	.....
Warner Bros. 6s '39 wd	82¼	80½	80½	—1¾

(Quotations at close of Oct. 2)

School Head Praises Filming of "Dream"

Warners deserve commendation for filming "A Midsummer Night's Dream," states Dr. John S. Roberts, associate superintendent of schools in charge of high schools, in a letter to H. M. Warner.

Dr. Roberts was active in a movement for film betterment some months ago.

His commendation was contained in a letter accepting 1,500 complimentary tickets for use of high school students for the first matinee showing of the picture at the Hollywood on Oct. 10.

AFA Using Pickets To Aid Vaudeville

Times Square got something new in the way of picketing yesterday when the American Federation of Actors sent out a group of members with sandwich boards to urge people not to patronize theatres without stage shows.

It is a part of the campaign to "save" vaudeville. The federation is going to hold a benefit show at the Majestic Nov. 10.

Joseph Kandel Buried

Funeral services for Joseph Kandel, father of Morris and Joseph Kandel, were held Sunday at his home, 1490 Jesup Ave., the Bronx, and burial was at Mount Zion Cemetery. Death took place last Friday.

Kandel is survived by a widow and six children.

Ampa to Hear Barton

Bruce Barton, noted advertising expert, will be the chief speaker at the Ampa's regular meeting today at Jack Dempsey's Restaurant.



• THE PICTURE OF THE WEEK •

seems to be Warner Bros.' **"THE CASE OF THE LUCKY LEGS"**, hailed by M. P. Daily's reviewer as 'sure-fire entertainment', and by its producers as '1935's big surprise hit'. In this gay new comedy-drama, **WARREN WILLIAM** (as the irrepressible Perry Mason) furnishes the sleuthing, Genevieve Tobin supplies the secretarial charm, Patricia Ellis the legs, Lyle Talbot and Allen Jenkins the comedy, and Archie L. Mayo the fast-moving direction. A First National Picture. Released Oct. 5th.

Slight Hopes Held for New Industry Code

(Continued from page 1)

which could be administered entirely within the industry and preferably through local organizations was revealed.

The replies showed complete agreement with the analysis of the problem of trade practice regulations made by Ed Kuykendall, M.P.T.O.A. president, in the July bulletin and pledged support to the organization head in whatever reasonable program of self regulation that could be devised. Kuykendall was given an exploratory commission for the purpose of acquainting himself and the organization with responsible exhibitor sentiment on the subject and fashioning from his findings a report or recommendations on means of establishing workable trade practice regulations.

Kuykendall is now in Chicago in the course of a visit to association and exhibitor leaders in a number of key cities, where he will gather local viewpoints and report back to a meeting of the M.P.T.O.A. board to be called.

Want Local Groups

Exhibitor sentiment, responses to the bulletin discloses, is especially strong for the development of local organizations empowered to settle local problems with a minimum of home office participation. The idea suggests strong local exhibitor organizations with representatives designated to deal with local distributor organizations to which full authority has been granted by home offices to act in settling of controversies.

Widespread endorsement was voiced to that part of Kuykendall's July bulletin which stated: "We believe that no all-inclusive organization of this industry is practical or possible, but there is no reason why organized exhibitors should not negotiate and deal with organized distributors, both locally and nationally, attacking our mutual problems one by one and doing the best we can to reach honest, practical and satisfactory solutions and adjustments."

Lack of Advantages

The M.P.T.O.A. sentiment suggests a definite abandonment of the idea of adopting a voluntary industry code for reasons of impracticability and lack of advantages to be derived. It leaves the committee appointed by Code Authority in its last days as the only industry group interested now in a study of the formation of a voluntary code. J. Robert Rubin of M-G-M, chairman of this committee, said yesterday that the group had been inactive for several months past due to his absence in Europe during the summer and, thereafter, to other more pressing matters which had engaged several members of the committee. Austin C. Keough of Paramount and Harold S. Bareford of Warners, members of the committee, have been occupied with the Federal court action in St. Louis involving their companies. Rubin said, however, that the committee would probably resume activity later and make a report on its findings. He declined to give his own opinion of the desirability of a voluntary code.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Three Musketeers"

(Radio)

HOLLYWOOD, Oct. 2.—Although this production is not lacking in swordplay or hard riding it, nevertheless, skirts some of the expected fiery dash and romantic flavor of the Dumas novel.

Walter Abel plays D'Artagnan with naive restraint, making the character less explosive and vivacious and more boyish. Ian Keith, as De Rochefort, has been made an arch villain, while Nigel de Brulier, as Richelieu, is an incidental tool as much a victim of Keith as Miles Mander, who portrays the King.

Musketeers Paul Lukas, Onslow Stevens and Moroni Olsen come closest to personifying the characters as conceived by Dumas although concentration on the plot incidents forces the audience to accept their close friendship, rather than see it developed. Margot Grahame, as Milady, contributes an outstanding performance, shading the character nicely and reaching dramatic heights particularly in one scene where she bests D'Artagnan. Heather Angel is well cast as Constance and carries the romantice theme with Abel suitably. Rosamund Pinchot, as the Queen, seems miscast.

The direction by Rowland V. Lee is intelligent and the chase sequences directed by Otto Brower are exciting.

The popularity of the Dumas novel should act as sufficient draw to assure the necessary grosses in most localities.

Production Code Seal No. 1,266. Running time, 89 minutes. "G."

"The Return of Peter Grimm," this morning's opener at the Radio City Music Hall, was previewed by wire from Hollywood on July 16.

"Little Big Shot," tonight's preview at the Roxy, was reviewed by wire from Hollywood on July 29.

"The Last Outpost," also to be previewed tonight but at the Paramount, was reviewed by wire from Hollywood on Sept. 25.

"O'Shaughnessy's Boy," previewed by wire from Hollywood on Sept. 23, opens at the Capitol tomorrow morning.

Code History Going Over to Next Year

WASHINGTON, Oct. 2.—No history of the film code will be written by the NRA until next year. It is being held up awaiting the investigation of the industry which is now being made.

The code history will be one of some 400 or 500 which are being written under a plan to make available a complete survey of the negotiation, operation and benefits of each code. The investigation is one of a dozen or more undertaken to study conditions under codes.

Original plans for the film industry study contemplated a complete investigation, but inasmuch as the NRA expires next April the scope has been reduced so that it may be completed by early December. As soon as the material developed by the investigation is ready the history will be written.

Coast Runs Causing Bad Film Shortage

(Continued from page 1)

first engagements. Specific cases are "The Dark Angel," which played 10 days at Loew's State and Grauman's Chinese; "Broadway Melody of 1935," which was held a second week, and "China Seas," which was held over for the same period. "Top Hat," booked for one week at the Hillstreet and the Pantages, played four weeks.

Since all of these houses have been playing dual bills until recently, and without holdovers, product has not been held up for release to the subsequent run house. But, with these extended runs of single bills, operators are having to scramble for second rate films and are using giveaways.

Duals Gain Slowly In Denver Theatres

(Continued from page 1)

ones to use them constantly. Seventeen do not double bill at all.

In some neighborhoods, notably South Denver, double billing is in the minute minority. In North Denver all five houses double bill at least once a week, and some of them on two programs or more weekly.

In the first runs only the Paramount and Broadway have double billed since the first of the year, each of them five times. Harry Huffman, who controls these, as well as two other first runs, two downtown subsequents and a neighborhood, is opposed to double bills.

Famous Continues Duals

VANCOUVER, B. C., Oct. 2.—Current scales and double billing are to be continued in Famous Players Canadian houses, according to J. J. Fitzgibbons, who is here for a convention of British Columbia managers of theatres.

Fitzgibbons said nothing had been decided regarding stage shows, but admitted there was a chance that occasional vaudeville bills and revues might be used here.

Discuss Dual Ban

DETROIT, Oct. 2.—Flint exhibitors will meet soon to discuss renewal of their agreement banning dual bills except on one change a week.

The agreement ends this month, and several of the smaller theatre owners, dissatisfied with the results, have definitely stated that they will not sign it again.

Theatre Tax Levies Jump In Manhattan

(Continued from page 1)

BROOKLYN

Buildings

	1935	1936
Albee	$1,875,000	$1,875,000
Melba	540,000	540,000
Paramount	4,800,000	4,800,000
Strand	670,000	670,000
	$7,885,000	$7,885,000

Theatres

	1935	1936
Fox	$6,200,000	$6,200,000
Loew's King	1,275,000	1,275,000
Loew's Met	1,150,000	1,150,000
Melba	475,000	475,000
Oxford	150,000	150,000
Star	310,000	305,000
Tivoli	480,000	480,000
	$10,040,000	$10,030,000

QUEENS

Buildings, Theatres

	1935	1936
Eastern Service Studios	$875,000	$875,000
Keith	740,000	740,000
Merrick	775,000	750,000
Valencia	1,200,000	1,175,000
	$3,590,000	$3,540,000

BRONX

Theatres

	1935	1936
Grand	$1,150,000	$1,150,000
Keith's	650,000	650,000
Paradise	1,325,000	1,325,000
	$3,125,000	$3,125,000

RICHMOND

Theatres

	1935	1936
Paramount	$390,000	$390,000
St. George	675,000	665,000
	$1,065,000	$1,055,000

Starr to Hold Ascap Post Until Year Ends

(Continued from page 1)

by wire today of his appointment to the operating committee of Ascap at its meeting last Thursday in New York. Starr was in this city at the time of the meeting.

Warners, he said, have two points which must be ironed out before a decision can be made on the company's continuing as a member of Ascap. They are the classification of music publishers and the obtaining of a very substantial increase in revenue from the radio broadcasting of Warner-owned music. Warners control Harms, Remick, Witmark and a number of other music publishing subsidiaries, all members of Ascap.

Starr said he had attended only one meeting of the Ascap board, that of Sept. 19. He said that the organization is not after increases in exhibitor licensing rates and observed that the latter have the right to cancel their contracts with Ascap upon 30 days' notice.

A. T. & T. Television Tests to Be Dropped

WASHINGTON, Oct. 2.—No television experiments over a coaxial cable will be attempted by A. T. & T. unless the Federal Communications Commission relaxes its rule requiring that the cable be made available to all companies wishing to experiment with it. The cable was to have been laid between New York and Philadelphia.

NATION'S BIGGEST CIRCUITS SIGN UP UNIVERSAL PRODUCT!

WARNER BROS. THEATRES

From Coast to Coast!

R K O THEATRES

From Coast to Coast!

Because

UNIVERSAL HAS THE LINEUP!

Jury Picked As St. Louis Trial Starts

(Continued from page 1)

& Marco circuit, which is responsible for interesting the Government in bringing the criminal and equity actions here, is understood on reliable authority to be scheduled as the first Government witness when the trial actually gets under way tomorrow. It is understood Thomas K. Dysart will follow Arthur on the stand.

The greater part of tomorrow morning's session is expected to be taken up with the interrogation of jurors. During the last few minutes of this afternoon's session Frederick Wood, representing Warner companies and individuals indicted, objected to the selection of alternate jurors or impaneling extras on the ground the act of June 29, 1932, was unconstitutional. He was joined by William R. Gentry, acting for Schaefer and Paramount, and Jacob M. Lashly, representing RKO companies and Depinet. Judge George H. Moore overruled the objection immediately.

To Name Alternates

Although Harry Mannist, millinery manufacturing agent here, and Louis Miller, employed at a plant at Ironton, Mo., were the two remaining jurors on the list not to be called, District Attorney Harry C. Blanton suggested that the marshal call three others tomorrow and from this list of five two alternates will be named. Former Senator James A. Reed recommended that five or six additional men be called with Judge Moore agreeing. Again the court room was crowded with more than 100 witnesses, spectators, lawyers, newspaper and trade men in attendance. Sears' mother, who operates the Strand, Nashville, Ill., is here as an interested onlooker. Her son is one of the six film executives indicted.

Jurors selected are: Edward Panhorts, 55, in feed store business at St. Clair; W. H. Stubblefield, 41, in the local real estate and loan business; Bruce Bergman, 29, salesman in dairy business at Salem; H. C. Applegate, 78, of Richmond Heights, retired; Erwin Weber, 37, in garage business at St. Charles; George Fullerton, 62, colored, waiter at local York Hotel; Charles L. Krause, 70, retired; George Atwood, 31, bank clerk at Ferguson; Charles E. Calif, 44, salesman in local trunk firm; Otto G. Dietz, 62, general contractor; Joseph G. Eddy, 53, local real estate agent; Emil H. Lauter, 73, local coal salesman.

Reed challenged Edmund A. Schatzman, 53, local office manager of commercial radio company, on the ground that several years ago he had bought a $1,000 bond in the Ambassador Theatre Building, later selling it to his mother. Schatzman did not know whether his mother still had the bond or not. Russell Hardy challenged Henry J. Butler, 30, of local lighting and fixture company on the ground he owns 200 shares of Warner common stock. When interrogated earlier in the day, Butler frankly admitted he also possessed 50 shares of Loew common, but despite these interests both men asserted they would render a fair and just decision and that their stock interests would have no bearing in determining the case.

Peremptorily challenged were: Valley Reyburn, 51, local insurance broker; A. T. Chambers, 47, president of Dios Chemical Company of St. Louis; George Townsend, 47, unemployed, of Maplewood; G. A. Burns, 43, assistant manager of the operating department of the local Shell Petroleum office; Matthew F. J. Byrnes, local salesman of silks and rayons; Edgar E. Dierker, 37, unemployed salesman of Valley Park. In the list of those challenged without reasons it is noted that only two unemployed men are included. The two retired men, one 70 and the other 78, were kept on the jury.

Reed tried to disqualify certain jurors because of age but Judge Moore overruled him on this point. Oliver M. Evans, assistant manager of a local zinc company, did not show up while Chester P. Schaum of University City and L. M. Stewart of Webster Groves, were excused until Nov. 8 and Oct. 8, respectively. B. W Stemmrich of St. Louis was excused to Oct. 7, while Herbert P. Hirsekern of this city was granted leave until Oct. 14.

Blanton took about two hours this morning interrogating and examining the 18 jurors on various questions, principally if the men had ever been interested in the film business and whether they knew any of the witnesses, lawyers or others interested in the case.

Samuel Fordyce, acting for all defendants, spent more than Blanton's time in his examination of the jurors. After his first hour Judge Moore asked Fordyce to speed up matters. Fordyce then asked the 18 jurors if the case lasted three or four weeks would it work a hardship on them, to which all agreed it would except the colored waiter who said, "I'll go through with it."

Before dismissing the jurors, Moore cautioned them not to read newspapers or discuss the case with anyone. Harry and Milton Arthur, Jack Partington and Irving Lesser were not in court today, while every other principal witness sat through the protracted session.

On the Lighter Side

St. Louis, Oct. 2.—Every time someone has his picture taken something is bound to happen. The other day when Harry M. Warner had his photo snapped, the flashlight was mistaken for lightning. Ned E. Depinet was about to have his facsimile recorded when an explosion was heard in the corridor. The photographer, about to take a shot, accidentally let the flash bulb slip, but Depinet laughed it off.

+

Trial or no trial, grosses go on forever. Film men here for the court proceedings have by no means failed to observe the terrific business which "Broadway Melody of 1936" and the Louis-Baer fight pictures are doing at Loew's State.

+

Charlie Kurtzman is treating the visiting press royally. He handed the out-of-town newspaper and tradespaper men special courtesy passes for the F. & M. Ambassador, Missouri and Fox with a note on it "Good anytime until Nov. 1."

+

Renewals will be in order at the rate the criminal and equity cases are progressing.

+

Milton B. Arthur, who says he comes from the orange belt, says he's positively not going to send the gang here oranges. He is thinking of sending pineapples instead. Not the kind that comes from Hawaii.

+

Irving Lesser, Jack Partington and Arthur like to hike from the Ambassador to the Fox, both F. & M. houses. They are more than a mile apart and, incidentally, both are day-and-dating "She Married Her Boss" with "Thunder in the Night."

+

Many of the witnesses are mourning the fact that they will not be able to attend the World Series in Detroit and Chicago. One of the rumors which proved false was that Warners was trying to get a continuance of the indictment trial until after the series.

+

Cresson Smith of RKO sat by his lonesome. He makes a distinguished looking figure with his patch of grey hair.

+

Harry M. Warner, Herman Starr and E. K. Hessberg, are a threesome that sits together no matter in what section of the courtroom they manage to find seats.

Bing!

St. Louis, Oct. 2.—Out here where a man isn't a gentleman if he misses one of those broad-brimmed brass receptacles in hotel corridors and elsewhere a chew is a "chaw" and target practice is a fine art.

H. M. Warner discovered this in court yesterday, and today he is walking around bareheaded. His hat slipped to the floor.

Former U. S. Senator James A. Reed had another remark to direct to the court and he cast a swift glance across the floor. It was too swift, but his aim was perfect.

He apologized and tried to clean the inside of the hat, but gave it up with a good old-fashioned midwestern: "To hell with it!"

The janitor may have better luck.

Rhoden Sees Skouras

St. Louis, Oct. 2. — Elmer C. Rhoden, operating head of Fox Midwest, spent the day here conferring with Spyros Skouras and Lou Cox, the latter local division head. He also looked in on the Government anti-trust trial.

Ralph C. LiBeau, Paramount's division manager in this area, is back in Kansas City following talks with Neil F. Agnew.

Pictures Alone Seen Counting at Center

The invitational performance at the Center last night, prior to the regular opening of the theatre this morning, demonstrated conclusively that whatever measure of success this second and smaller of the Rockefeller Center theatres may enjoy, will depend on the screen and not on the stage.

B. A. Rolfe acted as master of ceremonies and, with his orchestra in the pit, variously introduced Louise Florea, the Viking Quartette and Phil Duey, all vocalizers. With both eyes turned up Sixth Ave. to the Music Hall, the sets were unimportant and small.

The feature, "Here's to Romance," proved banal in story and anti-climactic but strong in Nino Martini's singing. His several arias induced spontaneous applause. It was well deserved. K.

Max Golden Promoted

Hollywood, Oct. 2.—Max Golden, former Twentieth Century-Fox studio manager, today was promoted to an associate producer's post by Sol Wurtzel. His first assignment will be on "Hard to Get."

Prepare "Buffalo Bill"

Hollywood, Oct. 2.—C. B. DeMille today started preparation of "Buffalo Bill," which, if prepared for production before "Samson and Delilah," will be the next DeMille epic.

THEATRE ACCOUNTING

by WILLIAM F. MORRIS, is still the best bookkeeping system for theatres. It not only guides you in making the proper entries but provides sufficient blank pages for a complete record of your operations for each day of the year. Notable for its simplicity.

Order Now—$3.00—Postage Prepaid

QUIGLEY BOOKSHOP

1790 BROADWAY NEW YORK CITY

Sid Saylor Is Injured

HOLLYWOOD, Oct. 2.—Sid Saylor, working in Paramount's "Nevada" on location at Big Bear, was injured when a horse reared throwing him and falling on top of him. The actor was rushed to Big Bear Hospital and will be laid up for several days.

Signs Elsa Lanchester

LONDON, Oct. 2.—Elsa Lanchester, wife of Charles Laughton, has been signed by Alexander Korda for a role in "The Ghost Goes West."

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF MARCH 3, 1933

Of MOTION PICTURE DAILY, published daily except Sunday at New York, N. Y., for October 1, 1935.

State of New York } ss.
County of New York }

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Theodore J. Sullivan, who, having been duly sworn according to law, deposes and says that he is the Business Manager of the MOTION PICTURE DAILY and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business manager are:

Publisher and Editor-in-Chief — Martin Quigley, 1790 Broadway, New York, N. Y.

Editor—Maurice Kann, 1790 Broadway, New York, N. Y.

Managing Editor—None.

Business Manager—Theodore J. Sullivan, 1790 Broadway, New York, N. Y.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

Motion Picture Daily, Inc., 1790 Broadway, New York, N. Y.

Quigley Publishing Company, Inc., 1790 Broadway, New York, N. Y.

Quigley Publications, Inc., 19-21 Dover Green, Dover, Delaware.

Martin Quigley, 1790 Broadway, New York, N. Y.

Colvin Brown, 1790 Broadway, New York, N. Y.

Gertrude S. Quigley, 1790 Broadway, New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)

None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company, but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is 5,319. (This information is required from daily publications only.)

THEODORE J. SULLIVAN,
Business Manager.

Sworn to and subscribed before me this 1st day of October, 1935.

(SEAL)

ANNA MILBERT.

(My commission expires March 30, 1936.)

FWC Refuses ITO Plea on Giveaways

HOLLYWOOD, Oct. 2.—The I.T.O. here today made a futile effort to obtain a 10-day extension from Fox West Coast in the circuit's move to use giveaways throughout the local territory, it was learned following a meeting of the I.T.O. board and F.W.C. The extension was asked in order to call a meeting of all independent exhibitors for further study of the racket situation, which has reached a dangerous level in Los Angeles.

Harry Vinnicoff, I.T.O. president, said he will call a meeting of independents next Tuesday, when a complete report on rackets will be made and a course of action planned. F.W.C. executives feel that the independents had plenty of warning to halt the racketeering methods before the circuit retaliated and the circuit will not listen to future independent proposals.

Wrongful Transfer Is Charged in Suit

Charges of wrongful transfer of real estate and leases were filed in the Manhattan Supreme Court yesterday by Louis Schwartz, Jack R. Spratz and Samuel Weiss against Knickerbocker Theatres, Inc., Clinton-Apollo Theatre Corp., Emesco Amusement Corp., Greater M. & S. Circuit, Inc., M. & S. Circuit, Inc., 98-108 Avenue A Corp. and the Eastside Theatres.

The plaintiffs set forth that last year they obtained a judgment for $13,000 against the Greater M. & S. Circuit, Inc., and that subsequently in order to avoid payment of the judgment, the judgment debtor transferred its real property to the other defendants. The defendants have entered a denial to the charges.

First Division Adds To Its Sales Staff

Additions to the First Division territorial offices have been made involving the appointment of Sam Milberg, Albany salesman; M. C. Howard and W. M. Specht for the Florida and Georgia offices, respectively; Harry Goldman and Eugene Gross, salesmen at the Boston office; I. Levine at New Haven has been assigned to the Connecticut territory; Joseph P. Lefko, salesman at Cleveland; Tony Ricci and Jack Farkas, Long Island and New Jersey, respectively.

Morritt Davis, former salesman at the Atlanta exchange, has been made manager of the Charlotte office. At the same exchange, C. Alexander and G. Atkinson, have been appointed salesmen.

Andrea Sues RCA

WILMINGTON, Del., Oct. 2.—F. A. D. Andrea, Inc., filed suit here today in United States District Court against RCA for injunctive relief, charging restraint of trade and monopoly. It is charged that in 1919 RCA entered into conspiracy with various other companies to obtain a monopoly in radio apparatus and especially in the manufacture and sale of radio broadcasting receivers. Patent pooling is also charged. Andrea asks an injunction restraining RCA from refusing to grant it a license as to others, or a mandatory injunction requiring the defendant to grant such a license.



THANKS to my good friends all over the world who helped make my 7th birthday party the success it was.

THANKS in particular to the newspaper syndicates, radio commentators, manufacturers of Mickey Mouse merchandise, motion picture trade papers, band leaders and radio singers . . . and particularly

THANKS to the millions of men, women and children all over the world who swarmed into the theatres and helped make my birthday party a happy one for the many thousands of exhibitors who played

Walt Disney's
MICKEY MOUSE and SILLY SYMPHONIES
IN TECHNICOLOR

•

***P. S.** And don't forget a bundle of thanks to the United Artists sales organization who worked tirelessly in co-operation with exhibitors to make my party a success.*

RECEIVED BY PRIVATE WIRE FROM POSTAL TELEGRAPH
STANDARD TIME INDICATED IN THIS MESSAGE

Postal Telegraph

THE INTERNATIONAL SYSTEM

Commercial Cables — TELEGRAMS CABLEGRAMS RADIOGRAMS — All America Cables

Mackay Radio

This is a full rate Telegram, Cablegram or Radiogram unless otherwise indicated by a suitable signal in the check or in the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT MESSAGE
LCO	DEFERRED CABLE
NLT	NIGHT CABLE LETTER
	RADIOGRAM

Form 16 P.W

CA40 43 NL=CC DENVER COLO 1 1935 Oct 2 AM 1 43

AL LICHTMAN, UNITED ARTISTS CORPN=
729 SEVENTH AVE NYC=

DENVER THEATRE HONORED BY WORLD PREMIER CONGRATULATIONS SAMUEL GOLDWYNS BARBARY COAST OPENED TONIGHT BREAKING OUR HOUSE RECORD THRILLING TO SEE LINES OF WAITING CROWDS MAKES US SING HAPPY DAYS ARE HERE AGAIN STOP NEWSPAPER AND PATRON COMMENTS HIGHLY FAVORABLE PICTURE SHOULD BE GREAT SUCCESS NATIONALLY REGARDS=
HARRY HUFFMAN.

Dear Mr. Lichtman, this telegram arrived just after you left for the Coast. Upon your return you'll find it tacked on your door.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 81 NEW YORK, FRIDAY, OCTOBER 4, 1935 TEN CENTS

Local Control For Industry Rule Favored

MPTOA Said to Lean Toward a New Setup

The establishment of new field organizations by distributors, empowered to meet with local exhibitor representatives to hear and settle trade practice complaints, is favored by exhibitor leaders associated with M.P.T.O.A. as an integral part of any new plan for the voluntary regulation of industry trade practices, it was learned yesterday.

The new distributor field organizations would be neither a revival of the Film Boards of Trade nor of the old arbitration boards, but would, instead, comprise a representation of local exchangemen empowered by home offices to take independent action on trade practice complaints of a local character. Complaints involving national policy of any company, such as the payment of score charges, would be outside the jurisdiction of the local industry courts. The distributor organizations could be established in

(*Continued on page 6*)

Hearings Near End In Fox Stock Suit

Hearings on the Chicago Title & Trust Co.'s action seeking the recovery of $1,000,000 from William Fox for alleged defaults on the redemption of Roxy Theatre stock may be concluded today or tomorrow, attorneys identified with the litigation said yesterday. The hearings opened before Referee Sol Stroock last spring, and all of the sessions have been closed to the press and public.

Several months are expected to elapse following the close of the hearings before the referee makes his report and recommendations to the court on the testimony taken.

Company Union Fear Bars Long 306 Pact

The fear of being branded a company union will cause Local 306 to reject any proposal for signing a contract of longer than two years' duration with circuit operators here, a representative of the union said yesterday. Circuits are asking for a 10-year pact embracing the new wage scales which have been agreed upon, while Local 306 favors a one-year agreement. A compromise on a two-year contract is regarded as likely.

Indications are that with this point

(*Continued on page 6*)

Anti-Trust Cases Against Individuals Not Uncommon

By CLARENCE LINZ

WASHINGTON, Oct. 3.—Indictment of individuals for violation of the anti-trust laws is by no means unusual, according to officials of the Department of Justice. Discussing the situation in St. Louis, where officials of companies have been named as defendants, it was pointed out today that all criminal proceedings involve individuals.

Officials further pointed out that criminal proceedings are started often. While figures for the fiscal year 1935 are not yet available, the department's report for 1934 shows that out of 10 cases instituted under the anti-trust acts, nine involved individuals, while out of 12 cases pending at the beginning of the year three involved individuals.

While a number of factors enter into the department's determination as to whether civil or criminal suits shall be brought, or both, it was explained, decision to engage in criminal prosecution largely hinges on whether the

(*Continued on page 6*)

Clearance Not Upset in K. C., States Rhoden

ST. LOUIS, Oct. 3.—Just before he left for Kansas City to attend a meeting today of the board of Fox Midwest, which he regarded as routine, Elmer C. Rhoden, operating head of the circuit, told MOTION PICTURE DAILY that all theatres are operating under the same availabilities as when the code was in effect.

Rhoden said that the clearance schedule hasn't been changed and that he has not up to this time seen the oft-reported, new clearance setup allegedly promulgated by independent exhibitors in his territory.

He did admit, however, that independent and other theatres with the same admissions as Fox Midwest houses have to bid for prior run on all product. He asserted that he would not play day-and-date with theatres he regards as competitive and charging identical prices. Rhoden said that for those houses he has designated as competitive to his, the exhibitor charging the same admission will follow him the day after his units get through with the pictures.

Italy Puts Shorts Under Dubbing Ban

ROME, Oct. 3.—The ban on foreign dubbing for imported pictures has been extended to shorts and a shift in tax has been made as a result. Under the new arrangement the dubbing tax on both shorts and features will be 10 per cent of the profits, with a minimum of 15,000 lira per feature.

Italian producers will be exempted from the tax up to five dubbings of 15,000 lira each, and the tax will be reduced 50 per cent for importers investing their profits in Italian films.

Giveaways Are Credited With Chicago Gains

CHICAGO, Oct. 2.—Exhibitors here admit freely that giveaways are not a legitimate part of their business, but they feel, nevertheless, that they have been an important stimulant and have made it possible to stay away from duals.

This is important from the financial standpoint, they insist, because they feel that duals would have put them back to where they were months ago —in the red.

Hundreds of local showmen say that had it not been for the giveaway games last summer they would have had to close. They maintain that the product they had to offer then was far from the calibre needed to attract patrons. More than 60 houses in Chicago which usually are dark during the summer remained open this year and were on the profit side of the ledger.

In the deluxe neighborhood houses which seat from 3,000 to 5,000 persons double features were profitable. This policy wreaked havoc among smaller

(*Continued on page 6*)

Bay State Theatres Watch Beano Attack

BOSTON, Oct. 3.—Massachusetts exhibitors are watching Federal moves to crack down on Beano which has swept the state in recent months under the sponsorship of various charitable organizations. The prizes reached a new record high at a recent church party in Worcester.

U. S. District Attorney Francis J. W. Ford says the game is clearly a violation of Federal law and Chief Postal Inspector John J. Breslin says

(*Continued on page 6*)

Court Denies St. Louis Plea For Mistrial

Defense Counsel Object To Address of Hardy

By BILL ORNSTEIN

ST. LOUIS, Oct. 3.—Motions made by former Senator James A. Reed, representing Warners, and William R. Gentry, for Paramount, for a mistrial on account of the misconduct of Russell Hardy, Government counsel, which they alleged was designed to prejudice and inflame the passion of the jury, were denied today by Federal Judge George H. Moore. Also denied was a motion by George Leisure, RKO attorney, to dismiss the RKO and Ned Depinet indictments on the ground that the opening statements by Hardy showed no case against the defendants he represented, as a matter of law.

Many of the statements made by the Government's counsel were objected to by attorneys for the indicted individuals and companies and overruled by the judge. Likewise Hardy objected to a number of the statements

(*Continued on page 9*)

Para. Theatre Deals Will Require Weeks

Negotiations for the working out by Paramount of new operating agreements for the Hoblitzelle-Interstate, A. H. Blank and Kunsky-Trendle circuits will probably extend over a period of weeks, a high Paramount official said yesterday.

The Kunsky-Trendle operating contract was extended for 30 days from Sept. 28 to provide additional time for negotiating. Karl Hoblitzelle is now in Hollywood discussing a new Interstate agreement with John E. Otterson, Paramount president, and is expected to accompany the latter when he returns here late next week for final conferences with the company's theatre heads. These circuits, with the Blank group, are the only ones whose agreements remain to be set.

Estimate St. Louis Fees at $1,000,000

ST. LOUIS, Oct. 3.—Defense legal fees in the Government anti-trust case will run about $1,000,000, it is estimated, with Warners stacking up as the heaviest contributor, RKO second and Paramount last.

It is reported ex-Senator James A. Reed's retainer is $100,000 and that of Bruce Bromley and Frederick Wood jointly of Cravath, de Gersdorff, Swaine and Wood is identical.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 4, 1935 No. 81

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Wall Street

Issues Rally on Big Board

	High	Low	Close	Net Change
Columbia	63½	61	63½	—1
Consolidated	4⅛	4	4⅛	.....
Consolidated, pfd.	15¾	15½	15¾	+ ⅛
Eastman	152⅝	151	151¾	— ¼
K.-A.-O., pfd	70	70	70	—5
Loew's, Inc.	42⅜	41⅛	42¼	+ ¾
Loew's, Inc., pfd.	106½	106½	106½	+ ½
Paramount Pub.	10¾	10⅜	10¾	+ ¾
Paramount, 1 pfd	96	95	96	+ ½
Paramount, 2 pfd	12⅞	12½	12¾	+ ⅛
Pathe Film	5⅛	4⅞	5⅛	+ ⅛
RKO	4⅜	3¾	4⅜	+ ⅜
20th Century-Fox.	16⅛	15⅞	16⅛	.....
20th Century, pfd.	25⅛	24⅝	25⅛	+ ⅛
Warner Bros.	6¾	6⅛	6¾	+ ⅛
Warner Bros., pfd	40¼	39	40¼	+ ½

Curb Issues Gain Slightly

	High	Low	Close	Net Change
Sonotone	2¼	2⅛	2¼	+ ⅛
Technicolor	18	17⅛	18	+ ½
Trans-Lux	3	2⅞	2⅞	+ ⅛

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre 6s '40	15	14½	15	+ ¾
General Theatre 6s '40 ctf	15	14¼	15	+1
Keith B. F. 6s '46	87¼	86	86	—1¼
Loew's 6s '41 ww deb rights	105	104¾	104¾	.....
Paramount Pict. 6s '55	96¾	96	96½	+ ¾
Warner Bros. 6s '39 wd	81	79½	81	+ ½

(Quotations at close of Oct. 3)

Insiders' Outlook

By RED KANN

"MUCH substantial and clear-thinking opinion is for a code, voluntarily conceived and operated. But the case of having their cake with no desire to eat it is neatly blocked by advice of counsel. The lawyers are afraid. They are afraid because of the anti-trust laws which they view as too great a problem to hurdle. It is their analysis that formulation and functioning of a voluntary code will make its signatories themselves responsible in the event conspiracy suits are launched. . . .

▼

"These suits are anticipated. One authority who knows the ins and outs of this industry and much about the brain processes which are part of it refuses to waver in his prediction that a deluge of legal actions is about to descend upon the heads of major producers and distributors, with or without code. This being at all true, the reluctance on the part of lawyers to recommend a move along lines of voluntary codification, carrying with it the perils they foresee, becomes understandable and at once regrettable. . . .

▼

"The day when no control except through legalistic redress prevailed would mark a deplorable return to archaic methods. Voluntary arbitration may furnish the answer; many there are who believe so. Perhaps the Film Board system, in its old, or in revised form, may turn the trick; Charlie Pettijohn is sure of it, which we are not. Sentiment in the field is decidedly mixed, some viewpoints arguing strongly for a voluntary method of solving difficulties, others preferring the wide open era of some years back when might, which is buying power in this industry, ruled dictatorially and ruthlessly from its throne on high." . . .

▼

If you should happen to be grouped in the faithful reader category, this may carry a faintly familiar ring. It appeared in this column as far back as June 24 when, the code legally disposed of by the United States Supreme Court, speculation was much of the moment as to the future deportment of this industry and its trade practices. It might have been written afresh yesterday when came to light a completely authenticated story demonstrating that hopes for a voluntary industry code were rapidly subsiding. . . .

▼

Exhibitor sentiment, it appears, is "especially strong for the development of local organizations empowered to settle local problems with a minimum of home office participation. The idea suggests strong local exhibitor organizations with representatives designated to deal with local distributor organizations to which full authority has been granted by home offices to act in settling of controversies." Such is the reflected hope of various of Ed Kuykendall's M.P.T.O.A. affiliated units. Naturally, exhibitor associations, in their own area, want all the strength they can muster. Natural, then, is their sentiment suggesting "a definite abandonment of the idea of adopting a voluntary industry code for reasons of impracticability and lack of advantages to be derived." . . .

▼

Understandable as well is the normal desire of New York and its home offices to maintain the sphere of their influence and authority throughout the field. That places one group pulling in one direction and the other, also in one direction, but not at all necessarily the same. It seems to us a necessity that some set of rules of fair play be set forth to which the industry and its component parts must subscribe if more disorder than now prevails is not to run unbridled. The code, with its faults, rated consideration for its merits. Largely, it was a hefty-sized policeman on duty much, if not all, of the time cloaked with the authority to preserve a reasonable semblance of peace and quiet. Apparently, this seems to be the sort of a business requiring patrolling. . . .

Bay State Tracks Open

BOSTON, Oct. 3.—Theatres are in for another stretch of pari-mutuel competition. The Suffolk Downs horse track in East Boston, the Wonderland dog track at Revere and the Agawam horse track near Springfield have reopened for the fall meets.

Korda Completes First

LONDON, Oct. 3.—Alexander Korda has completed his first on the current schedule for U. A. release, "The Man Who Could Work Miracles."

Combine for Plays

B. P. Schulberg, now producing for Columbia, and Marion Gering, director, have formed Schulberg-Gering Stage Prod., Inc., and will plan as their first show "Tapestry in Gray," by Martin Flavin. Elissa Landi will be featured.

"Surrender" Out Nov. 11

"Sweet Surrender" will be released by Universal on Nov. 11, said James R. Grainger, general sales manager, before leaving for the coast.

Zanuck Reorganizes His Producing Staff

HOLLYWOOD, Oct. 3.—Darryl F. Zanuck has reorganized the Twentieth Century-Fox production staff in a way that eliminates supervisors and puts all pictures in charge of associate producers. William E. Goetz, as executive assistant to Zanuck, heads the new group.

At the Westwood plant six producers will function. They are: Nunnally Johnson, Raymond Griffith, Kenneth Macgowan, B. G. DeSylva, Henry Duffy and Bogart Rogers. Sol Wurtzel will have John Stone and Edward T. Lowe as his aides.

Other production executives are: J. J. Gain, studio manager; Julian Johnson, story editor; William B. Dover, personnel manager; Fred Metzler, studio treasurer; Edward Ebele, production manager; William Darling, art director, and Lew Schreiber, casting director.

Signs Mark Kelly

HOLLYWOOD, Oct. 3.—Mark Kelly, formerly sports editor of the *Los Angeles Examiner,* has been signed to a long term writing contract by Darryl F. Zanuck for Twentieth Century-Fox.

Chattanooga Sunday Openings Legalized

CHATTANOOGA, Oct. 3.—Sunday films have been legalized by the City Commission starting not earlier than Oct. 13. The vote on final passage was four to one with Commissioner of Education T. H. McMillan casting the only opposing ballot.

Ministers of the city appeared before the commission and argued against the proposal.

Phila. Musicians Settle

PHILADELPHIA, Oct. 3.—The anticipated settlement of the difficulty between musicians and the Earle calls for six basic men in the pit and 20 on half time, or an orchestra of 16 at all times. The Fox has 15 regularly and 20 half time. The musicians originally asked two orchestras on part time, but the theatres refused due to rehearsal difficulty. The use of a basic number of full time men at each show is believed to have overcome this objection.

Judge Mack Returns

Federal Judge Julian W. Mack returned yesterday from a six weeks' European vacation and is expected to set a date for the hearing of applications for more than $800,000 for fees and expenses in the Fox Metropolitan reorganization within the next week. Judge Mack has had jurisdiction over the Fox Met rehabilitation since the inception of its receivership early in 1932.

Name Mexican Board

MEXICO CITY, Oct. 3.—The Government has appointed a Federal board of conciliation and arbitration to handle the film strike against American distributors. The board expects an early settlement but indications here are that negotiations will be lengthy.

Charter Library Firm

ALBANY, Oct. 3.—International Library of Visual Aids, Inc., has been chartered by Karl R. Miner, George F. Kumpf and Gertrude Meagher.

N. Y. CRITICS SING PRAISES OF WORLD'S GREATEST TENOR!

Martini hailed in masterpiece of melody, drama and romance

"Youthful, engaging Nino Martini brings down the house!" —*N. Y. Daily Mirror*

"Mr. Martini possesses the finest tenor voice ever to grace a picture. To miss him is to miss the musical high point of the picture year." —*Liberty*

"Mr. Martini has a magnificent voice. The picture is lilting entertainment." —*N. Y. Eve. Journal*

"'Here's to Romance' deserves naught but praise. Martini's soaring notes register with pristine beauty." —*N. Y. American*

"A magnificent voice . . . something really remarkable!" —*N.Y. Morning Telegraph*

"Nino Martini's is a glorious voice...brings a real thrill to his listeners."—*N. Y. Daily News*

"Nino Martini's magnificent tenor beguiles the ear, stirs the imagination as it soars from the sound track." —*N. Y. Times*

"Nino Martini sings his way into your heart . . . brought as many cheers as a quarterback on a 90-yard run. He'll go far!" —*N. Y. World-Telegram*

A sensation at the Center Theatre (Radio City) New York's new, long-run screen Hall of Fame!

Here's to Romance

A JESSE L. LASKY PRODUCTION
with

NINO MARTINI
GENEVIEVE TOBIN
ANITA LOUISE
MARIA GAMBARELLI
SCHUMANN-HEINK
REGINALD DENNY
VICENTE ESCUDERO

Directed by Alfred E. Green. Screen play by Ernest Pascal & Arthur Richman. Original story by Ernest Pascal & Sonya Levien.

A FOX PICTURE

The happiest month of your life...

NOVEMBER 1935



20th CENTURY FOX



LOVE LETTERS

for Joan Crawford



"Welcome to Broadway, Joan! Just in time for these mash notes about your new hit— 'I LIVE MY LIFE!'"

Advertising Slant

"Chalk up another for M-G-M's greater season of hits. Real box-office triumph for Crawford, Aherne and W. S. Van Dyke. Sure hit. Will keep them coming in droves."
—*Hollywood Reporter*



"The finest and most entertaining Crawford picture in years. Brian Aherne will be in solid with your patrons following this picture. W. S. Van Dyke responsible for up-roariously funny, human and most natural film."
—*Joe Blair, Showman's Trade Review*

"One of new season's entertainment bets. 'Word-of-mouth' will send it soaring among the highs."
—*M. P. Daily*

"Joan Crawford turns in finest performance of her career. Perfect for any theatre and should pile up neat grosses. Will no doubt find hold-overs in most key spots."
—*Billboard*

P. S.—And, Joan dear, come up to the Capitol while you're in town to see another grand M-G-M hit. WALLACE BEERY, JACKIE COOPER in "O'SHAUGHNESSY'S BOY."

Giveaways Are Credited With Chicago Gains

(*Continued from page* 1)

neighborhood spots. At the present time, with the giveaway games, the big houses are filled several times a week, as are the smaller houses, and everyone is happy. When Bank Night awards reach a high figure grosses for one night often equal or exceed those of a normal week. The plan now in use, demanding that all who participate in the Bank Night award have tickets, has increased grosses to a great extent and now all standees hold tickets which are good for any other night they may wish to use them if they are unable to get in on the night of the drawing.

One of the important executives of a local theatre group which has 200 members said:

"If it were not for the giveaway games double features would come back and that would be no less than a catastrophe at this time. If the games hold up, we can expect to get squared away in good shape, because it looks as though the line of new product is better than we have had for some time and that is the salvation of the whole situation."

A check among theatres shows that interest in the various games has waned very little. While it takes a big Bank Night award to draw a heavy crowd, the average gross is still high and Screeno, which is used in each house twice or three times a week, continues to draw a steady patronage considerably over the average without the game.

While other cities are having legal difficulties over the games, Chicago theatres have had none.

California Expects No Tax Boost Move

SACRAMENTO, Oct. 3.—A special legislative session to raise funds to reduce the $79,000,000 expected California deficit may be out of the picture.

Controller Ray L. Riley and other sources predict the proposed special session will not come because anti-severance tax sources and anti-admission tax people were fearful blows might be struck at them. Both revenue sources were turned down by the last session of the legislature which ended here this summer.

To some extent the special session still depends on how strong are Gov. Frank F. Merriam's ambitions to be president or vice-president. If he has those ambitions and wishes to clear up his "own backyard" to avoid criticism, he must call the special session.

Town Argues Over Films

RIDGEFIELD, Conn., Oct. 3. — Town officials are split on the leasing of Town Hall for films. First Selectman Winthrop E. Rockwell is the leader of the opposition and doubts that the town would benefit from such a move. George G. Scott, town clerk, is leading the backers of the plan and takes the stand that citizens should not be forced to go to Bridgeport or Danbury when they want to see a show.

The matter is expected to be referred to the voters Oct. 7.

Basso Profundo

An anti-noise campaign is an anti-noise campaign even though a taxi bumps Leon Leonidoff's automobile.

Leonidoff, according to the police, expostulated in overtones somewhat resembling the fortissimo of the Music Hall organ, instead of using his customary vocal modulation.

Yesterday he sent word to Magistrate Klapp that he was rehearsing a ballet, and could he have a postponement? It was granted until Tuesday.

Individuals in Trust Cases Not Uncommon

(*Continued from page* 1)

Government believes there has been a conspiracy in restraint of trade. Civil suits usually are brought where a number of concerns join in activities which restrain trade in violation of the law. Civil suits may be settled by consent decrees under which the defendants agree to discontinue their illegal practices, but criminal proceedings, of course, terminate only with a verdict.

Since the enactment of the Sherman Act in 1890 to June of this year, the Government has brought a total of 419 proceedings, 235 of them civil and 184 criminal, of which 390 have been terminated, 66 of them only after appeal to the U. S. Supreme Court. Of the 235 civil proceedings brought, 60 terminated in decisions and 100 in consent decrees. Of the 184 criminal proceedings, convictions have been secured in 92, involving 2,587 defendants, who were fined a total of $2,321,384 and sentenced to prison for terms aggregating some 446 months.

It was pointed out that these figures indicate that about 40 per cent of all anti-trust proceedings are criminal and that convictions are secured in 50 per cent of the cases.

Company Union Fear Bars Long 306 Pact

(*Continued from page* 1)

settled the new pacts between circuits and Local 306 will be signed, probably within a day or two. The union's negotiating committee will meet next with the larger independent circuits, such as Skouras, Randforce, Fabian and others. The Roxy is also waiting to negotiate a separate pact.

Negotiations for the merger of Allied M. P. Operators' union with Local 306 are progressing slowly and may require several months, it was said.

Close Projector Deal

Walter O. Gutlohn, Inc., producers and distributors of 16 mm. films, yesterday stated he had closed a deal with the RCA Mfg. Co. to sell projectors to churches and other institutions on a dual contract. Contracts signed will include the booking of ten 16 mm subjects for non-theatrical presentation. Gutlohn stated he has the exclusive 16 mm rights to the product of various companies including Pathe, Monogram, Master Arts and Mascot serials. At the present time over 100 pictures are ready for distribution, he added.

KAO Seeks Details In Skouras Action

Keith - Albee - Orpheum and the RKO 81st Street through Leon Goldberg, treasurer, filed an application in N. Y. Supreme Court yesterday for a bill of particulars from Skouras Theatres Corp. in the latter's action against the RKO theatre and Twentieth Century-Fox.

Goldberg's affidavit explains that the action is one for damages allegedly caused by the acts of the defendants, other than Twentieth Century-Fox, and that the bill of particulars was necessary in order to prepare for trial. The affidavit explained further that the plaintiff is seeking a specific enforcement of a contract between Skouras and Twentieth Century-Fox which will necessitate a permanent injunction restraining the RKO 81st St. from exhibiting any Twentieth Century-Fox picture until seven days after it has been exhibited at the plaintiff's Riverside, Nemo, Riviera and Japanese Gardens.

Goldberg is demanding that the counsel for Skouras state each and every occasion during the 15-year period preceding Nov. 21, 1931, that Fox pictures were exhibited at the plaintiff's theatres and numerous other detailed contract data. A hearing on the RKO application was set for today before Justice William P. Collins. Skouras has obtained a temporary injunction and his application to have it made permanent is scheduled for Oct. 21 or soon thereafter.

Bay State Theatres Watch Beano Attack

(*Continued from page* 1)

the players are being victimized by racketeers. Promoters sell the idea to charitable groups on a promise of 50 per cent of the receipts, it is said.

The games got their start when the Legislature legalized Beano, bridge and other games for money prizes where the proceeds are for charitable, civic, educational or religious purposes, but Federal officials point out that this does not affect the Post Office Department's power to bar the mails to anything concerning them.

Federal moves have not altered plans of the American Legion to hold a Beano sweepstakes, tickets for which are now being sold.

In the midst of the general agitation Ernest Michelfelder, assistant manager of the Capitol at Fall River, has been fined for conducting a drawing on the stage after selling numbered tickets.

Broadcast Mouse Talk

An international telephone conversation between Hollywood and Paris in celebration of Mickey Mouse's seventh birthday will be broadcast this evening at 6:30 (Paris Time) in France as part of the anniversary celebration now in progress throughout Europe. Conversation is to be held between Walt Disney at Hollywood and Pierre Wolff in behalf of the French newspaper, *Paris Soir*.

File Amity Judgment

A judgment for $4,492 was filed yesterday in the N. Y. Supreme Court in favor of the N. Y. Amity Exchange, Inc., against Essenem Pictures Corp. for money due on contract to exhibit 49 features. The contract was dated June 1, 1934.

Local Control For Industry Rule Favored

(*Continued from page* 1)

every exchange center, the M.P.T.O.A. leaders believe, and, with sufficient authority delegated to them by home offices, could adjudicate in joint hearings with local exhibitor representatives, virtually every trade practice complaint arising locally.

These views were expressed in replies to an M.P.T.O.A. bulletin issued last July which requested members of the national organization to state what they believed could and should be done by way of trade practice regulation following the demise of the NRA code. The responses disclosed an almost complete lack of confidence in or support for a voluntary industry code, but reflected the view that the bulk of trade practice complaints could be adjusted satisfactorily in the territories in which they arise by properly delegated groups of exhibitors and distributors, each acting in its own territory.

Ed Kuykendall, M.P.T.O.A. president, is now engaged in gathering additional views on trade practice regulation in a tour of large mid-western cities. His findings in the course of the trip will be presented in the form of a report and recommendation on M.P.T.O.A. policy on future trade practice regulations at a forthcoming meeting of the M.P.T.O.A. board.

"Melody" and Fight Held in St. Louis

ST. LOUIS, Oct. 3.—Harold ("Chick") Evens, manager of Loew's State, is holding over "The Broadway Melody of 1936" for a second week. The Louis-Baer fight pictures also continue for a second stand.

The house, which has an average of $12,000, had approximately double this figure by tonight. The musical is running neck and neck with the take on "China Seas," which played during August and which did a big matinee trade because of the summer school recess.

The State last week finished celebrating its 11th anniversary. After "The Broadway Melody of 1936" a double feature comprising "O'Shaughnessey's Boy" and "Bonnie Scotland" comes in. Every now and then a twin bill is programmed at this house. Prices will remain as it.

Heiman Wins Right To Orpheum Appeal

Judge Murray Hulbert in Federal Court yesterday allowed the petition of Marcus Heiman, trustee in bankruptcy for Orpheum Circuit, Inc., for an appeal to the Circuit Court of Appeals from an order which recently denied the trustees' petition to bring certain suits on behalf of the circuit.

Capt. Varges Injured

Capt. Ariel Varges, Hearst Metrotone cameraman, has been injured at Addis Ababa. While standing on the palace steps during an address by Emperor Haile Selassie he was caught in a rush of excited natives. His right knee was badly strained, but he returned to work.



FOR TEN YEARS IT TOPPED

THE LIST OF THE WORLD'S MOST

TALKED-ABOUT STAGE PLAYS

LIONEL BARRYMORE

IN

THE RETURN OF PETER GRIMM

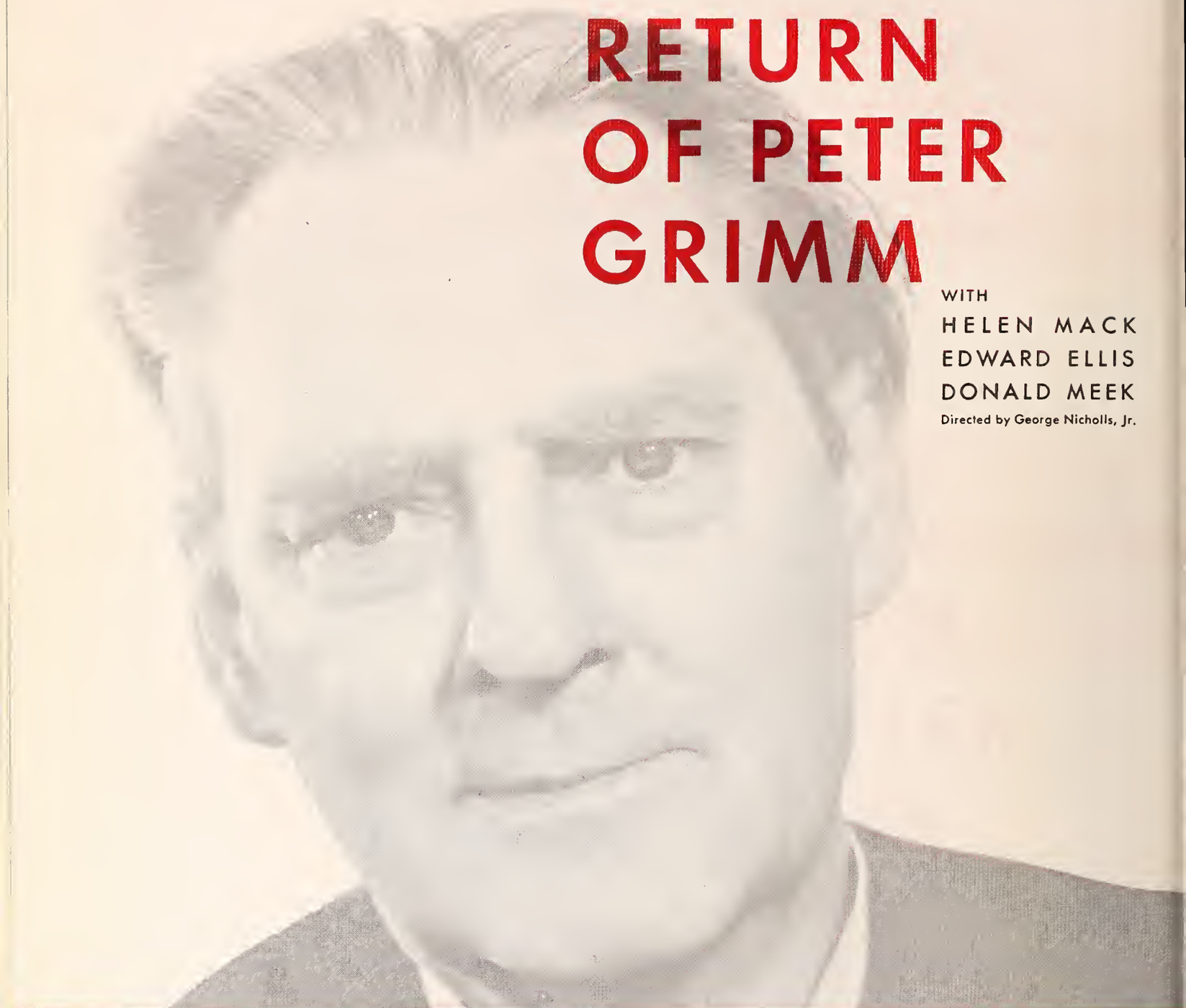
WITH

HELEN MACK

EDWARD ELLIS

DONALD MEEK

Directed by George Nicholls, Jr.



DAVID BELASCO'S GREATEST SUCCESS . . . BRILLIANTLY BROUGHT

TO THE SCREEN TO THRILL THE HEART OF EVERYONE WHO HAS

EVER WONDERED ABOUT LOVE AND LIFE AND HAPPINESS . . .

RKO-RADIO PICTURE

PRINTED IN U.S.A.

Court Denies St. Louis Plea For Mistrial

(*Continued from page* 1)

by Reed, which were overruled by Judge Moore. Hardy took about two hours to complete his opening speech, which was made from a series of notes, while Reed spent approximately three hours to read his typewritten statement, which was uncompleted when court adjourned at 5 o'clock. Reed will resume tomorrow morning, with counsel for Paramount and then RKO following. Judge Moore announced at the end of today's session that the trial will resume in Federal Judge Davis' courtroom on the third floor in order to accommodate the great number of witnesses, lawyers and spectators who for four days have crowded the small court on the fourth floor of the post office building here.

Because of the lengthy opening speeches by Hardy and Reed no witnesses were able to take the stand today and it is doubtful whether any will be put on tomorrow.

Reads Indictments

Hardy opened his two-hour talk to the jury by reading the indictments handed down last Jan. 11 against 10 companies and six individuals. He said the defendants tried to coerce, intimidate and compel Fanchon & Marco to sell the Ambassador, Missouri and New Grand Central to Warners, adding after he read the indictments that this was not evidence but simply an outline of the facts of the case.

The Government counsel stated that the three companies, Warners, Paramount and RKO, represented more than 50 per cent of the entire film business and that their combined assets amounted to more than $660,000,000. Reed objected to this as immaterial but was overruled. RKO and Paramount then noted their objections. Continuing, Hardy asserted that the film industry is the sixth largest, following which objections were made by defense counsel and overruled by the court.

"Warners is the largest of the three groups," Hardy stated, "and has six corporations and three individuals indicted. The company is in business about 12 years and in 1934 produced 16 per cent of all first class pictures."

Warners have assets of more than $168,000,000, Hardy said, and again objections by Reed and other defense counsel were overruled. The Government then stated Warners have 581 or more of the finest theatres in the country and again objections by Reed, Gentry and Jacob M. Lashly were denied by Judge Moore.

Hardy Traces History

Hardy then started to relate the history of the various companies and also the positions of various individuals indicted. He took Harry M. Warner's history first, stating that Warner was president, director and official of Warners and its subsidiaries; that he has been engaged in the business for 30 years or more and that he is a powerful and dominant figure in the industry. Herman Starr was next. He was said to be vice-president and director of Warners, president of First National and one of the principal executives of the corporation. Hardy stated Starr was in the business 20 years and his connection with the case centers about real estate and bond dealings.

Abel Carey Thomas, according to Hardy, is a director and secretary of Warners, a lawyer and general counsel, and has been with the company 11 years. The government lawyer said the evidence will show that Thomas has taken a leading and aggressive part in the case.

Gradwell Sears was described as western and southern sales manager for Warners, which includes the local territory, and has been in the business about 15 years or more.

The second group named by Hardy was Paramount, which he said has three corporations and one individual indicted. The special assistant attorney general then stated "These Paramount companies are part of a gigantic corporate cluster," and got no further when Gentry interposed to make an objection, which was overruled. Continuing, Hardy added that Paramount in 1934 produced more than 15 per cent of the first class pictures and has more than 12,000 theatres. Objections were again made and overruled. The government attorney declared that Paramount has more theatres than any other company in the world, to which Gentry vehemently objected. The court sustained Hardy, who then held that Paramount has $405,000,000 or more. This statement brought another objection by Gentry, which was overruled.

The special assistant attorney general asserted that at one time Warners and Paramount, through a subsidiary, were engaged in exhibition at the Ambassador, Missouri, and Grand Central, and until August, 1934, Paramount pictures were used at these houses. George J. Schaefer was described as vice-president, general manager and a director of this company and in the industry 12 years.

RKO was the third and last analyzed by Hardy, who started by saying, "This group is part of a gigantic cluster," to which Lashly voiced objections which Judge Moore overruled. Lashly objected on the ground that there is no testimony in effect to support the statement, which he regarded as highly prejudicial and made to inflame the passion of the jury. In 1934, Hardy continued, RKO produced 13 per cent or more of the first class films and this company, he said, has assets of $92,000,000 or more. Reed then took the floor to object but got nowhere. RKO has about 100 theatres, the Government lawyer said, and again Reed objected, with Lashly joining in, declaring Hardy's statement was "manifestly improper." Moore again held in favor of the Government, which continued by stating that until August, 1934, RKO films had been shown at the three local houses.

Hardy then declared Depinet is president of RKO, that he has been in the industry 25 years and that he has furnished active and indispensable and effective assistance in the alleged conspiracy to crush out of business these three theatres.

Local Field Analyzed

After his brief resume of the indicted individuals and corporations Hardy went into the history of the local theatre field, declaring the evidence will show that Warners wanted to take the Ambassador, Missouri and New Grand Central away from Allen Snyder and F. & M., who had won in the bidding for the leases after Warners and Paramount, which had been operating the trio under a subsidiary, dropped them. To accomplish this purpose, Hardy said, Warners obtained the assistance of RKO and Paramount. The government counsel then outlined many of the details of various deals made in regard to three theatres; the part played by Skouras Super Theatres in 1928, and bringing the picture up to date. When Hardy used the word "legerdemain" Reed objected and was sustained. The former Senator was also upheld on an objection to Hardy's reference to "the acts being continued up to now by the defendant."

Mistrial Motion Denied

Summarizing, Hardy declared that last year the three defendant companies produced 48 per cent of all first class pictures, which are necessary and indispensable for the operation of first run theatres. He then added that film rentals paid each year totaled $220,000,000, to which objections were made and overruled. He then asserted that 72,000,000 feet of film is shipped each year. After this Reed strenuously objected on the ground the statements were outside of the indictment and moved for a mistrial because of misconduct on the part of the prosecutor. Judge Moore overruled the ex-Senator again. When Hardy said the evidence will show that "the three defense companies combined in a conspiracy," Frederick Wood made a motion for a mistrial, claiming the Government was trying to prejudice the jury and again Judge Moore refused to grant a new trial. Before closing, Hardy stated there are 86 theatres in St. Louis, seven of which are first runs, 10 second runs and 69 subsequents.

Before Reed took the floor at the

(*Continued on page* 10)

On the Lighter Side

St. Louis, Oct. 3.—Gradwell L. Sears' mother, who operates the State, Nashville, Ill., is constantly by the side of her son during the trial now unfolding in Judge Moore's Federal Court, Part 2.

The judge's office is on the third floor of the old Post Office Building, but the courtroom itself is on the floor above. Yesterday, Mrs. Sears was in happy spirits in the corridor during the lunch recess and in the group were Sears, George J. Schaefer, Jules Levy and Ned E. Depinet.

✚

Judge George H. Moore is now a Motion Picture Daily reader. An airmail copy of Wednesday's edition engaged his attention for five minutes during a court recess this morning.

✚

U. S. Marshal William B. Fahy of the eastern division has charge of the court and manages to keep a quiet audience during the sessions. E. H. Musgrave of Carutherville, W. A. Jacobs of Monroe City and Champ C. Steers are the three bailiffs assisting the marshal.

✚

Spyros Skouras was out of sorts yesterday morning when his infected toe started paining him. As soon as he was relieved a bit he changed and was his old self again. His right foot is swathed in bandages which makes it necessary for Spyros to have a patch of leather cut away near the large toe.

✚

Harry M. Warner was in a bad way for a smoke during one of the recesses yesterday. Herman Starr came to the rescue. He broke his only cigar in two, giving Warner the smaller half. Both strolled the corridor of the fourth floor happy in their solution to what promised to be a nicotine problem.

✚

Louis Phillips, lawyer for Paramount, and I. Levinson, lawyer for Warners, were officially introduced to Judge Moore in court yesterday morning as members of the New York City bar.

✚

Ned E. Depinet, Jules Levy and Cresson E. Smith are fastidious patronizers of the Hotel Statler's food during the lunch periods. While the World Series is on, this hotel has a "graphoboard" which gives play-by-play action of what is taking place on the diamonds in Detroit and Chicago.

However, it has all been arranged so that the latest scores find their way into the courtroom periodically.

✚

Joseph Garrison, local branch manager for Universal, is one of the many who makes a dive for Motion Picture Daily as soon as it drops off the New York plane. Some of the boys, including Maurice Schweitzer of Paramount and Harold W. (Chick) Evens of Loew's State couldn't believe they could get such fast service on delivery, but now they know better. They're convinced.

✚

Reports are current that Harry Arthur plans to reopen the New Grand Central on Grand Ave. with duals, second run, shortly. Arthur couldn't be reached for checking.

✚

H. W. (Chick) Evens, manager of Loew's State, is a daily visitor. He hasn't been summoned, but just drops in at Judge Moore's court to greet old friends. "Chick" has been here for five years now and recalls the days when Arthur Schwartz, who writes the music for the lyrics Howard Dietz concocts, was a fraternity brother at New York University.

Psychic?

St. Louis, Oct. 3.—Erwin Weber is in the garage business in St. Charles. Aside from a knowledge of transmissions and crankcases, he must also be psychic. And this is why:

He was part of the panel drawn in the Government trial. Interrogated by Samuel W. Fordyce, of counsel for Paramount, as to whether or not he had talked over the case, Weber replied he had and that he had told his friends he was afraid he would be named for the jury. He was right after all.

Court Denies St. Louis Plea For Mistrial

(Continued from preceding page)

afternoon session for his dissertation to the 12 jurors and two alternates, the defense attorneys made another attempt to get the Judge to declare a mistrial, but without success.

Prior to introducing Warner, Starr and Sears to the jury, Reed, in his opening remark, said, "This is a battle between two groups of motion picture men and the Government has seen fit to side with one group. From the evidence we will prove that the ones in conspiracy are those represented by the Government."

Prejudice Charged

Reed said that the franchise with Skouras Super Theatres was a loan terminated at the time Skouras lost the three theatres involved; that Skouras Super Theatres was unable to pay rent to the landlord or film rentals and that instead of Paramount and Warners trying to destroy the theatres they put up more than $500,000 to keep the concern running. He said the three leases were made in boom days at an annual rental of $500,000. When the houses began to lose money in 1929, Paramount and Warners poured money into the company until they could do no more. He said film rentals for the Ambassador, Missouri and New Grand Central were not paid and when the franchises were canceled Skouras Super Theatres owed the two distributors more than $500,000,

Several times during Hardy's talk objections were made on the ground that the Government was trying to prejudice the jury because of the great wealth of the companies. Moore put an end to this type of objections by saying "It's no crime to be poor and it's no crime to be rich."

A number of times during Reed's lengthy speech, Hardy made objections that the points being stressed were outside the issue. Moore said he could not tell until later and as a result the former Senator continued reading the typewritten sheets.

Alternates Selected

Reed delved into the complete history of Warners, relating how the four brothers, Harry, Albert, Sam and Jack, formed the company in 1923, how Vitagraph was purchased for distribution purposes a year later and how in 1925 the company became interested in the experimentation on talkers. He said Warners' initial investment in this city totaled about $3,500,000 and that later the company put more money into the local theatre field. A great deal of time was devoted to the history and connection of Harry Koplar in local theatre companies, with Reed pointing out the difficulties Warners have had in their business relations with him. During the last half-hour of his talk, Reed became so impassioned that he stamped his left foot and waved his hands to emphasize certain points.

Only two five-minute recesses were granted today and it was indicated by Judge Moore that all sessions hereafter will end at five instead of the usual four o'clock.

Harry Mannist, 52, agent for a millinery manufacturing firm plant here, and Oliver Brueseke, 48, circulation manager of a monthly druggist's publication here, were selected as two jury alternates after five others had been interrogated from a list of seven. Louis Miller, 44, employed at a manufacturing plant at Ironton; J. Russell Bley, 29, a local agent for the New York Life Insurance Co., and Edward H. Lewis, 68, local retired post office clerk, were dismissed after examination, while Robert Fenwick and N. R. Wreden, local men both, were not examined.

SCHUMANN-HEINK
"HERE'S TO ROMANCE"
WILLIAM MORRIS OFFICE

Lupe Gets a Poke

Buenos Aires, Oct. 3.—Tempestuous Lupe Velez didn't like something or other in a Cordoba theatre, according to local report, and said something in a loud voice to the manager and a group of players backstage.

In New Yorkese she took a poke in the eye. What they call it in more refined Argentinian parlance is something else.

Thornburg Goes Home

St. Louis, Oct. 3.—Don Thornburg, former Marshalltown, Ia., theatre operator, who is now suing major distributors alleging inability to buy product for the Family and Strand in that city, left for home today after sitting in on the courtroom deliberations.

Blumenstock Looks In

St. Louis, Oct. 3.—Mort Blumenstock, advertising manager of Warner Theatres, arrived today for the advance campaign on "A Midsummer Night's Dream," which opens at the Shubert Oct. 25. He spent the morning at the anti-trust trial.

Starr Silent Upon Warner Suits Here

St. Louis, Oct. 3.—Herman Starr today refused to comment on three mismanagement suits filed against Warner Bros. Pictures, Inc., in New York in the last two weeks, declaring the actions were new to him as well as to Harry M. Warner.

IEPA Meets Oct. 22-23

Milwaukee, Oct. 1.—The first annual meeting of the Independent Theatres Protective Assn. of Wisconsin and Upper Michigan will be held Oct. 22 and 23 at the Plankinton hotel in this city. George Fischer, Milwaukee, is chairman of arrangements.

"U" Delays Holt Film

Hollywood, Oct. 3.—Universal has postponed the filming of "Captain Commanding," in which Jack Holt will star, in order to allow Holt to go to Twentieth Century-Fox for "The Littlest Rebel."

Purely Personal

At The Tavern yesterday, generously sprinkled about:

David M. Loew, Joe Vogel, Eddie Grainger, Terry Ramsaye, Tom Wiley, Bill German, Jack Goetz, Arthur Gottlieb, Frank J. A. McCarthy, Mitchell Klupt, Abe Schwartz, Ed Fay, Lowell Calvert, Charles Bonns, Herman Robbins, Sam Dembow, Jr., Jim Clark, Jimmy Cunningham, Frances Gross, Ann Unger, Bruce Gallup, Buddy Morris, Don Hancock, Claude Saunders, Amedee J. Van Beuren, and Frank Snell.

•

Lynn Farnol, whose favorite advertising agency is Donahue & Coe, is applying film technique to his exploitation of Invisible Glass with results pretty swell. Invisible Glass eliminates reflection and, where jewelry is concerned, increases the desire to reach out for and walk away with flawless diamonds and such. The results, however, are usually bruised knuckles.

Quip of the Day

Bob Goldstein, that funny saloon owner, was at The Tavern for lunch the other day. The waiter inquired about dessert.

"Ice box cake?" he suggested.

"What kind? Kelvinator or Frigidaire?", asked Goldstein.

"Kelvinator."

"Don't want it. I use General Motors products exclusively."

Ralph Rolan, ex-football player, is hobbling about with a cane. On the gridiron, years ago, he knocked his sacro-iliac* out of joint. The current difficulty is a recurrence of the old trouble.

•

Lillian Hellman, playwright, and William Wyler, director, left yesterday for Hollywood for the Goldwyn studios where they will start work on a forthcoming production.

•

John Ojerholm has been named manager of the Hecht-MacArthur production unit which is about to start "Soak the Rich" at the Eastern Service Studios.

•

Ruth Weston, having completed a role in "Splendor," Samuel Goldwyn's latest, arrives here today and will prepare for stage appearances.

•

Charles Winninger was made a Kentucky colonel yesterday just before he left for the coast to play a captain in Universal's "Showboat."

•

Francis E. Faragoh, writer, who has been spending the summer on his Connecticut farm, will leave for the coast in a few days.

•

George W. Weeks has left on a tour of Pittsburgh, Cleveland, Toledo, Detroit, Chicago and Milwaukee. He is due back in two weeks.

•

C. B. Glasscock's "Lucky Baldwin" has been purchased by Universal as a vehicle for Edward Arnold.

•

Jack Goetz has forsaken Rockland County for life as it is lived in a New York apartment.

•

Arthur Gottlieb returns to Toronto in a couple of days. Production keeps him busy there.

•

Harry M. Goetz expects to leave for the coast any day now.

•

Ina Claire hits town today from Hollywood.

•

. . . Denver

C. W. Kelley recently sold his Park at Greeley, Col., and has now purchased the Simons in Las Animas, Col., from Mrs. Clyde W. Simons.

Paul Hoppen, owner of the Plaza and Palace, and C. U. Yaeger, are attending the World Series.

Robert Maple, Gem owner, is fishing in northern Colorado and Wyoming.

Marvin Cohen, shipping clerk at the Universal exchange for several years, has resigned to enter the jewelry business.

Roland Lutz, owner of the Denver Poster Exchange, has returned from Montana and Wyoming.

•

. . . London

Mark Ostrer, chairman and managing director of Gaumont-British, booked for New York, to inaugurate G. B.'s second-year American campaign. Micheal Balcon will follow.

Frances Marion among the holiday makers from Hollywood.

Sir Josiah Stamp, chairman of the London Midland and Scottish Railway and next president of the British Ass'n., will take the chair of the annual dinner of the British Kinematograph Society—the U. K.'s S. M. P. E.

Bill Lott, studio manager to A. T. P. at Ealing, is recovering from a major operation.

Paul Robeson on the *Majestic* for "Show Boat" in Hollywood.

•

. . . Pittsburgh

Ed Cochrane, who staged the Showmen's Variety Jubilee in Atlantic City, is in town doing publicity for "The Crusades."

William Blowitz, recent University of Pittsburgh graduate and son of Joe Blowitz, manager of Warners' Manor, is in Los Angeles doing publicity work for F.W.C.

Martyn Shearn, assistant in the Warner publicity office, is recovering from an appendix operation.

•

. . . St. Louis

William Moran, who operates theatres in Oklahoma City and also in Springfield, Mo., is understood to be planning to acquire a theatre in Lebanon, Mo., as well as other spots.

Ward Scott, Fox district manager, spent two days here with Rex Rheingold, local exchange manager, and then returned to his Kansas City headquarters.

Oscar Lehr will open the new Richmond at Richmond Heights Oct. 15. The theatre, which was converted from a store, will seat 650.

William Collins of the Collins circuit operating in Elvins, Canton and Thayer, Mo., and Metropolis, Ill., has opened his latest addition, a 700-seat house, named De Soto in De Soto, Mo.

**The sacro-iliac is that part of the bone structure which connects the sacrum and the ilium.*

3 *reasons why* PARAMOUNT HAS DECIDED TO REISSUE "IF I HAD A MILLION"

Reason 1 Played recently by Great States, Warner Brothers and Essaness in one theatre in each circuit—as a test of pulling power—picture did so well it was played in all the other houses. Business was 15 to 25 per cent above average.

Reason 2 All theatre managers reported picture was better received by audiences than when originally released.

Reason 3 There's a vast audience eager to see "IF I HAD A MILLION" for the second time. In addition, there are untold thousands who have never seen the picture who will welcome an opportunity to see it for the first time because they've heard so much about it.





You Can Make Money with "IF I HAD A MILLION." Get in touch with Your Paramount Exchange

"Top Hat" Is Kansas City 2d Week Top

KANSAS CITY, Oct. 3.—"Top Hat" continued to be a sensation through its second week, the take at the Newman going to $10,500, over par by $3,500.

"Call of the Wild" also was in the money with a gross of $12,100, up by $600, at the Midland, while "Accent on Youth" garnered a good $7,350 at the Newman.

Total first run business was $40,450. Average is $36,000.

Estimated takings:

Week Ending Sept. 26:

"TOP HAT" (Radio)

MAINSTREET—(3,100), 25c-40c, 2nd week, 7 days. **Gross:** $10,500. (Average, $7,000)

"CALL OF THE WILD" (U. A.)

MIDLAND — (4,000), 15c-40c, 7 days. **Gross:** $12,100. (Average, $11,500)

"ACCENT ON YOUTH" (Para.)

NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $7,350. (Average, $7,000)

"GIRL FRIEND" (Col.)

TOWER — (2,200), 25c, 7 days. Stage show. **Gross:** $7,000. (Average, $7,000)

Week Ending Sept. 27:

"STEAMBOAT 'ROUND THE BEND" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

Michigan Meet Delayed

DETROIT, Oct. 3.—Because several national leaders cannot be here and also because other conventions will crowd hotels, Allied of Michigan has called off the annual convention set for Oct. 21-23 and will soon set another date, probably during the latter part of November, according to H. M. Richey, general manager.

Congressman Samuel B. Pettengill, author of the Allied-sponsored anti block-booking bill, has agreed to come in November.

Takes Higher—Cullman

Howard S. Cullman, trustee for the Roxy, takes exception to a statement in MOTION PICTURE DAILY of Sept. 27 to the effect that the house was grossing around $5,800 a week before the present management took control.

The house never grossed as low as $5,800, Cullman asserts, and the average from Dec. 15, 1932, to Jan. 27, 1933, the period during which he was receiver before the present policy was adopted, was $23,830.75.

Schuele-Durkee Married

BALTIMORE, Oct. 3.—William J. Schuele, manager of the Belnord, and Miss Alva Marie Durkee, daughter of Frank H. Durkee, former head of Durkee Theatrical Enterprises, were married here Tuesday night and are now on a honeymoon trip to Bermuda. The ceremony took place at the First English Lutheran Church and was followed by a reception at the Southern Hotel.

Hess Starts New Firm

HOLLYWOOD, Oct. 3.—Jack Hess, until recently, publicity chief for Nat Levine, has opened an advertising and publicity agency in affiliation with Lou Greenspan.

The new firm has signed to do publicity for the William Morris Agency. It also will handle press books and publicity for Ambassador, Cameo, Excelsior and other independents.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Wings Over Ethiopia"

(*Paramount*)

HOLLYWOOD, Oct. 3.—Fascinating glimpses are given of the last unconquered kingdom of Africa, a vivid beleaguered land which has been little more than a headline in newspapers to most people. Interesting from start to finish, it should be a drawing card in all communities now that the Italo-Ethiopian war is on.

Shots from a Swiss airplane show the sun-drenched Mediterranean, the curved port of Alexandria, teeming native life in Cairo and Port Said, Luxor, in contrast to barren cliffs rising sheer from the desert which guards the high domain of Haile Selassie, 8,000 feet above sea level.

The trip to the interior shows the customs of savage tribes, including ceremonial dances and branding of children's cheeks, and makes vivid the impenetrability of the ravine-ridged hinterland. Addis Ababa is shown as a curious contrast of primitive direct action and modern equipment.

Impressive is the mobilization of barefooted troops, clothed in everything from white cotton robes to uniforms decked with precious stones, rich fabrics, waving lions' manes. Abrupt trials of murderers, their unceremonious execution, the gracious dignity of Selassie's palace, wailing of native rhythms from modern brass bands, and many other informative and humorous subjects grip the interest.

Maps at the beginning show the importance to Britain of Lake Tsana, source of the Blue Nile.

A narrative by Garnett Weston is excellent and is well delivered by Gayne Whitman. The film has ready-made exploitation on all front pages and will not disappoint.

Production Code Seal No. 1,565. Running time, 70 minutes. "G."

"Stormy"

(*Universal*)

HOLLYWOOD, Oct. 3.—Tapping the same emotional wells as "Sequoia," this distinctive and dignified production has definite heart appeal. A simple story tells of Noah Beery, Jr., table boy, and his love for a colt, foal of a racing mare.

Befriended by J. Farrell MacDonald after a train wreck in which the colt breaks loose to join a wild herd on the Painted Desert, young Beery raises the colt to stallionhood, and helps MacDonald fight his brother Fred Kohler, who is intent upon destroying the herd. In an attempt to roundup the horses Kohler is caught in a blind canyon and is trampled to death in the stampede.

A romantic theme introduces Joan Rogers, Kohler's daughter, whose link with Beery is their mutual love for horses. Henry MacRae produced and the direction was by Louis Friedlander. Both are decidedly class.

The scenery on the Painted Desert is used to the limit and the photography of Dick Fryer attains heights seldom reached, particularly in the stampede sequences in which hundreds of horses are pictured galloping in clouds of dust.

Beery and Miss Rogers show great promise for the future. George Plympton and Ben Graumon Kohn, who wrote the screen play from Cherry Wilson's novel, have done an intelligent job. The Arizona Wranglers provide musical interludes in keeping with the spirit of the picture. As a strong novelty feature, this looks like definite box-office, particularly after word gets around.

Production Code Seal No. 1,204. Running time, 68 minutes. "G."

Take Safe in Detroit

DETROIT, Oct. 3.—Thieves broke into the Aloma and carted the safe from the office. It was found the next morning in a lot more than five miles from the theatre, broken open and the week-end receipts, amounting to nearly $300, missing.

Lewton to U.A.

HOLLYWOOD, Oct. 3.—Val Lewton, personal story editor to David O. Selznick at MGM, is going to United Artists with Selznick in the same capacity.

Jacksonville Fees Up

JACKSONVILLE, Fla., Oct. 3.—Heavier occupational licenses on a number of businesses are proposed in an ordinance before the City Council. Theatres seating over 1,000 would be required to pay $200, and those seating 1,000 or less would pay $100 annually.

Lasky Returning Soon

HOLLYWOOD, Oct. 3.—Jesse Lasky will leave London Saturday by the *Empress of Britain* for Quebec, and will be in Hollywood on Oct. 16. He will not go to New York.

Short Subjects

"Pluto's Judgment Day"

(*United Artists*)

An extremely clever Mickey Mouse cartoon in Technicolor, this has Pluto, reprimanded by Mickey for chasing a cat, dreaming before the fire. His dream, of capture by the cat world, and trial before a cat judge and jury, eager to "get" him, and his descent into a pit of fire as punishment makes for unusual color effects and excellent cartoon entertainment. Pluto is cured of cat-chasing. Production Code Seal No. 1024. Running time, 7 mins. "G."

"Amateur Theatre of the Air, No. 2"

(*Radio*)

This second issue of the Major Bowes series is an effort of exceptional merit. Excellent camera work and cutting aid in putting it over. A one-man band, revue put on by children, a barnyard sequence and other acts are shown to their best advantage. Timely and with good musical accompaniment, it should be welcomed by most audiences. Highly recommended. Production Code Seal No. 0,559. Running time, 18 mins. "G."

"Stars of Tomorrow No. 2"

(*Columbia*)

Following the cycle of amateur hour shorts, this effort is merely a copy of a standard form. N.T.G. is the master of ceremonies and introduces his various acts. They respond with bewhiskered gags, get the gong; then follows the next. The usual assembly is present, hill billies, a torch singer, impersonators and part of the Hollywood Restaurant review. No production code seal. Running time, 11 mins. "G."

"Home Work"

(*Radio*)

The comedy element is introduced in this effort by young Delmar Watson as Leon Errol's son. Errol is a general information bureau. Getting home from the office, his son gives him a school problem to work on. Visiting neighbors help in a troublesome manner. The solution of the problem winds up the affair. It is good standard comedy fare and should be well received by general audiences. Production Code Seal No. 950. Running time, 19 mins. "G."

"Star Gazing"

(*Columbia*)

The Radio Rogues' imitations are the redeeming feature of this otherwise ordinary comedy. With their hotel being rapidly emptied the Rogues are hypnotized by one Svengarlic, who makes them put on an all-star show and then do some pocket-picking. The Rogues do better when they are not made up and presented to look like their imitations. Production Code Seal No. 1,113. Running time, 19 mins. "G."

Issue Campaign Book

M-G-M has prepared a 1935-36 institutional campaign book for distribution to theatres playing M-G-M product, which contains suggestions for advertising, publicity and exploitation material. It is designed as a more comprehensive book than last year's.

Building on Upgrade In British Columbia

VANCOUVER, B. C., Oct. 3.—British Columbia theatre building is gaining. Plans for two more suburban houses have been drawn. Langley Prairie, about 20 miles out of Vancouver, is to have a 300-seater in a building now used as a hardware store, and New Westminster will get a new 500-seater.

In Vancouver three new suburbans are under construction. The Dunbar, owned by J. Howard Boothe, will be opened some time this month and the Kingsway and an unnamed house on Broadway West will start operating before Christmas.

Meanwhile there is not a dark theatre in Greater Vancouver, with all first runs doing fair business and the grinds pulling on a 15 to 20-cent price range.

Schines Add Bucyrus Spot

BUCYRUS, O., Oct. 3.—The Schine circuit has just added another unit in its program of rapid expansion in Ohio, by acquisition of the State, a 450-seat independent house. Milton Bryer will continue as manager, and also will act as city manager. The Schines now dominate the town.

They purchased an uncompleted theatre building several weeks ago, the construction of which originally was started by the Moose Lodge in 1929, and subsequently was taken over by John Hoover, a Cincinnati contractor. This house is expected to be ready Jan. 1. The Southern, with 531 seats, is the only other theatre here.

Wehrenberg to Build

ST. LOUIS, Oct. 3.—The South Side Amusement Co., headed by Fred Wehrenberg, will soon call for bids for the erection of a 1,500-seat theatre at Grand Boulevard and Eichelberger St. at an estimated cost of $125,000.

Erection of the house will consolidate Wehrenberg's dominance of exhibition in that section of South St. Louis.

To Open New Orleans Palace

NEW ORLEANS, Oct. 3.—The Palace, formerly the Junior Orpheum, will be opened in two or three weeks as a negro theatre, with films and stage shows. It is a unit of a colored circuit throughout the south. White patrons will be taken care of on certain nights.

Start Natchez Theatre

NATCHEZ, Miss., Oct. 3.—Construction of the $50,000 Ritz has been started. Laz Abraham is president of the Ritz Amusement Co., which will operate the house. It is scheduled to be completed in two months.

Rebuild Balto. Marquees

BALTIMORE, Oct. 3.—The marquees of the McHenry and Garden in South Baltimore, Durkee houses, are being rebuilt with Neon lettering and decorating. The Avenue has been redecorated.

Open New Georgia House

COLUMBUS, Ga., Oct. 3. — The President, newest addition to the long chain of Martin theatres in Georgia and Alabama, has opened at Manchester. The theatre is modern in design and seats 600.

Acquire Pasadena House

PASADENA, Oct. 3. — California Amusement Co. has taken over the Fairoaks from Ray Peterson.

Out Hollywood Way

HOLLYWOOD, Oct. 3.—HAL ROACH sets Nov. 1 for start of "Alone, at Last," feature comedy with JIMMIE SAVO. . . . EDWARD SMALL picks "Yosemite," Indian story, as followup for "The Last of the Mohicans." . . . Warners' next musical, "Colleen," with RUBY KEELER, JOAN BLONDELL, HUGH HERBERT and JACK OAKIE.

JOHN F. WHARTON, vice-president and general counsel of Pioneer, and JOHN HAY WHITNEY here for short stay. . . . JOHN DICKSON has sold his interest in the Cardinal, St. Louis, and is looking over the local exhibition situation.

HARRY STERN, U. A. salesman, marries ROSE VINE, Denver. . . . RUTH WESTON, brought here by SAMUEL GOLDWYN for "Splendor," goes to New York to rehearse for "Wisdom in Women." . . . GORDON JONES, under contract to Reliance, marries LUCILLE VAN WINKLE.

DAVID O. SELZNICK editing "A Tale of Two Cities," his last for M-G-M. . . . ANITA KERRY goes into "Freshman Love," Warners. . . . JACK FIER taking vacation from Mascot lot. . . . OLIVER F. DREXEL, JR., made assistant to DOUGLAS HODGES of Tay Garnett Prod. . . .

✤

Casting—RALFE HAROLDE and NOEL MADISON added to "Buccaneer," Twentieth Century-Fox. . . . SPRING BYINGTON in "Ah, Wilderness," M-G-M. . . . HELEN FLINT set for "Riffraff," same studio. . . . ARLINE JUDGE cast in "The King of Burlesque," Twentieth Century-Fox. . . . SAM HARDY in "Shoot the Chutes" for SAMUEL GOLDWYN.

WARREN HYMER added to "Meet the Duchess," Warners. . . . JEAN CARMEN added to "It Happened in Hollywood," Radio. . . . LLOYD WHITLOCK, HAL PRICE and GEORGE HAYES in "A Thousand Dollars a Minute," Republic. . . . MARIE OSBORNE and PARDNER JONES in "Husk," Radio. . . . ALMA LLOYD, HENRY O'NEIL, JOSEPH CAWTHORN and JOE SAWYER go into "Freshman Love," Warners. . . . DON WOODS, EDDIE ACUFF and KAY LINAKER in "Prison Farm," same studio.

✤

Contracts—DOUGLAS WALTON signed by SAMUEL GOLDWYN. . . . PERKY LEE, 20 months old, by HAL ROACH. . . . MALCOLM BULLOCH, still cameraman, by EDWARD SMALL.

✤

Writers—ALAN CAMPBELL and DOROTHY PARKER borrowed by M-G-M from Paramount for script of "Little Miss Nuisance." . . . BRIAN MARLOWE signed by Paramount for "Millions in the Air." . . . JOEL SAYRE, working on "Wooden Crosses" at Twentieth Century-Fox, signed to term contract by that studio. . . . ALBERT E. DEMOND to adapt "The Leavenworth Case" for Republic. . . . SCOTT DARLING on DOROTHY REID'S original, "Harbor Lights," for the same studio. . . . JOSEPH FRANKLIN POLAND and LESTER COLE signed by NAT LEVINE.

✤

Directors—ROBERT FLOREY signed to term contract by Paramount. . . . His next, "Rich Man's Son." . . . SAMMY LEE to direct three chorus numbers for "The King of Burlesque," Twentieth Century-Fox.

✤

Title Change—Warners change "Prairie Schooners" to "Song of the Saddle."

✤

Story Buy—NUNNALLY JOHNSON'S "Wooden Crosses" bought by Twentieth Century-Fox.

Einfeld Posting Big Campaign on 'Dream'

S. Charles Einfeld, advertising general for Warners, is posting for "A Midsummer Night's Dream," New York premiere, Wednesday evening, billboards on 20,090 locations, just in the metropolitan area. He is using, within the 30-mile area, 56,620 sheets. Ten of these stands run as high as 102 sheets each. Five hundred are 28 sheets and a similar number are 14 sheets. The remainder run from eight sheets to one's. The sniping campaign on the Shakespearean production is one of the most expensive in a decade.

Seeks New Sound Patent

HOLLYWOOD, Oct. 3.—Guy Douthwaite, operator of the open air Drive-In theatre, is applying for patents on horns which he invented when complaints about noise forced him to abandon a loudspeaker. In his invention, sound is wired to each car and is released through horns placed in front of radiators.

Lowry Acquires Two

Lowry Theatres Co., with headquarters in New York, has acquired the Modern in Providence, seating 1,400, and the Imperial in Pawtucket, seating 1,000.

Predict High Court Test on 10c Scales

MINNEAPOLIS, Oct. 3.—Predictions that the Shubert's attempts in court to force film service for its 10-cent admission will be carried to the U. S. Supreme Court are being made here

The case is now under advisement before U. S. District Judge Gunmar Nordbye who has heard testimony on a petition for an injunction to prevent distributors from carrying out an elleged conspiracy against him.

Attorneys for the defendants insist distributors have a right to choose customers.

Dr. Burton to Lecture

Dr. Richard Burton, Warners' literary advisor on "A Midsummer Night's Dream," left yesterday on a lecture tour that will cover many key cities. He will address women's clubs and university bodies. The trip is being made in an attemt to reach many people who are not film goers.

Add Color Cartoons

J. H. Hoffberg Co., Inc., has added a series of color cartoons produced by C. L. Whitehead and George Orth to the 1935-36 product. Seven subjects have been completed. Magna color, controlled by Consolidated Film Industries, is being used.

"Youth" Only Draw as L. A. Takes Slump

LOS ANGELES, Oct. 3.—Business was in a bad way all along the line last week. "Fighting Youth" was strong at the Pantages on a take of $5,500, on the profit side of the line by $2,300, but it failed to make much of a showing at the Hillstreet where the $2,600 take was under par by $650.

Only two other houses went over normal. The United Artists, with "Here Comes the Band" and "Woman Wanted," took $3,800, up by $300, and Warner Bros. Downtown managed to garner $12,500 on "Special Agent."

Total first run business was $74,800. Average is $88,450.

Estimated takings for the week ending Oct. 2:

"BROADWAY MELODY OF 1936" (M-G-M)

CHINESE—(2,500), 30c-55c, 7 days. 2nd week. **Gross:** $7,300. (Average, $12,500)

"THE GAY DECEPTION" (Fox)

4 STAR—(900), 30c-55c, 7 days. 3rd week. **Gross:** $2,600. (Average, $3,250)

"FIGHTING YOUTH" (Univ.)

HILLSTREET—(2,700), 25c-40c, 5 days. **Gross:** $6,800. (Average, $8,000)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $7,300. (Average, $14,000)

"THE GIRL FRIEND" (Para.)

PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Major Bowes' Radio Amateurs, Rube Wolf and his orchestra. **Gross:** $17,500. (Average, $18,000)

"HERE COMES THE BAND" (M-G-M) "WOMAN WANTED" (M-G-M)

UNITED ARTISTS — (2,100), 25c-40c, 7 days. **Gross:** $3,800. (Average, $3,500)

"SPECIAL AGENT" (W. B.)

WARNER BROS. (Hollywood)—(3,000), 25c-40c, 7 days. **Gross:** $11,500. (Average, $14,000)

"SPECIAL AGENT" (W. B.)

WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. **Gross:** $12,500. (Average, $12,000)

"FIGHTING YOUTH" (Univ.)

PANTAGES—(3,000), 25c-40c, 5 days. **Gross:** $5,500. (Average, $3,200)

"Dark Angel" Hits $8,000 in Houston

HOUSTON, Oct. 3.—"The Dark Angel" was the big money-maker of the week. It went $1,000 over par on a take of $8,000 at Loew's State.

"Top Hat" fell off to $5,500 in its second week at the Majestic. This is under a first week normal by $1,500.

Total first run business was $24,800. Average is $26,000.

Estimated takings for the week ending Sept. 26:

"THE VIRGINIAN" (Para.) (Re-issue)

KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,700. (Average, $3,500)

"GINGER" (Fox)

KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,600. (Average, $1,500)

"THE DARK ANGEL" (U. A.)

LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"TOP HAT" (Radio)

MAJESTIC—(2,250), 25c-50c, 7 days, 2nd week. **Gross:** $5,500. (Average, $7,000)

"ALICE ADAMS" (Radio)

METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

Becker A. T. & T. Prober

WASHINGTON, Oct. 3.—Samuel Becker, Wisconsin lawyer, has been named by the Federal Communications Commission as assistant general counsel to conduct the probe of A. T. & T. His appointment will become effective Oct. 15.

Preluding the International Premiere of

"A MIDSUMMER NIGHT'S DREAM"

at the Hollywood Theatre, New York, October Ninth, the National Broadcasting Company, by arrangement with Warner Bros., will present over its entire network at

Nine P. M.
(Pacific Standard Time)

SATURDAY, OCTOBER FIFTH

A Full Hour's
NATIONAL BROADCAST

of the Mendelssohn music selected by Max Reinhardt to accompany his production; together with distinguished personal contributions by the producers, stars and creative artists.

Introducing
MAX REINHARDT

James Cagney, Dick Powell, Jack L. Warner, Hal B. Wallis, William Dieterle, Olivia de Havilland, Hugh Herbert, Frank McHugh, Verree Teasdale, Ian Hunter, Mickey Rooney.

This broadcast exemplifies the exceptional attention which is being accorded this production by radio, press, and all other channels of publicity.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 82 NEW YORK, SATURDAY, OCTOBER 5, 1935 TEN CENTS

Hopes Gaining For a 10-Year Operator Pact

Local 306 Negotiators Reported Divided

A 10-year agreement on the new wage scales negotiated by Loew's and RKO with Local 306 is believed likely to materialize despite some opposition within the union's ranks to a long term pact, it was learned yesterday.

The negotiating committee for Local 306 originally favored a one or two-year agreement, but is now reported to be divided on the question, with a possible majority favoring a longer term and some supporting the circuits' request for the full 10-year pact. Advantages of a long term pact to the union are said to be the guarantee it affords of continuous employment without encroachment by new operators' organizations and the elimination of lengthy and costly negotiations on the expiration of short term pacts.

A decision on the term of the new agreement is expected within a few days. The scale for two-a-day houses has been set at $15 for three men for each performance instead of the former $18. Broadway de luxe house scales are set at $2.40 per hour for 18-hour days as compared with the former $2.55 per hour for 12-hour days and the Class A houses at $1.80 instead of $2.12½.

Negotiations for scales for independent circuits will be begun on Monday with Randforce first on the list.

Skouras Operators' Deal to Be Delayed

Regardless of what terms other circuits may work out with Local 306, Skouras theatres will make no deal until William T. Powers, that circuit's lawyer, returns from St. Louis, where he is attending the anti-trust trial now under way there.

This may mean a delay of several weeks unless Powers finds the time to fly in during the anticipated week-end recess.

Report Cohen Near Deal with Columbia

HOLLYWOOD, Oct. 4.—Reported on excellent authority, but unconfirmed by either party, Emanuel Cohen is expected to sign a deal whereby pictures made under his own personal banner will be released through Columbia. The first will be the outside picture

(*Continued on page 4*)

Skouras Says All Details of FWC's Para. Bookings Are Set

St. Louis, Oct. 4.—Corroborating the recent statement by Neil F. Agnew, sales manager for Paramount, that the distributor has straightened out his disputed issues with Fox West Coast, Spyros Skouras, operating chief for National Theatres, of which Fox West Coast is one subsidiary, told *Motion Picture Daily* that all details of the product agreement were completely worked out on Sept. 28.

Skouras said that the F.W.C. houses are now playing Paramount product. Special contracts are being printed for this deal and others for subsidiary units of National.

It will take several weeks before the actual agreements are signed.

Delay on Met Stock Buy May Be Sought

Fox Theatres Corp. may ask for additional time in which to make a decision on the exercise of its option to purchase 50 per cent of the stock of reorganized Fox Metropolitan Playhouses, creditors and stockholders were advised yesterday.

Fox Theatres has until Nov. 2 to decide whether it will acquire the 50 per cent stock interest by payment to United Artists Theatre Circuit of $275,000, or dispose of its option to the latter company for $150,000. A hearing on a Fox Theatres' stockholder application for an order to show cause why the receiver for the company should not be directed to exercise the option has been set for Oct. 8 before Federal Judge Martin T. Manton. If no agreement can be reached by Fox Theatres' creditors at that hearing, the application for an extension of time beyond Nov. 2 may be made.

Goldstein $127,000 Claim Is Approved

A report by Special Master John E. Joyce disapproving a plan for the settlement of the Samuel and Nathan Goldstein claim of $127,500 against Paramount was set aside in an order signed yesterday by Federal Judge Alfred C. Coxe.

In his ruling Judge Coxe said, "It seems to me that this is a fair settlement of a confused situation and I

(*Continued on page 4*)

Studios in Rush on Ethiopian Material

HOLLYWOOD, Oct. 4.—Studios are casting about with a rush for Ethiopian material. Paramount kept a crew working 24 hours a day to cut "Wings Over Ethiopia," so that prints could be turned out and shipped east by plane.

Julius Klein, recently assistant to Carl Laemmle, is busy on "Black Cargo," which has an Ethiopian background, and others are expected.

Chicago Clearance Row Stirs Feeling

CHICAGO, Oct. 4.—The booking war here broke out afresh today with independents trying at morning, noon and night meetings to set November releases. If clearances demanded by B. & K. are accepted by exchanges, independents say they cannot book more than a few days in advance of showings.

As exchanges have already closed deals for new product, they face the possibility of a suit if they adopt the B. & K. policy. Independents want present clearances continued and feel a change cannot be made until next season, if then.

Aaron Saperstein is in New York. His return tomorrow may settle the problem, or the system may be disrupted with chaotic conditions resulting. Intense feeling has been stirred.

Saperstein left here for Chicago early yesterday afternoon.

Barthelmess Talks Producing Venture

Proposals for Richard Barthelmess to head a new producing organization are being discussed here by the actor but the probability of anything materializing is remote at this time, Barthelmess said yesterday.

Admitting that he had had discussions with Erpi concerning a producing venture, Barthelmess added that these "had been going on for 18 months" and were "so cold now I'd forget about it."

"I'm rather frightened of the idea," Barthelmess said of the proposals.

Republic Will Move To Mascot Studio

HOLLYWOOD, Oct. 4.—Republic Pictures will move all physical properties and company personnel to Mascot, with the switch from Pathe to the former Sennett lot starting immediately. The Mascot plant will be known as

(*Continued on page 4*)

Testimony of Arthur Opens Hardy Attack

Prosecutor Puts F. & M. Head on Stand First

By BILL ORNSTEIN

ST. LOUIS, Oct. 4.—Harry C. Arthur was the first witness to take the stand today as the Government began its case against three distributors and six film executives indicted here on charges of violating the Sherman anti-trust act. The operating head of Fanchon & Marco and president of its subsidiaries here was on the stand for two hours this afternoon with Special Assistant Attorney General Russell C. Hardy examining him. Arthur did not complete his testimony today.

Attorneys former Senator James A. Reed and Frederick Wood for Warners, George Leisure for RKO and William R. Gentry for Paramount on numerous occasions objected to questions put to Arthur by Hardy, some of which were overruled and others sustained. Particular objections by defense counsel which were sustained by Federal Judge George H. Moore included the intention of Hardy to

(*Continued on page 3*)

More Witnesses May Get St. Louis Calls

ST. LOUIS, Oct. 4.—Additional witnesses are expected to be called from various sections of the country by defense counsel as soon as Russell G. Hardy, government prosecutor, completes his side of the anti-trust suit.

He is expected to finish his arguments and interrogation of Government-subpoenaed witnesses about the middle of next week. As soon as he does this, defense counsel will know whom they will be interested in bringing to the local scene to testify on their behalf.

So far there are about 30 to 35 witnesses attending the trial. There is no advance indication as to what this number will reach before the trial is over some time next month.

Poole Resigns from Pathe Directorate

Arthur B. Poole has resigned as a director of Pathe Film Corp. but continues as treasurer, it was learned yesterday. Charles L. Stillman of "The March of Time" has been elected a director to fill the vacancy. William C. Stettinius, Baltimore banker and brother of the vice-chairman of U. S.

(*Continued on page 4*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 5, 1935 No. 82

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest. II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Wall Street

Most Gain on Big Board

	High	Low	Close	Net Change
Columbia	64¼	64	64¼	+ ¾
Consolidated	4⅛	4	4⅛	.....
Consolidated, pfd.	15⅞	15⅝	15⅝	— ⅛
Eastman	153½	152½	153½	+1¾
Loew's, Inc.	43¼	42⅞	42¾	+ ½
Paramount	10⅞	10⅝	10⅝	— ⅛
Paramount, 1 pfd.	97	96½	96½	+ ½
Paramount, 2 pfd.	13	12¾	12¾	.....
Pathe Film	5½	5¼	5½	+ ⅜
RKO	4⅝	4¼	4⅜	.....
20th Century-Fox	16½	16	16⅛	.....
20th Century, pfd.	25½	25⅛	25⅜	+ ¼
Warner Bros.	7¼	6⅞	7⅛	+ ⅜
Warner, pfd	41½	40½	40½	+ ¼

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2¼	2⅛	2¼	.....
Technicolor	18⅛	17⅛	17⅛	— ⅞
Trans-Lux	3	2⅞	3	+ ⅛

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre 6s '40	15½	15⅜	15½	+ ½
General Theatre 6s '40 ctf.	15½	14¾	15⅜	+ ⅜
Loew's 6s '41 ww deb rights	105	104⅞	105	+ ¼
Paramount Pict. 6s '55	97	96½	96¾	+ ¼
RKO 6s '41 pp.	70	70	70	.....
Warner Bros. 6s '39 wd	82	81	81	.....

(Quotations at close of Oct. 4)

Yom Kippur Arrives

Observance of Yom Kippur, the Jewish Day of Atonement, begins at sundown tomorrow.

Purely Personal

ELLISTON A. VINSON, former assistant to J. A. Down, advertising and publicity manager for RKO theatres in the home office, left for Hollywood yesterday to enter the studio publicity department under HOWARD S. BENEDICT.

•

HARRY SHERMAN has acquired rights to all the CLARENCE E. MULFORD stories through Doubleday, Doran and will use them for a series of westerns with WILLIAM BOYD and JIMMY ELLISON.

•

LUPTON WILKINSON of the Hays organization starts a swing around southern cities late next week and afterwards may vacation in the east before returning to Hollywood.

Quip of the Day

LONDON.—*Alexander Korda, asked what he thought of Basil Dean's intention of making two Shakespeare films:*

"He will need to make two to answer 'Midsummer Night's Dream'—it is the greatest ever.... No, I haven't seen it—but Jack Warner himself told me so!"

BEN LEVINE of Trio Exchange is growing a Hitler-like mustache. The boys at 630 are preparing to take him for a verbal ride.

•

BOB MURPHY, who appeared in "The Broadway Gondolier," will leave next week for Hollywood and picture work.

•

WILLIAM S. FARMER, assistant manager of RKO's Panama branch, has sailed for his post after his first holiday here in five years.

•

LEON SHAMROY, Hollywood cameraman, has signed with HECHT and MACARTHUR to work on "Soak the Rich."

•

WALTER HUSTON and his wife, NAN SUTHERLAND, back from Europe. "Dodsworth" goes on tour again in Cleveland, beginning Oct. 10.

•

MORT SINGER left for Chicago last night and plans to be back here Monday to maintain his week end commuting schedule.

•

BETH BROWN, ESTELLE TAYLOR, DICK HALLIDAY, LARRY HART and ERNO RAPEE at Tony's.

•

JOHN BEAL will play the male lead in "Russet Mantle," forthcoming stage play by LYNN RIGGS.

•

Y. FRANK FREEMAN, in Minneapolis to iron out a theatre lease problem, is due back here on Monday.

•

LUIGI PIRANDELLO, who came to this country last July, will leave for Italy on the *Conte Di Savoia* today.

•

GEORGE BURNS, GRACIE ALLEN and "RICK" CORTEZ at El Morocco.

•

GENE MURPHY is doing exploitation work for Loew's State.

•

RUTH WESTON has returned from Hollywood.

•

SID SAMUELSON, ABRAM F. MYERS and AARON SAPERSTEIN at Gallagher's.

. . . London

LORD LEE OF FAREHAM, the Hon. ESMOND HARMSWORTH, the Rt. Hon. E. E. SHORTT, K. C. (film censor), SIDNEY R. KENT, JESSE L. LASKY and GORDON SELFRIDGE among celebrities at the British Movietonews lunch to its editor, SIR MALCOLM CAMPBELL.

MERLE OBERON, FAY WRAY, FANNIE WARD, JACK DEAN, JESSE L. LASKY—pere et fil, LADY ASHLEY, DOUG FAIRBANKS and the CHAPPIE HYAMS at the Dorchester for FELIX FERRY's new Monte Carlo Revue.

CONRAD NAGEL, FRANCES MARION and the "London" party welcomed by the evening press when the *Berengaria* docked at Southampton.

DONALD SUTHERLAND appointed publicity manager to Capitol Films.

J. H. SEIDELMAN to Holland for general continental lookover.

VICTOR CREER of Reunion, latest member of Kinematograph Renters' Society.

Miss J. M. HARVEY resigns from the secretaryship of London Film Society to direct the Arts Theatre at Cambridge. Succeeded by MARY BROWN.

Capt. J. W. BARBER leaves radio trade to become commercial manager to Bernstein Theatres.

•

. . . New Haven

GEORGE REISING, assistant manager of the Paramount, and Chief Usher STANLEY REDMOND have been temporarily placed in charge of the M. & P. Empress and Regent in South Norwalk.

REDMOND is filling in for the late DIETRICH HOHN, who died suddenly of pneumonia recently. The regular Empress manager is on sick leave.

OSBORNE SWAN, Ross Federal manager, tendered a housewarming party by a number of his friends.

SID LEVINE of the Warner exchange staff, will be married to NAT FURST's daughter, HENRIETTA, Oct. 27.

MAX TABACKMAN is fast acquiring the status of expert in both bridge and golf.

SAM ROSEN has returned from his Canadian hunting trip, minus many bullets, and minus a moose, which he saw but which chose to run.

HAROLD ESKIN has opened his two new Newark theatres, the American and Cameo.

•

. . . Pittsburgh

BILL BECK, the Stanley assistant manager, has put on 45 pounds in the last year.

JOHN F. MCMAHON, head of the Associated Press bureau, was married last week to RUTH MARY BURNS of Ithaca.

ED CORCORAN is here exploiting "The Crusades" while BOB COLLIER is doing the same thing for "A Midsummer Night's Dream."

A. A. TRIMBLE, a map salesman in the Pittsburgh-Cleveland district and a dead ringer for the late WILL ROGERS, has been signed by M-G-M for a role in "The Great Ziegfeld."

SAM HONIGBERG has been named press agent at the Pitt.

LOUIS L. KAUFMAN, former radio announcer at KDKA, and MRS. VIRGINIA THRASHER, daughter of EUGENE CONNELLY, for years manager of the Davis, eloped to Greensburg the other day.

Mexico Sympathetic Strikes Called Off

By JAMES LOCKHART

MEXICO CITY, Oct. 4.—Government mediators have induced the Confederation of Workers and Peasants to call off the nationwide sympathetic strikes designed to close 730 theatres for the purpose of aiding the striking employes of American distributors.

This removes one of the difficulties from a situation that had been becoming increasingly complicated for some time. The strike started following a demand for increased wages in the midst of distributors' efforts to induce the Government to cut its film import duties. The distributors threatened to quit the market Oct. 1, but postponed action to Oct. 15 following the appointment of a mixed committee to study the tax situation.

Held for Chance Games

PHILADELPHIA, Oct. 4.—Four neighborhood theatre operators were held in $400 bail for the grand jury by Magistrate Hamburg here today under the anti-lottery laws, for the use of Lucky and Banker games. Held were: John Ehrlick, Ideal; Emanuel Lewis, Jumbo; Isidore Schwartz, Frolic; Allen Lewis, Girard. A new court test on the legality of the games is foreseen as a result of the arrests.

Temple Dolls Enjoined

Justice S. H. Hofstadter granted an injunction in the Supreme Court yesterday to Shirley Temple and the Ideal Novelty & Toy Co. restraining the Lenora Doll Co. from manufacturing or selling any dolls bearing the name Shirley Temple. He also ordered the Lenora Doll Co. to post a bond of $5,000 to guarantee observance of the injunction.

Levey Suit Is Started

Trial was begun yesterday of Harry Levey's suit to prevent Columbia from paying royalties to Rex Film Corp. on "Voice of Experience." Other defendants are Voe Pictures Corp., M. Sayle Taylor, Elmer A. Rogers, general manager of Rex, and Benjamin K. Blake, production manager. The trial is expected to last a week.

"Pompeii" on 16th

ST. LOUIS, Oct. 4.—"The Last Days of Pompeii" opens at the Center, New York, Oct. 16, for a minimum three-week run, according to Ned E. Depinet. The picture was screened here late Thursday night for RKO executives attending the Government anti-trust trial.

"Dream" Broadcast

A radio program of the highlights of "A Midsummer Night's Dream" will go out over the air tonight. The complete network facilities of the NBC will handle a one-hour broadcast of incidents which occurred during the making of the film and excerpts from the Mendelssohn score which is used throughout the picture.

"Crusades" Run to End

"The Crusades" will wind up at the Astor Oct. 13. The general release date has been moved up to Oct. 18, and all out of town roadshow engagements will be ended to make this possible.

Testimony of Arthur Opens Hardy Attack

(*Continued from page* 1)

lead questions to the witness, introduction of a trade paper of March 6 which contained a story of a war between Warners and Fanchon & Marco in St. Louis and Arthur's knowledge of how many first class pictures are produced by the eight major companies each year. Objections were also sustained by Moore when defense counsel asked that on whatever conversations Arthur had with certain film executives the testimony should be limited to those attending the conference without inclusion of other indicted companies or individuals.

Arthur Describes Interests

Arthur started by describing his theatre interests here and also his relations with Allen Snyder, which started in January, 1934. He was questioned as to whether he knew Harry M. Warner, George J. Schaefer, Abel Carey Thomas, Gradwell Sears and Ned E. Depinet. Hardy asked for a definition of prints and how they reach their point of destination. After an objection by Wood was overruled Arthur stated they are sent to some central point in each section of the country. He proceeded to explain the setup of distribution and functions of local exchanges. Asked how many films the eight majors produce annually, Arthur answered it was 360 and again objections by defense counsel were denied.

Hardy then interrogated the witness on conversations he had with Thomas, Sears and Herman Starr, to which Gentry made strenuous objections on the ground that there had been no evidence introduced that Paramount or its officials had any connections with them. He was upheld on this point as well as on the reference made by Hardy to certain companies as conspirators. When Gentry again won an objection as to what was said in a meeting with Depinet, the Government counsel asked Judge Moore to excuse the jury while he argued this point, claiming he could not continue.

Tells of Meeting Sears

After a brief pro and con during which Judge Moore said he did not know whether Hardy had laid the proper foundation to introduce this evidence, the Court permitted the Government to continue and said he would advise the jury not to consider the conversation Arthur had with Warner executives as relating to Paramount or RKO men. Arthur then told of his meeting on March 6 with Sears, who had two New York daily trade papers on his desk which reported a war in St. Louis between Warners and F. & M. He asked Sears what the stories were all about. Starr, who was at the session, admitted the story was true, Arthur said, and upon further questioning the F. & M. head stated Starr told him, "We're sorry, but Fanchon and Marco will have to be sacrificed. You upset our plans and we will have to destroy the bondholders' committee of the Fox Ambassador, St. Louis and Grand Central, as well as yourself."

"We have nothing personal against F. & M.; we've always liked them, but we have to teach the bondholders a lesson. We have an equity in those houses and we have to get the bondholders," Arthur asserted Starr told him, adding: "We're sorry, but you're the lambs that will have to be slaughtered."

Arthur stated he asked Thomas, who was also at the meeting, if he could suggest something so that F & M could get out of the situation, as he had not known Warners were interested in the theatres.

Offer Turned Down

Thomas said, according to Arthur, he was sorry that the best he could advise was for F. & M. to walk out of their investment in St. Louis. Arthur stated he told Thomas that if he took his advice Allen Snyder, who was associated with F. & M. would sue him.

Arthur then offered to turn the houses over to Warners but the gesture was rejected by Thomas who declared, "We are going to get the bondholders' committee. Thomas Dysart, receiver for the theatres, is trying to perpetuate his job and so is David Levinson, counsel for the committee."

Another offer was made by Arthur and again turned down. This time Thomas said that Edward L. Alperson of the Skouras office had just made him a proposition to take the Missouri. This deal likewise was declined by Thomas who made the following comment to Arthur in connection with it: "We are also going to break those Greeks too." When Spyros Skouras, sitting at the left of the room with his infected toe resting on one chair and holding his cane in his left hand, heard this remark the expression on his face changed in a flash and the grip on his cane tightened. Thomas then told Arthur that Warners had a deal with Skouras, the F. & M. head testified, about a year ago in connection with Super Theatres Corp. and now Skouras had gone into partnership with F. & M. Arthur asserted he denied this as false and that Skouras had never been and was not affiliated with him.

The F. & M. president said he incidentally mentioned Harry Koplar's name during the conference with Sears, Starr and Thomas and when Thomas heard it he called Koplar "a little rat" and said Warners were going to break him too. Arthur declined to mention another name called Koplar because of ladies being present but upon the insistence of Judge Moore he said Thomas told him Koplar was "a ————." Arthur said he pleaded with Thomas, "We are perfectly willing to get out; we only want to save our investment." Thomas asserted, according to Arthur, that the best thing for F. & M. is to walk out and forget it ever made Warners a proposition.

Recounts Depinet Talk

Upon further prodding by Hardy, Arthur testified that Thomas said, "We're going to take any house we can in St. Louis and run our pictures as well as those of other companies. Further we'll make sure you go broke even if we have to install a dual policy at ten cents so that this will assure your losses." Arthur then added Thomas stated that the opening gun to be fired would be the opening of "Wonder Bar" at the Shubert.

The F. & M. executive estimated his conversation with the Warnerites took two hours. He also testified that Thomas said the first thing Warners would do in its fight here was to oppose the reorganization plan of the bondholders and impress upon the Court that the only ones who could properly operate the theatres were Warners.

Jack Partington, an executive of F & M, also attended the meeting in question and he also implored the Warner men to call off any war they might have with his company, Arthur testified. Partington told them that F. & M. was willing to do anything Warners wanted them to but this was refused, Arthur said.

A story appearing in a trade paper was introduced and objected to as immaterial, incompetent and injurious by Gentry and Wood, who were denied the objection. Arthur read the headlines and then the story itself.

After Leisure had objected to Hardy's leading of the witness Arthur recounted a meeting with Depinet at the latter's office when he had been told that the RKO product was sold to Warners in St. Louis after the RKO president had promised it to F & M. Depinet gave as his reasons, according to Arthur, the fact that "they put the pressure on me and they are our biggest customer. We had to do it."

Reed Opens Session

The F. & M. executive ended his testimony today with a description of his meeting with Schaefer, who likewise advised Arthur of the sale of Paramount product to Warners. Arthur testified Schaefer said that Warners threatened to upset Paramount's reorganization plan in Detroit and that "we are carrying Detroit on the books for $14,000,000 and cannot afford to take chances." Arthur then commissioned Schaefer to talk to Harry Warner and try to help him out.

The morning session opened with the 72-year-old ex-Senator Reed resuming his opening speech where he left off yesterday. He reviewed some of the ground covered the day before. He emphasized in his statement that Harry Koplar was the man in the background of the Snyder-F & M-Arthur bid for theatres which was finally accepted by the bondholders. He added that Koplar's scheme was also to try and control the second runs and drive Warners out of St. Louis.

"Indicted Wrong People"

Continuing, Reed said: "There is a conspiracy in this case on the part of Koplar to destroy Warners and their associates as the evidence will show." He declared Koplar said his interests would have all the product at their mercy and that he had "Warners over a barrel and they would have to come to him and do business on his terms."

They had a combination here, Reed said the evidence will show, but the government indicted the wrong people. If there wasn't Warners wouldn't

(*Continued on page* 4)

On the Lighter Side

ST. LOUIS, Oct. 4.—The courtroom is knee deep in lawyers. Here they are, $1,000,000 worth of counsel in Judge GEORGE H. MOORE'S court every day, although few witnesses and visitors realize the full calibre of the legalistic battery on hand:

SAMUEL W. FORDYCE, WILLIAM GENTRY, WALTER H. MAINE, LOUIS PHILLIPS and AUSTIN C. KEOUGH, more interested in the Paramount angle than the other two; JACOB M. LASHLY, MELVIN H. ALVIN, GEORGE LEISURE, WILLIAM DONOVAN, WILLIAM MALLARD, GORDON YOUNGMAN, who are representing RKO; Ex-Senator JAMES A. REED, SAMUEL B. JEFFRIES, ARTHUR E. SIMPSON, JAMES TAYLOR, BRUCE BROMLEY, FREDERICK WOOD, RUSSELL DORE, ROBERT W. PERKINS, I. LEVINSON and JOSEPH HAZEN, lined up on the Warner side; WILLIAM T. POWERS, SPYROS SKOURAS' attorney; ERNEST L. WILKINSON, HARRY ARTHUR'S legal advisor; RUSSELL G. HARDY, WILLIAM BENHAM, HAROLD L. SCHILZ, JOHN S. CLAGGETT and DWIGHT L. SAVAGE, representing the Government, in addition to District Attorney HARRY C. BLANTON.

✚

WARNER, GRADWELL L. SEARS, HERMAN STARR, GEORGE J. SCHAEFER and NED E. DEPINET have preferred seats. They don't sit with the motley mob of witnesses and visitors. They park themselves within the gates and get a close-up of what many view as the most important trial in the history of the business.

✚

HARRY M. WARNER says he gets to bed at 11 every night and feels great by so doing. He also feels happy that he doesn't have to look at pictures each evening, which he asserts tires him out back home where you read what's going on here during the trial.

✚

JOSEPH BERNHARD, operating head of all the Warner theatres, is scheduled to appear on local ground within the next week or so. Just visiting, unaccompanied by any subpoena.

✚

AUSTIN C. KEOUGH says he's not going to be active in this case. Merely an onlooker.

Oversight

St. Louis, Oct. 4.—Commented one film man, after hearing Russell Hardy, special assistant attorney general prosecuting the anti-trust trial for the Government, tell about the enormous assets of the various indicted companies:

"He forgot to say anything about our liabilities."

CLASSIFIED

HELP WANTED

WANTED EFFICIENT PUBLICITY and contact men to promote unusual box office offering for picture theatres. Excellent percentage proposition. BOX 605, MOTION PICTURE DAILY.

Testimony of Arthur Opens Hardy Attack

(Continued from page 3)

have been driven out of business here. He then explained how Warners took measures to lease the Shubert Rialto as an outlet for their own product and then because of the dual feature situation entered into deals with RKO and Paramount for product, later taking the Orpheum to use the films that were not shown at the other house.

Gentry assumed the floor next and made his opening speech on behalf of Paramount and Schaefer. After delving into the corporate structures of the Paramount companies indicted, Gentry said the evidence will show that Paramount, which owned half of the stock in Skouras Super Theatres, put in $250,000 to keep the company running and when Paramount itself began to have its own financial difficulties it could put no more into the local circuit. He stated that Skouras Super Theatres owed $200,000 to the distributing company on unpaid film rentals and that on July 29, 1932, canceled its franchise with Skouras, which had not lived up to its provisions.

"Warners Good Customers"

Following this, Paramount made deals with Tom K. Smith for the Ambassador and Grand Central and with RKO for the Missouri, which the latter company had been operating. He asserted the franchise was a personal privilege and provided it would not be assigned to anyone else without the express permission of Paramount. When Skouras Super Theatres lost the houses, that ended the arrangement, he said. "Warners were good customers of ours," Gentry declared. "They paid their bills and knowing the situation of the other interests as we did from experience we exercised our right to choose our customers. We did for the Orpheum and Shubert." He concluded with: "the evidence will show Paramount had no part in any conspiracy, did not help to crush anyone out of business nor do anything unlawful. "We will ask a verdict of not guilty," Gentry said.

Cites Trouble With Koplar

Jacob M. Lashly, representing Depinet and RKO, centered his opening speech around Koplar and the company's many dealings with him. He said the evidence will show that RKO had a lot of trouble with Koplar, who was with Famous Amusement Co. at the time. He declared that the distributor had a contract for shorts and newsreels for the St. Louis which provided for a weekly rental of $275. When the house closed for two weeks for alterations RKO couldn't collect $550 and to this day hasn't. He said the St. Louis owes RKO more than $4,000. Lashly said RKO didn't want to do business with Koplar but when he brought in two guarantors a contract was signed and as a result "all we got when we tried to collect the $4,000 was a law suit."

Lashly added that when Arthur came into the picture he asked for reductions of $100 a week on the shorts and $250 on the features. Arthur claimed, according to RKO counsel, that the St. Louis had lost $33,184 while Koplar contended the deficit was $75,000, of which $50,000 was due to RKO product. He then mentioned the alleged trouble with Koplar on "Little Women," which was sold on percentage. After Arthur got Depinet to agree to switch RKO product to the Fox, Lashly claimed the product was double-featured with stage shows at forty cents and not advertised properly. He concluded with the statement that Depinet made a fair and reasonable deal with Warners and sold to the best customer in an open market.

Southwestern Reel Will Start Oct. 15

OKLAHOMA CITY, Oct. 4.—Premiere of Southwestern Newsreel, a new venture devoted to Oklahoma and Texas and surrounding states, will be given in theatres over the southwest, Oct. 15, the Chamber of Commerce was informed here recently.

Ennis C. Helm, manager, wrote: "Heretofore, local events, unless of national interest, have not been put on the screen. Now every community in Texas and Oklahoma may see their special events—sports, bumper crops, baby shows, prize livestock, celebrations and other types of news."

Helm was chief photographer for the *Daily Oklahoman* and *Oklahoma City Times,* for several years and has also submitted shots to the national reels.

Maryland Board to Readjust Salaries

BALTIMORE, Oct. 4. — The state censor board has been ordered by Harry C. Jones, state employment commissioner, to readjust the salaries of six inspectors according to the amount of work and efficiency of each and to drop a junior typist for which no authorization had been received.

Recently the board made a number of changes in salaries, for the purpose, it was said at the time, of permitting the employment of an additional inspector. The order came in a letter to Dr. Ben Paul Sandy, censor chairman.

KRS Continues Its Probe into Booking

By BRUCE ALLAN

LONDON, Sept. 27.—The Kinematograph Renters' Society is continuing its general probe into booking alignments and action in several quarters aside from the Gaumont-Hyams and Odeon situations is possible.

Absence of any new statement from K. R. S. is construed as indicating details of the Hyams three-theatre deal with Gaumont proved insufficient to alter the association's policy. The original ban imposing restrictions on bookings therefore stays.

Plan "Faust" in Color

HOLLYWOOD, Oct. 4.—The New York Theatre Guild will make a Technicolor film here of the opera "Faust," it was learned today from Mrs. Natalie Kalmus. Although complete production details are unavailable, Mrs. Kalmus will go to New York within two weeks to make color tests for the planned film. The Guild is searching for singers to portray the leading roles.

Vote on Revivals

Oklahoma City, Oct. 4.—The vote in a contest being conducted by the Empress to determine what picture to show during "revival week" has brought out many unexpected turns.

With several thousand ballots already turned in, the William Powell-Myrna Loy comedy mystery, "Thin Man," and "Cimarron" are leading. Among other pictures getting heavy votes are "Little Caesar," "Smilin' Thru" and "Dr. Jekyl and Mr. Hyde."

Ohio Preparing Film Library for Schools

CINCINNATI, Oct. 4.—Anticipating a new film field in classroom work, Dr. E. Leslie Bowsher, recently appointed state director of education, and ex-officio head of the censor board, told the Better Films Council that a state film library will be established, with films available to all Ohio schools for the cost of postage. They will be of the 16-millimeter, silent type.

Out of the approximate $100,000 additional annual revenue to be derived from the increase in censorship fees from $1 to $3 per 1,000-foot reel, an estimated $40,000 annually will go toward the building of the library, he said.

"None of this free advertising which commercial interests have foisted off in the past as educational will creep into our film," Dr. Bowsher declared.

Republic Will Move To Mascot Studio

(Continued from page 1)

Republic, according to an announcement from Nat Levine of Mascot here today.

At the same time increased budgets were announced for Republic's program of 53 features and four serials, with the company planning to spend most of the increase on bigger name players than before.

Mrs. Waltenbaugh Dead

CANTON, O., Oct. 4.—Mrs. Blanche Waltenbaugh, 51, for 11 years treasurer of the Grand Opera House, and wife of T. J. Waltenbaugh, for more than 25 years manager of the house, died here from complications following a six months' illness. Besides her husband, a son, two sisters and a brother survive. Funeral services were held from the late home and burial was in Northlawn Cemetery here.

Frank C. Cook Dies

YOUNGSTOWN, O., Oct. 4.—Frank C. Cook, 41, operator at the Warner here, and for 20 years financial secretary of the operators' union, died in Youngstown hospital from injuries received when his automobile went down an embankment near New Bedford, Pa. Funeral services and burial were held here.

Charles D. Vuono Passes

STAMFORD, Oct. 4.—Charles D. Vuono, 56, owner of the Strand and Palace, local first runs, died at his home today.

Goldstein $127,000 Claim Is Approved

(Continued from page 1)

think it should be approved. The settlement not only disposes of the Goldstein and G. & B. Theatres' claim, but also preserves the Rivoli Theatre at Chicopee, Mass., as part of the Paramount system. I am advised that unless this settlement is consummated the Rivoli property will be foreclosed with a strong probability that there will be a deficiency which will form the basis for a claim against the Paramount estate. The trustee and the new Paramount company are strongly in favor of the settlement and as it will end the pending trial I believe it should be approved."

Hanson Is Skouras Aide in FWC Shift

LOS ANGELES, Oct. 4.—Al Hanson, currently Los Angeles city manager for F.W.C., on Oct. 13 will become assistant to Charles Skouras. Earl Rice, current manager of the Fairfax, and B. V. Sturdivant, city manager in Long Beach, will be elevated to district managerships. The former will assume Hanson's post, while the latter will take over the Glendale zone from Cullen Espy who has been given a new division embracing theatres at local beach towns.

Larry Kent, brother of Sidney R., will become assistant to J. J. Sullivan, circuit film buyer.

Poole Resigns from Pathe Directorate

(Continued from page 1)

Steel Corp., has also been added to the Pathe directorate.

An appeal from the court order approving the recent reorganization of Pathe, which was scheduled for hearing yesterday, was postponed to Oct. 17 to permit the substitution of a new plaintiff in the action for Murray Hulbert, the appellant, who died recently. Hulbert's attorneys said that the executor of his estate would be named as the new plaintiff in the action to have the reorganization set aside.

Report Cohen Near Deal with Columbia

(Continued from page 1)

which Bing Crosby is permitted to make annually under his Paramount contract. Possible is a second attraction with Mae West.

Intimated is the possibility Columbia will share in the financing and that Cohen may make others for the distributor under a salary and profit-sharing arrangement.

Flash Previews

Hands Across the Table—Setting a new pace for fast-moving comedy, this picture clicks rapidly. . . .

It's in the Air—Laugh values and Jack Benny's name assure good results and audience satisfaction.

These previews will be published in full in a forthcoming issue of MOTION PICTURE DAILY.

Reopening in Rahway

Aaron Shusterman of the Rocky, Perth Amboy, is preparing the Empire, Rahway for reopening in a couple of weeks.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 83 NEW YORK, MONDAY, OCTOBER 7, 1935 TEN CENTS

Ascap Shifts Its Policy on Legal Attacks

Will Await State Moves To Collect Taxes

In what would be a reversal of policy on resistance to state legislative attacks directed at the American Society of Composers, Authors & Publishers, that organization is considering abandoning its plans for testing the constitutionality of such legislation, it was learned yesterday.

The alternative policy under consideration is one of defense rather than of aggression. If adopted, Ascap would make no move to test the legality of the various state laws imposing heavy taxes on music licensing organizations, but would defend itself against moves to enforce the laws by collection of the taxes. Legislation of this kind has been enacted by Georgia, Mississippi, Louisiana and Wisconsin, but, to date, no effort to collect the state taxes has been made.

Ascap originally stated that it would test the constitutionality of the Georgia tax legislation, which provides for a levy of $1,000 per county on music licensing organizations operating with-

(*Continued on page 9*)

Circuits, 306 Not To Meet Here Today

No meeting of circuit representatives and the Local 306 negotiating committee will be held today because of the Jewish holiday. The two groups will reconvene tomorrow to settle final details of the new wage scale agreements, the most important of which is the length of time for which the new agreement shall run. Indications are that the union will agree to the circuit's request for 10-year pacts, despite some sentiment within the local for a shorter term.

Wage scale negotiations with independent circuits are also scheduled to begin tomorrow.

"Melody" 2nd Week Strong at $28,500

"Broadway Melody of 1936" demonstrated strong staying powers at the Capitol in its second week by grossing $28,500.

"Top Hat," combined with the Baer-Louis fight pictures, pulled a good $15,000 at the Palace. "Special Agent," in its second week at the Strand fell off to $15,000.

"The Big Broadcast of 1936" held up to $16,000 in its third week at the Paramount.

New U.S. Law Big Topic of Carriers Here

Operating Adjustments Made Necessary

Operating adjustments made necessary by enactment of the Motor Carriers' Act, which was passed at the last session of Congress, will comprise the chief business on the agenda of the National Film Carriers' Ass'n which meets at the Park Central today to confer through Wednesday. The new law places all trucking under the wing of the Interstate Commerce Commission.

Ted Rogers, of Washington, president of the American Trucking Ass'n., will be a principal speaker.

Between 40 and 50 film delivery men will be on hand when registrations are entered and committees appointed this morning. James P. Clark, president, will deliver his annual address today, while on Tuesday, which will mark the association's luncheon,

(*Continued on page 9*)

Talk Legal Move on Detroit's Film Ban

DETROIT, Oct. 6.—Attorneys for the Cinema Guild, under the auspices of which the Russian picture, "Youth of Maxim," was to have opened a week's run at the Art Institute last Friday, are considering action against Police Censor Joseph Kollar, who confiscated the print following a preview and banned showings here.

American Legion heads and other civic leaders attended the preview and branded the film propaganda for Communism.

Kollar had approved the film for showing to members of the guild, but revoked the license and confiscated the print when the showing was widely advertised.

Testimony Finished In Bank-Fox Action

Taking of testimony in the Chicago Title & Trust Co.'s action to recover $1,000,000 from William Fox for alleged defaults in the guaranteed redemption of Roxy Theatre stock was concluded before Referee Sol M. Stroock on Saturday. The referee will make his report on the case to the court at a later date.

Hearings on the action were begun last spring and resumed a month ago after an adjournment for the summer. By agreement of the attorneys involved all of the hearings were conducted in private.

George H. Moore



United States judge in whose St. Louis court the Government is prosecuting its anti-trust action against Warners, Paramount, RKO and various of their executives including Harry M. Warner, Gradwell L. Sears, Herman Starr, Abel Carey Thomas, George J. Schaefer, and Ned E. Depinet.

Dubbing Test Goes Over in Japan Houses

By TETSUYA MORI

TOKYO, Sept. 23.—Dubbing in the Japanese language has just been tried successfully in this country for the first time and importers are studying the results closely. Paramount is going to dub two more immediately, and if it works, all foreign pictures will have to go for it, it is predicted.

The first feature with a Japanese sound track was Harold Lloyd's "Feet First." It was a sensation.

Heretofore Japanese titles have been superimposed, and they are difficult to read.

Toho Chain Houses, a big importing firm, is following Paramount's example by dubbing two French pictures, "Maternelle" and "Verdun Souvenirs d'Histoire." Paramount's next two with Japanese dialogue will be "Four Hours to Kill" and "Ruggles of Red Gap."

* * *

After a cycle of gangster films, audiences here are going for detective story pictures in a big way.

* * *

New film control regulations in Korea require that after Jan. 1 one third of the footage of the total number of features shown must be Japanese. At present the requirement is one fourth. Foreign distributors are making strenuous efforts to readjust their contracts as a result.

Verbal Clash Of Attorneys Marks Trial

Hardy, Defense Counsel In Sharp Exchange

By BILL ORNSTEIN

ST. LOUIS, Oct. 6.—Two distinct flareups between Defense Attorneys George S. Leisure, representing RKO, and Frederick L. Wood, for Warners, and Special Assistant Attorney General Russell G. Hardy, and a spirited recitation by Wood of the part former Division Administrator Sol A. Rosenblatt played in effecting a settlement of the local trouble after the indictments had been handed down against three companies and six individuals on alleged charges of conspiracy in violation of the Sherman Anti-Trust Act marked an exciting three-hour session here yesterday during the trial of the indicted parties.

Leisure was the first defense counsel openly to voice his dissatisfaction with Hardy's procedure. This happened while Harry C. Arthur of Fanchon & Marco was on the stand for the second time in the proceedings, giving testimony in connection with meetings he had with Ned E. Depinet, president of RKO Distributing Corp. and Jules Levy, RKO general sales manager. The RKO counsel told the court that

(*Continued on page 4*)

Court Sessions Cut To Three This Week

ST. LOUIS, Oct. 6.—Because of the Jewish holiday, Yom Kippur, which falls on Monday and the dedication of a memorial to the late Senator William Joel Stone in Nevada, Mo., on Friday and Saturday only three days this week will be devoted to the indictment trial, Judge George H. Moore stated Saturday.

He said he had received requests from witnesses and others interested in the case not to hold a session on Monday and had acceded.

Senator Stone's son is Judge Kimbrough L. Stone, presiding justice of the U. S. Circuit Court of Appeals for the Eighth Circuit.

Relief Head Bars Theatre Spending

URBANA, O., Oct. 6.—Safety Director George Callahan has supplied theatres and other places of amusement with a list of 176 heads of families on relief, instructing operators of the various places that they are not to permit relief clients to spend money with them.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 7, 1935 No. 83

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative: Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Wall Street

Small Rises on Big Board

	High	Low	Close	Net Change
Consolidated Film	4⅛	4⅛	4⅛	.....
Consolidated pfd..	16	15⅞	16	+ ⅜
Eastman Kodak.	153	153	153	— ½
Loew's Inc.....	43	42⅝	42⅝	— ⅛
Paramount	10¾	10⅝	10¾	+ ⅛
Paramount 1 pfd..	96¾	96¼	96¾	+ ¼
Paramount 2 pfd..	13	12⅞	12⅞	+ ⅛
Pathe Film.....	5⅝	5⅝	5⅝	+ ⅛
RKO	4⅝	4½	4½	+ ⅛
20th Century pfd.	25½	25½	25½	+ ⅛
Warner Bros.....	7¼	7⅛	7¼	+ ⅛
Warner pfd.....	40½	40½	40½	...

Sonotone, Technicolor Up

	High	Low	Close	Net Change
Sonotone	2½	2¼	2½	+ ¼
Technicolor	18¼	18	18	+ ⅞
Trans Lux.....	3	3	3	.....

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	16¼	15⅞	16¼	+ ¾
General Theatre Equip. 6s '40 ctf.	16	15¾	16	+ ⅝
Loew's 6s '41 ww deb rights.....	104⅞	104⅞	104⅞	— ⅛
Paramount Pict. 6s '55.....	97	97	97	+ ¼
Warner Bros. 6s '39 wd.....	81	81	81	.....

(Quotations at close of Oct. 5.)

Imperial's Third Is Set

An increased budget for "Rich Relations," the third production on Imperial Pictures' new schedule, has been approved as a result of "encouraging" franchise distribution, according to Lew Berman of Imperial Distributing Corp.

Insiders' Outlook

By RED KANN

A COMPARISON of the statistical fabric contained in the current report of the Motion Picture Division, State Education Department, better known as the New York State censor board, with that of the previous available period is interesting. Also in it there are conclusions, stacking up naturally and inevitably, which reflect warmingly and favorably on the status quo of the industry. The latter day report covers the fiscal year beginning July 1, 1934, and terminating June 30, 1935; the earlier, for the identical period a year before. It is on this basis that what follows intrigues. . . .

▼

Currently, 1,868 eliminations were made in the 1,737 features and shorts submitted for censorship. This compares with 2,195 the year before. Hopeful sign, No. 1. But get this: 604 deletions in the total bit the dust on the charge they were indecent; last year, it was 838. Scenes or subtitles or dialogue viewed as "tending to incite to crime," totaled 436; last year, 511. "Immoral or tending to corrupt morals" were 628 cuts in the latest available account of censorship stewardship; last year, 752. "Inhuman" material latterly ran to 136 eliminations and this was an increase of 57, however, while those items generally classified as "sacrilegious" jumped from 15 last year to 64 this. . . .

▼

This year twelve pictures were rejected in toto, but three were subsequently revised and licensed. Last year, the verboten list ran to fifteen, of which two were revised and later approved with eliminations. Dramas in the latest fiscal period were less objectionable through censorial eyes, for eliminations in this type of product were held to 130 films, comparing with 147 last year. The same conclusion seems logical where comedies are concerned. Forty-two of this type experienced cuts; last year it was sixty-two. Similar figures for other classifications are these: Comedy-dramas, seventeen this year, twenty last; serials, eight and seven; educationals, four and four; cartoons, one and four; scenics, twelve and twenty-two; novelties, one and three; miscellaneous, ten and seventeen.

▼

Obviously, product is getting better. Obviously, the credit for the improvement can go to one and only one source which is Production Code Administration. Scoffed at and scorned when it was not ignored or forgotten, the self-imposed regulation which the major industry adopted for itself originally has, since its reinforcement, demonstrated its inestimable value to this business. The code is inextricably yet properly woven into the structure of this industry there to remain as long as service and results are recognized. . .

Rackett Named Again

HOLLYWOOD, Oct. 6.—Gerald Rackett of Technicolor and Hollis Moyce of Du Pont have been re-elected chairman and secretary, respectively, of the coast section of the S.M.P.E. Charles Handley of National Carbon was named section manager.

Discussions and demonstrations of new improvements in arc and incandescent lighting were held as well as a demonstration of Eastman Kodak's new polarized screen filter for photographing exteriors.

Johnson to Principal

HOLLYWOOD, Oct. 6.—Keith Johnson, recently assistant to J. J. Sullivan of Fox West Coast, was named sales manager of Principal Pictures yesterday by Sol Lesser, president. Johnson succeeds Louis Hyman, who joined Far West Exchanges last week.

Pitt Reopening with Four-Hour Program

PITTSBURGH, Oct. 6.—Morse and Rothenberg, New England theatre operators, have taken a six months' lease on the Pitt and will reopen this week with the lowest scale in the downtown sector. Not only that, but they're presenting what is probably the longest bill ever offered here.

In addition to a double feature, the house is also offering five acts of vaudeville, a program that consumes more than four hours. Prices are 10 and 15 cents in the afternoon and 15 to 25 cents at night. The opening bill includes a revival of "Scarface," "She Had to Choose," with Larry Crabbe and Sally Blane.

Warner Club Dance Set

PITTSBURGH, Oct. 6.—The Warner Club's annual dinner dance will be held here this year at the William Penn Hotel Nov. 3, one week before the Variety Club stages its yearly "Big Top" banquet.

Harriet Pettitt, Harry Kalmine's secretary, heads the committee.

"Romance" Holds Over

"Here's to Romance," Twentieth-Century-Fox picture starring Nino Martino, which reopened the Center as a film house, will be held for a second week.

"Glory" Premiere Set

"Born to Glory" will have its New York premiere at the Globe on Oct. 18.



ONLY ONE TRAVEL SERIES CAN BE FIRST!



FITZPATRICK TRAVELTALKS in TECHNICOLOR

JAMES A. FITZPATRICK has made a fine art of travel films. The public has learned that his delightful voyages via the screen are the finest a theatre can book. Years of supremacy behind him, he faces the future with broader plans and interesting innovations which, with the addition of Technicolor, make the name and product of Fitzpatrick things to conjure with in our industry.

The first two subjects of Fitzpatrick's '35-'36 season are unquestionably the finest he has ever done. A treat for all audiences:
HISTORIC MEXICO CITY
BEAUTIFUL BANFF AND LAKE LOUISE

Proudly distributed by METRO-GOLDWYN-MAYER

Verbal Clash Of Attorneys Marks Trial

(Continued from page 1)

the testimony was confusing and asked that Arthur be more specific as to the time and place the alleged conversations took place in New York. Judge George H. Moore agreed with Leisure and instructed Hardy to have Arthur try and fix the time and dates as closely as he could recollect.

Arthur then related a conversation with Depinet at the latter's office in the RKO Building during which the F. & M. head asked why RKO's product had been sold to Warners, to which Depinet said, according to Arthur's testimony, "I don't think they'll take it. It may be just to pull you in line."

Reed, Gentry Object

Hardy then questioned Arthur as to what he meant by "pulling into line" to which Leisure objected and was sustained. Arthur was in the middle of another conversation when Leisure was about to get up. Hardy, seeing this, told Leisure to give Arthur a chance to finish before raising an objection. This started the initial flareup. Leisure asked Judge Moore to instruct Hardy to make his remarks directly to the court instead of across the room. The Judge so instructed Hardy, who then proceeded to examine Arthur.

The second and last flareup came shortly after, when William R. Gentry, local counsel for Paramount, and former Senator James A. Reed objected to the admission of testimony on what took place at a meeting among Arthur, Attorney General Samuel G. Cummings, Hardy, Rosenblatt, Robert W. Perkins, Thomas K. Dysart and Ernest L. Wilkinson at the attorney general's office in Washington in May, 1935.

The two attorneys objected to conversation at this meeting being introduced as testimony. The jury was temporarily dismissed while the defense attorneys and Hardy argued the matter before Moore. Hardy objected to Perkins' presence during the argument but he was overruled because Moore said Perkins was an attorney in the case. However, other witnesses were asked to leave the room.

Details Washington Meeting

Leisure and Gentry argued that the meeting in question took place after the indictments and what was said then could not have a bearing on the case. Hardy then read what allegedly transpired at the Washington meeting. While this was going on Gentry objected to the press listening and recording the events on the ground that the jury would read the story and it might prejudice their minds. Hardy said that would be a violation of the court's instructions not to read anything about the case. Judge Moore stated he did not want to clear the reporters from the room.

After Hardy finished reciting what allegedly had transpired at the Washington session, Wood took the floor and vehemently criticized Hardy for the way the latter casually mentioned Rosenblatt as a New York lawyer. An argument ensued between Hardy and Wood, with Moore settling it by telling Hardy to permit the Warner attorney to continue.

"Hardy," Wood told the court while the jury was still out, "has concealed the activities of Rosenblatt in the settlement made with the knowledge of both the Dept. of Justice and Hardy himself." Wood stated that Rosenblatt effected the settlement with the encouragement of the Justice Dept. and at this point Hardy again tried to stop Wood, but Judge Moore told the Warner legal representative to continue. Hardy again arose and begged for five minutes to explain his side, as he could not understand the purpose of Wood's talk.

Wood then remarked to Hardy "you will know the purpose of what I am saying if you are capable of understanding."

Wood declared that Rosenblatt, who was a coordinate member of the Government branch, was missing here, although "he is the only person in the world who knows everything that took place in this circumstance."

Rosenblatt Mentioned

"The reason why he is missing is perfectly obvious," Wood contended. He added that, "the Government reneged on the settlement and Hardy knows that."

The Warner attorney then asked why Rosenblatt was not included in the 47 Government witnesses subpoenaed, if the Government desired to have the circumstances known.

"Rosenblatt would put the Dept. of Justice and Hardy in a bad light as an impartial witness," Wood asserted. Hardy then said, "We'll call him, I'm willing to put them in a bad light," meaning the Government and Dept. of Justice.

Wood then described Rosenblatt's job as NRA Administrator as one which called for him to settle disputes among members of the film industry. He said Rosenblatt acted as an umpire not on the suggestion of Warners, and the first thing the NRA Administrator did was to go to Hardy for consent to dismiss the indictments if the controversy were settled. Wood here emphasized again that everything Rosenblatt did was with the knowledge and consent of the Government, but the Government "never will tell in advance what it will do."

"Do you want to know what I said to Rosenblatt," Hardy asked Wood, to which the latter replied, "Your statement would carry very little weight with me. You will have a chance to say yours before I get through."

Continuing, the Warner attorney, who yesterday was more active than he has been on any other day since the trial started, declared that Perkins never approached anyone to dismiss the indictment in view of the settlement, but that Rosenblatt came to Perkins after he had worked out the arrangement to accept it. He added the various parties mentioned were all called together at the attorney general's office at Rosenblatt's request and that Warners never offered a settlement.

Arthur Resumes Testimony

Wood openly charged Hardy with getting Perkins into the conference as "a trap for this evidence."

Reed followed his fellow Warner counsel, saying that Warners didn't originate the proposition. The Government and all the others did.

"We said we were ready to accept the settlement made by the Government and that we were not guilty of anything. Because Rosenblatt had worked out a plan for industrial peace we were willing to go along. Arthur wanted a lot of money before he would accept the plan worked out by Rosenblatt." Hardy said this did not occur at the meeting which he attended but Wood retaliated, saying, "You have four witnesses against you, Mr. Hardy, including Rosenblatt."

After the defence counsel finished their objections to admittance of testimony reported to have taken place at the Washington conclave, Hardy, in rebuttal, said he was astonished that Wood had questioned his good faith.

"I have no reason to conceal any fact in this case," Hardy said. "It is my duty to see that the whole truth is presented. The only reason why Wood refuses to let us introduce this highly and incriminating evidence is apparent."

During the first hour of the session Arthur picked up where he left off the day before, when he was relating an interview he had with George J. Schaefer. At this meeting, said Arthur, Schaefer agreed to intervene and promised he would try and talk to Harry M. Warner about the matter of dropping the reported theatre fight in St. Louis against Fanchon & Marco.

Arthur testified he had been in the business about 20 years, and had been associated with six film companies in jobs ranging from salesman to branch manager.

He then went on to say that in 1920-25 he had been general manager of Fox West Coast, from 1925-27 president and general manager of Pacific Northwest Theatres, in 1927 southern division manager of the above merged circuits, in 1930 general manager of Fox Theatres, in 1932 president and general manager of Arthur Theatres, which had leases on Fox New England theatres in 1933; vice-president of Fanchon & Marco (a post he now holds), which owns leases on 13 theatres. He also owns personally half of Cobart Theatres, in which Marco Wolff has the other 50 per cent. This circuit has nine theatres on the coast.

Hardy interrogated Arthur on the local theatre situation during the past three years, linking the various first runs and the product they have bought during this period. The F. & M. theatre head then discussed a meeting with Neil Agnew, sales manager for Paramount, which had to do with the booking of "Belle of the Nineties" at the Ambassador here. He also stated that he was forced to keep the Grand Central closed for six to eight months because he couldn't get product.

Rosenblatt May Be Called

Because he was uncertain of admitting as evidence a conversation Arthur had with Levy and also remarks said to have been made at the meeting of various executives at the Dept. of Justice office, Judge Moore held in abeyance his decision until the records in previous cases are checked over the week-end.

Arthur will probably finish his testimony on Tuesday, when the trial resumes. He then will be cross-examined by the defense lawyers. From present indications each of the attorneys from RKO, Paramount and Warners will question the Fanchon & Marco executive on statements he has made. This is expected to last until Wednesday afternoon, if not later.

Whether or not Harry Koplar and Rosenblatt, who appear at the moment the two most important witnesses for the defense, will be summoned could not be learned. Some say they will be put on the stand but no definite announcement has been made.

On the Lighter Side

ST. LOUIS, Oct. 6.—Reports are around that the two cases will take about two months. Hence, Warners, RKO and Paramount are negotiating plenty of business on the local scene. The daily telephone tolls run into large sums as the activities of the three companies are conducted largely from this point.

+

At the end of the month, the various judges and offices of the local Federal courts will move into a new building. There's no telling whether the indictment trial will finish up in the Post-office Building or not.

+

Former Senator REED's opening statement was read from a script running 64 pages. This did not include the additional remarks he made subsequently.

+

IRVING LESSER missed the session on Friday, but HARRY and MILT ARTHUR wouldn't say why. MILT had reservations for the World's Series in Chicago and Detroit and had to dispose of the tickets because he could not attend. His tickets for coast football games went to his wife and family.

+

Judge MOORE is catching up on the film business. He asked for a copy of last Monday's MOTION PICTURE DAILY. He got it in less than an hour after the request.

+

There are five sisters and five brothers in the ARTHUR family. HARRY, Sr.—not the New York HARRY—is still going strong as manager for two F. W. C. theatres.

+

Nobody went home over the week-end. While plane service out of here is good, witnesses and others were afraid to take a chance.

+

HARRY M. WARNER was all smiles in court Saturday. He showed pictures of his grandchild.

+

CLAUDE EZELL, here en route to Kansas City, says he has a big Bank Night deal on for all Europe and South America.

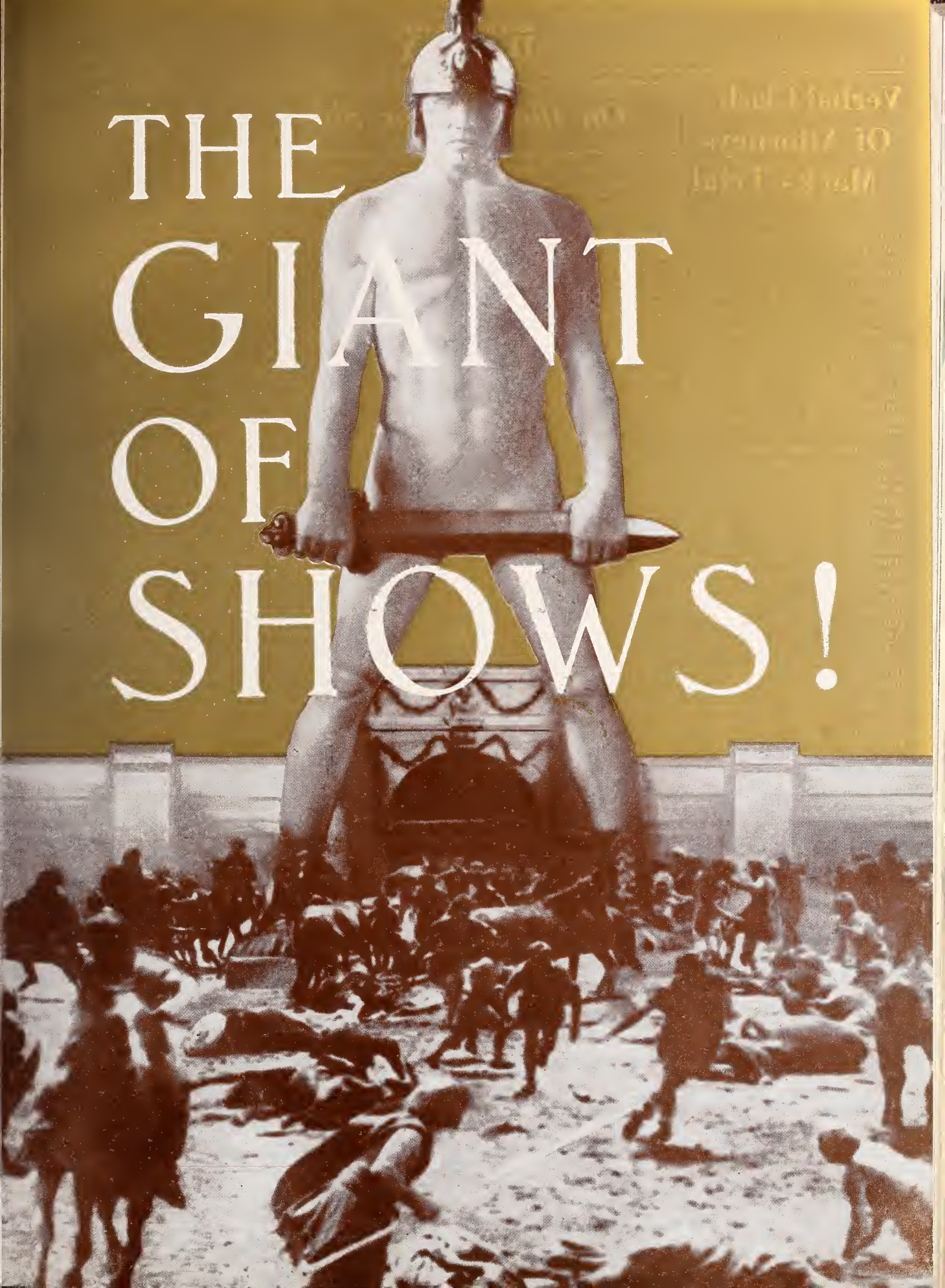
Orr to Succeed Yorke

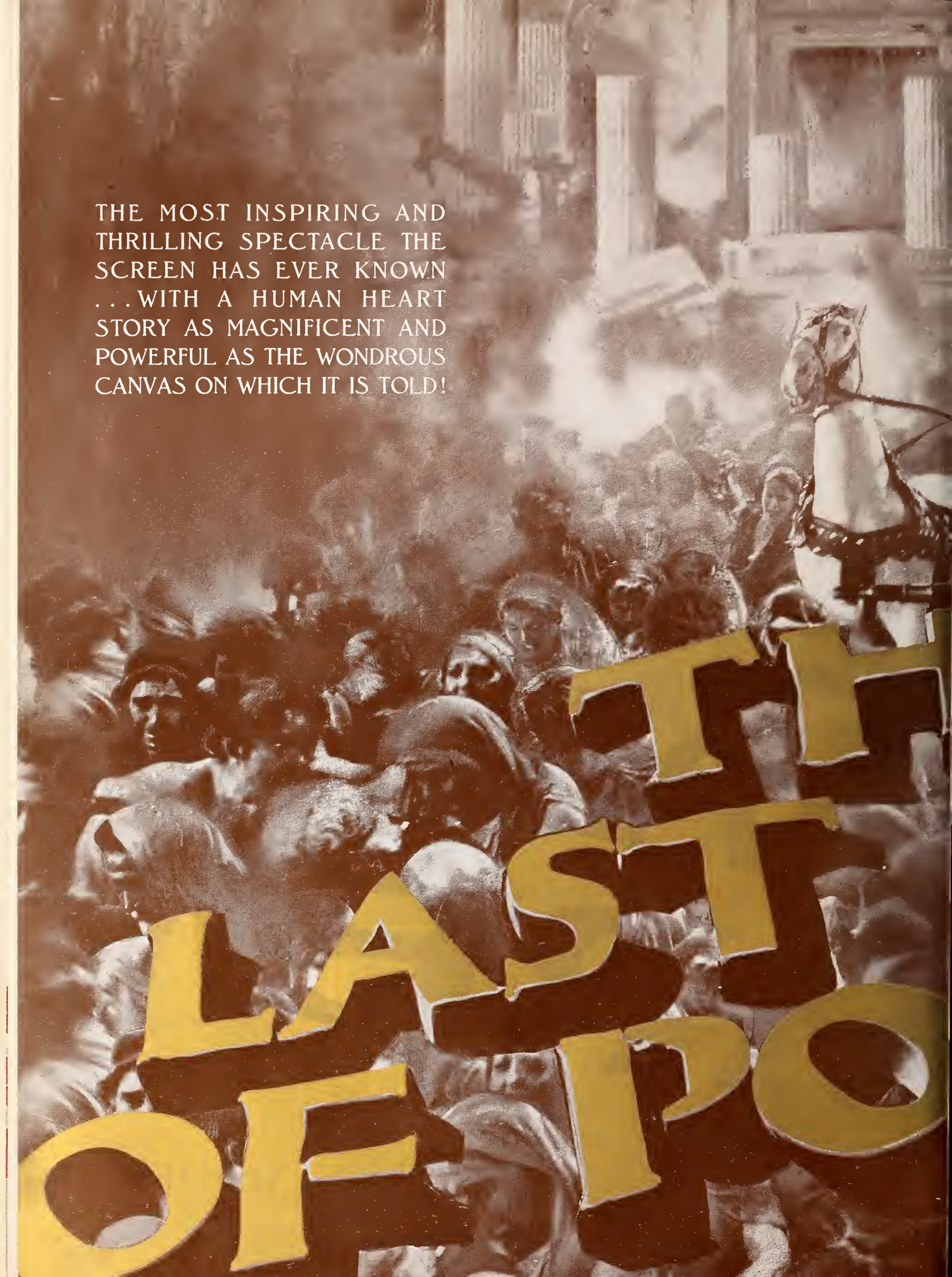
HOLLYWOOD, Oct. 6.—Troy Orr succeeds Gabe Yorke as head of the advertising and exploitation department at Twentieth Century-Fox. Mel Riddle and Pat Patterson, who served under Yorke, have tendered their resignations and will leave with Yorke on Oct. 15. Jack Mulcahy, who has been in the department for some time, will remain.

Teschner to Marry Soon

CLEVELAND, Oct. 6.—Theodore Teschner, assistant manager at Loew's State, will marry Virginia George, assistant treasurer at the Hanna, on Oct. 21.

THE GIANT OF SHOWS!




THE MOST INSPIRING AND THRILLING SPECTACLE THE SCREEN HAS EVER KNOWN . . . WITH A HUMAN HEART STORY AS MAGNIFICENT AND POWERFUL AS THE WONDROUS CANVAS ON WHICH IT IS TOLD!
THE LAST OF PO



MERIAN C. COOPER'S
GREATEST PRODUCTION



The gladiator who became the terror—and the toast—of Pompeii . . . whose fighting heart melted at a touch of human love.

HUMAN INTEREST . . . ROMANCE . . . SUSPENSE . . . HOPE . . . FEAR . . . FAITH . . . EVERY EMOTION OF LIFE FLAMES IN THIS STORY OF 2,000 YEARS AGO . . . AND LIVES IN YOUR HEART THIS VERY HOUR!

Slaves on the auction block! . . . Combat in the Arena! . . . Mad pagan revelry! . . . Vesuvius in eruption! . . . Fire in the sky! . . . Earthquake! A city blown to bits!

THE LAST DAYS OF POMPEII

RKO-RADIO PICTURE

Directed by

ERNEST B. SCHOEDSACK



WITH A CAST OF THOUSANDS HEADED BY

PRESTON FOSTER

•

ALAN HALE · · BASIL RATHBONE · · JOHN WOOD · · LOUIS CALHERN DAVID HOLT · · DOROTHY WILSON · WYRLEY BIRCH

New U.S. Law Big Topic of Carriers Here

(Continued from page 1)

Charles C. Pettijohn will be present. An election of officers will be held later in the week.

Expected are these delegates:

John Vickers, Carolina Delivery Service Co., Charlotte, N. C.; A. C. Amsler, Columbus-Cincinnati Trucking Co., Columbus, O.; L. M. Miller, Electric Delivery System, New Orleans; A. E. Gallagher, Exhibitors Film Delivery & Service Co., Inc., Denver, Col.; A. E. Gallagher and E. E. Jameson, Exhibitors Film Delivery & Service Co., Inc., Kansas City; George F. Callahan, Exhibitors Service Co., Pittsburgh; H. Decker, Film Exchange Transfer Co., Boston; Johnson & Bradley, Film Pick-Up Service, Minneapolis; C. W. Trampe, Film Service, Inc., Milwaukee; Charles E. McCarthy, Film Transfer Co., Minneapolis; M. G. Rogers, Film Transport Co., Omaha; Morris Smith, Film Transportation Co., Des Moines; H. C. Robinson, Film Truck Service, Detroit; Thomas W. Gilboy, Gilboy Co., San Francisco; Gross & Johnson, Cleveland; James P. Clark, Horlacher Delivery Service, Inc., Philadelphia; C. F. Baldwin, Inland Film Express, Des Moines; M. H. Brandon, Inter-Carolina Delivery Service, Charlotte; L. Waltz, Interstate Film Service, Minneapolis; McKinney & Isles, Iowa Film Delivery, Des Moines; M. Adelman, New Jersey Messenger Service, Philadelphia; W. A. Slater, Northwest Film Delivery Co., Seattle; K. E. Peters and P. F. Talcott, Theatre Service Co., Minneapolis; F. E. Smith and G. M. Blackman, Smith Film Service, Inc., Syracuse; H. E. Howell, Howell Trucking Co., Rochester; E. F. Albright and J. O. Schoeninger, The Theatre Transport Co., Toledo; S. B. Bonello, Film Express Service, Minneapolis; C. W. Jensen, Middlewest Film Express, Minneapolis.

Got Venue Change

Injunction proceedings by Playmore Premiums, Inc., against Charles Streimer, doing business as the Streimer Ad Service, in the New York Supreme Court do not constitute a new action, but merely represent a change of venue so that the action might be tried in Manhattan, not in Queens County where the suit was originally filed. So states Arthur Beaudry, attorney for Streimer, who adds the original move for an injunction against Streimer was denied in Queens.

"Crusades" in Hub

BOSTON, Oct. 6.—"The Crusades" opened here Friday night to a capacity crowd at the Majestic. "A Midsummer Night's Dream" goes in the same reopened theatre later. The advance sale is said to already approximate over $7,000. Harry Browning, M. and P. advertising chief, is heading the exploitation with Harry Brown of Paramount as resident publicist. Kleig lights and gala banners made the affair a brilliant one.

Plan "Barbary" Ball

For the benefit of the *New York American* Christmas Fund a special "Barbary Coast" ball will be held at the Waldorf Astoria on Oct. 20. Samuel Goldwyn's new picture will be a feature of the program and the *American* and *Daily Mirror* will put a publicity campaign behind the party.

Tom Mix's Leg Broken

ALVA, Okla., Oct. 6.—Tom Mix sustained a broken leg in a fall from his horse here. The horse fell on him during a performance of his circus.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Remember Last Night"

(*Universal*)

HOLLYWOOD, Oct. 6.—Junior Laemmle again demonstrates his showmanship precision in producing this murder mystery-melodrama which slyly burlesques screen killings, not by having one murder but a score of them. Tongue in cheek flavor makes this film palatable, gay and full of fun.

When Sally Eilers' husband is found dead in the home of Robert Young and his wife, Constance Cummings, has a "hangover" from the night before, Edward Arnold from the district attorney's office and stooge Edward Brophy are called in and do the Sherlock and Watson. Follows the murder of Gustave von Seyffertitz, criminologist, who uses a whirling light disc to hypnotize and reveal the subconscious mind. Monroe Owsley, enmeshed in the net, commits suicide. Jack La Rue, chauffeur suspect, is killed. Gregory Ratoff is knifed by a hijacker. The final finger is placed on Reginald Denny, whom nobody suspects until Arnold tells all and laughs it off at the finale.

The entire cast romps through its roles alternately kidding and convincing the audience for good effect. Particularly comic is "Pip" Treacher, an English butler, tripping over American slang. Arnold makes a first class "dick."

The screenplay by Doris Malloy, Henry Clock and Don Totheroh, adapted from "Hangover Murders," a novel, is well pointed for satire.

James Whale's flair for macabre fun is evident in the direction. The production is well-dressed and well photographed. Exploited for its laughs and eerie queerie mystery this should result in good box-office takes.

No production code seal. Running time, 65 minutes. "G."

"Eagle's Brood"

(*Sherman-Paramount*)

HOLLYWOOD, Oct. 6.—This second of the Hopalong Cassidy series concentrates on action with two killings at the start and more later.

Addison Richards and his gang murder a traveller and his wife in a highway robbery, learning later from the victims that they are the slain son of William Farnum, reformed bandit, and that they overlooked George Mari, the couple's child and only eyewitness to the tragedy. Fearing vengeance from Farnum they determine to kill the boy, who has meanwhile been found by Joan Woodbury, a dance hall girl. Farnum is turned back by William Boyd, as Cassidy, because the police still seek him, and leaves only when Boyd promises to return his grandson personally. Boyd with Jimmy Ellison then seek the youngster. Miss Woodbury is killed by Richards before she can reveal where she has hidden him. Boyd and Ellison then pick off the gang members one by one until young Mari is finally located and restored to Farnum.

Director Howard Bretherton pictures the straight dramatic story well. Occasional comedy is ably contributed by George Hayes. The Sherman production is excellent and the photography of Archie Stout is above average. Doris Schroeder and Harrison Jacobs, who wrote the screen adaptation of the Clarence Mulford novel, did a commendable job. The picture will satisfy all lovers of hard riding and straight shooting.

Production Code Seal No. 1,264. Running time 60 minutes. "G."

"His Fighting Blood"

(*Ambassador*)

HOLLYWOOD, Oct. 6.—Good trick riding by Kermit Maynard and effectively photographed chase scenes give added value to this tale of brotherly devotion and the Northwest Mounties.

Maynard plays a noble backwoods brother who goes to jail when his young brother, Paul Fix, steals some jewels. The confession of a dying man clears Maynard of blame. Instead of preferring charges against him for shielding a murdering thief, the warden tells Maynard he is a fine fellow and sets him free to become a member of the Royal Canadian Mounted Police.

Fix has not kept his promise to go straight and Maynard finds himself on the trail of his own brother. Fix remains a whining villain to the last possible moment when, on what can only be a whim, he takes a bullet in the back to save Maynard's life.

Joseph O'Donnell adapted from the story by James Oliver Curwood. Sig Neufeld and Maurice Conn produced and John W. English directed. Polly Ann Young plays the heroine, and featured are Ben Hendricks, Jr., Ted Adams, Joseph Girard, Frank La Rue, John McCarthy, Frank O'Connor, Charles King, Jack Cheatham, Edward Cecil and Ted Lorch.

Production Code Seal No. 1,491. Running time, 61 minutes. "G."

(Reviews continued on page 12)

Ascap Shifts Its Policy on Legal Attacks

(Continued from page 1)

in the state. The step was to have been taken in an effort to remove the tax legislation from the Georgia statutes and to invalidate similar legislation in other states by having a precedent, if the test proved successful, in the event of necessity of appeals to the U. S. Supreme Court.

It is now learned that with no move having been made to enforce the new legislation by any of the states which have adopted it, Ascap will probably abandon its plans for a test case in Georgia. If this is done the organization's policy would be to ignore the adverse legislation where it exists unless and until moves to collect the taxes provided for are made. Ascap, however, still has the Georgia legislation under study and, while a test of its constitutionality is now regarded as unlikely, steps may be taken late this month to effect an exchange of agreements with the state government which would minimize the burdens of the tax for Ascap in the event of enforcement of the new law.

To Appeal Game Ruling

FALL RIVER, Oct. 6.—An appeal from a local court decision holding Broadway Handicap to be a lottery has been taken to the Superior Court by Philip Smith, who owns a New England theatre circuit, a local independent exchange and the cash giveaway game. Smith says that his Broadway Handicap will continue to operate here pending the appeal. Distributors of similar premium schemes claim the handicap decision does not affect them.

"Gold Mine" Quits N. E.

BOSTON, Oct. 6.—James Kennedy, who left the Bank Night distributing organization recently to start Gold Mine, his own box-office game which lost a patent infringement suit to Bank Night, will not appeal the infringement decision and will return to Bank Night as a New England salesman. An agreement has been made that Bank Night will not sue users of Gold Mine.

John Krimsky Arrives

John Krimsky has arrived in town for the double purpose of lining up a new production company and convincing Will H. Hays that the English version of "Maedchen in Uniform" should be approved for showing in this country by the Production Code Administration.

John G. Clifford Dies

COLUMBUS, O., Oct. 6.—John G. Clifford, 53, who has been producing amateur minstrel shows here for 35 years, died after several weeks' illness. He was widely known in the profession. His widow and three daughters survive.

'Deception' to Music Hall

Twentieth Century-Fox's "The Gay Deception" will open at the Music Hall on Thursday.

Best of the OLD COMEDY FAVORITES

Most of the Big Names you'll find exclusively in *Educational's* Comedies...the stars everybody knows . . . such as Buster Keaton, Joe Cook, Ernest Truex, Tom Howard, Buster West, Tom Patricola.

And there, too, you'll find the most promising of the newcomers...hits of the Broadway stage and the radio...such as Fred Lightner, Earl Oxford, Niela Goodelle.

Two months' releases of *Educational* Comedies shatter all records for box-office names of today and tomorrow.







Educational Pictures

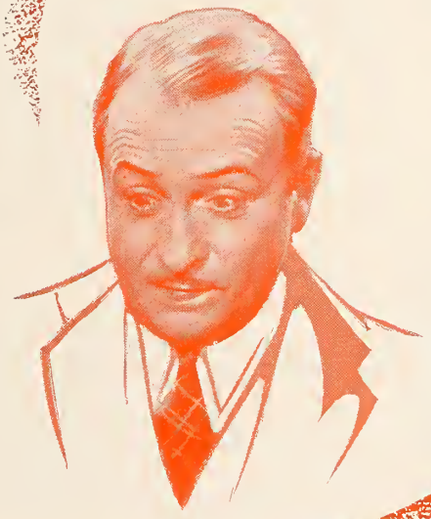
Brightest of the NEW STARS











Sixty-day schedule that hits a new high point in two-reel comedy production.

BUSTER WEST and **TOM PATRICOLA** in
"DAME SHY" and
"KISS THE BRIDE"
Tuxedo Comedies

BUSTER KEATON in
"THE E-FLAT MAN"

ERNEST TRUEX in
"THE AMATEUR HUSBAND"

JOE COOK in
"PENNY WISE"

TOM HOWARD and
GEORGE SHELTON in
"STYLISH STOUTS"
Coronet Comedy

"RHYTHM OF PAREE"
Musical Comedy
with
EARL OXFORD FRED LIGHTNER
NIELA GOODELLE NELL KELLY

"FLICKER FEVER"
Frolics of Youth
with
ANN McCULLY CICELY BROWNE
GEORGE CHANDLER

"MOONLIGHT AND MELODY"
Musical Comedy
with
LUCILLE PAGE BUSTER WEST
TOM PATRICOLA RITA RIO

Presented by
E. W. Hammons





Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A.
by 20th Century—
Fox Film Corporation

"Hat" Strong In 2nd Week At Pittsburgh

PITTSBURGH, Oct. 6.—Three houses made creditable showings, led by the Penn, which took $11,500 on a second week with "Top Hat." That gave the Fred Astaire-Ginger Rogers musical around $35,000 on the fortnight.

At the Fulton, getting under way again after a three-month shutdown, the Baer-Louis fight, rather than "Welcome Home," brought in a first rate $5,200, while at the Warner "Smilin' Through" and "Here Comes Cookie" took an excellent $5,500.

"Ginger" was a disappointment at the Alvin and was pulled after five days to a weak $3,500 and the Stanley likewise took it on the chin with "Annapolis Farewell" and a stage show, doing just a little better than $12,000.

Total first run grosses were $37,700. Average is $41,000.

Estimated takings for the week ending Oct. 3:

"GINGER" (Fox)
ALVIN—(2,000), 25c-40c, 5 days. **Gross:** $3,500. (Average, for six days, $5,500)

"WELCOME HOME" (Fox)
BAER-LOUIS FIGHT
FULTON—(1,700), 15c-40c, 6 days. **Gross:** $5,200. (Average, $4,000)

"TOP HAT" (Radio)
PENN—(3,300), 25c-40c, 6 days, 2nd week. **Gross:** $11,500. (Average, $10,000)

"ANNAPOLIS FAREWELL" (Para.)
STANLEY — (3,600), 25c-55c, 6 days. Stage: El Brendel, Mal Hallett's band, Washboard Serenaders. **Gross:** $12,000. (Average, $16,500)

"SMILIN' THRU" (M-G-M)
"HERE COMES COOKIE" (Para.)
WARNER — (2,000), 25c-40c, 6 days. **Gross:** $5,500. (Average, $5,000)

Holdovers Strong Portland Grossers

PORTLAND, Oct. 6.—Two holdovers were still drawing well last week. "Top Hat" was $1,000 over normal on a take of $4,000 in its third downtown week at the Mayfair, and "Broadway Melody of 1936" was the same amount above par on a take of $8,000 at the United Artists.

Total first run business was $31,200. Average is $24,700.

Estimated takings for the week ending Sept. 28:

"HERE COMES THE BAND" (M-G-M)
"PURSUIT" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LES MISERABLES" (U. A.)
"PEOPLE WILL TALK" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"TOP HAT" (Radio)
MAYFAIR—(1,700), 25c-35c-40c, 7 days, 3rd Downtown Week. **Gross:** $4,000. (Average, $3,000)

"SHE MARRIED HER BOSS" (Col.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $5,000)

"TWO FOR TONITE" (Para.)
"JALNA" (Radio)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

Chaplin Film to London

United Artists will open Charlie Chaplin's latest, "Modern Times," in London Dec. 19, according to Arthur W. Kelly, vice-president in charge of foreign distribution. It will be held at the Tivoli for an indefinite run.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 9)

"Hands Across the Table"

(*Paramount*)

HOLLYWOOD, Oct. 6.—Setting a new pace for fast-moving comedy, this picture clicks rapidly with laugh topping laugh. Carole Lombard and Fred MacMurray give swell performances, bringing vitality to interesting characterizations.

Miss Lombard, cast as a manicurist, subscribes to the philosophy that marriages should be made for financial gain. MacMurray, scion of an impoverished family once wealthy, holds like views. Inadvertently forced to share the same apartment, the pair fall madly in love, but fight desperately to restrain their emotions.

MacMurray is engaged to Astrid Allwyn, debutante. Miss Lombard is courted by Ralph Bellamy, wealthy invalid. Each concedes the other's right to form a financially profitable alliance, yet struggle to prevent marriage. True love triumphs finally after complications introduced lightly for comedy values.

The screen play by Norman Krasna, Vincent Lawrence and Herbert Fields from Vina Delmar's story grabs all opportunities for developing the characters logically revealed by sparkling dialogue. The supporting cast, including Ruth Donnelly, Ferdinand Munier and Marie Prevost, is uniformly good. Mitchell Leisen's direction is expert throughout and Lloyd Sheldon's production handles the delicate moments with tact. All elements indicate the picture is headed for high grosses.

Production Code Seal No. 1,460. Running time, 80 minutes. "G."

"It's in the Air"

(*M-G-M*)

HOLLYWOOD, Oct. 6.—Jack Benny, box-office air ace in a farce about chiselers chiseling on other chiselers, is ably supported by Ted Healy, Una Merkel and Nat Pendleton in a broad comedy revealing Benny's pleasing personality in light romance.

Benny, smoothie wanting to go straight, is maneuvered into a gigantic stratosphere flight. Grant Mitchell, referred to as "W. R.," and motivated by unselfish patriotism, is inveigled into participating. Mitchell, bombastic tycoon sensing profits, then promotes his big business pals, who seek an opportunity to exploit their beer, salami and paprika, also patriotically.

Caught between Healy's nonsensical jocosities and the wifely love of Una Merkel, Benny goes through with his stratosphere flight, Healy accompanying him as Pendleton, burlesque Federal dick, pursues them.

A sequence in the balloon as an eagle screeches with Healy removing and replacing his clothes as the tycoons wail and wait, is uproarious. Healy is riotous. All ends well.

Chuck Reisner brings out Benny's attractive qualities, emphasizing the laughs all the way. Byron Morgan and Lew Lipton did the original and screen play. Harry Rapf produced. Laugh values and Benny's name assure good results and audience satisfaction.

No production code seal. Running time, 80 minutes. "G."

Looking 'Em Over

"Guard That Girl"

(*Columbia*)

With something of a mystery flavor and centering about a will and an heiress, this rates as fair entertainment, with Ward Bond, Florence Rice, Arthur Hohl and Robert Allen featured in a cast which offers little in the way of marquee selling opportunity for the exhibitor.

In the expected atmosphere of an old house on an estate various complications develop as Bond and Allen, young private detectives, are hired by an attorney to guard Miss Rice, who, at the lawyer's orders, is posing as the heiress, to save her from the harm he says has been threatened by grasping relatives.

Warnings come in the form of arrows and the girl is told to give up her right to the estate of her father. Bond, Hohl, also a detective, and Allen finally solve the mystery, with the assistance of Lobo, a police dog, who plays an important part in the conclusion. Romance involves Bond and the maid, who turns out to be the real heiress, and Miss Rice and Allen.

Production Code Seal No. 1,256. Running time, 65 minutes. "G."

Purely Personal

JOHN and MRS. WARBURTON arrive on the *Santa Rosa* Tuesday. Also arriving on that ship are K. F. MORGAN and his family. MORGAN is connected with the Erpi office in Hollywood and will attend the S.M.P.E. convention in Washington to be held Oct. 21-24.

•

LUCIENNE BOYER and JOSEPHINE BAKER are on board the *Normandie* due to dock today.

•

DAVE LOEW off for the coast, with a stopover at St. Louis in the itinerary. Not a subpoena, just a visit.

•

FELIX FEIST has reached the point now where he develops "wanderlust" at the sight of a steamship schedule.

•

JOE MOSKOWITZ and BOB GOLDSTEIN at the opening of "Squaring the Circle."

•

JACK PARTINGTON will be general production director of the Broadway revue planned by Fanchon and Marco.

•

BILL GRADY misses Hollywood and those hills.

•

SAM MARX is interviewing hopeful playwrights.

•

JOE VOGEL slightly under the weather.

•

FRANK F. KOLBE, Pathe president, arrived from Chicago yesterday.

Ontario Amusement Tax Continues Rise

TORONTO, Oct. 6.—Despite the Ontario Government's concession on the amusement tax exempting tickets sold to children under 16 years of age, the revenue from the levy is mounting.

Returns for September totalled $239,300, as compared with $68,752 for the same month last year. For the first four months under the new act the tax total has been $974,000, compared with a total of $745,000 collected for the whole of the previous fiscal year.

Indianapolis Union Walkout Called Off

INDIANAPOLIS, Oct. 6.—A short strike which closed three downtown first runs Friday night ended when an agreement was reached with the union on a new one-year contract. The new scales were not revealed.

The houses closed were the Indiana, Circle and Loew's.

B. & H. Add Bible Series

A series of 14 one-reel episodes of Old Testament stories, available in either 16 mm. or 35 mm. prints, with narration and sound effects, has been completed by Bell & Howell and added to the company's Filmsound Rental Library.

F. D. for Loew, RKO

The Loew and RKO Metropolitan circuits have closed for First Division's 1935-36 product with Morris Epstein, of F. D.'s local exchange.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 84 NEW YORK, TUESDAY, OCTOBER 8, 1935 TEN CENTS

Stock Buy in Technicolor's British Deal

Gerrard Industries Take Over 43,320 Shares

By BRUCE ALLAN

LONDON, Sept. 28.—Gerrard Industries, Ltd., controlling the Colourgravure process, in a statement to shareholders, gives details of the arrangement entered into with Technicolor, Ltd., through London Film Productions, Ltd.

The deal was made, it is stated, because "the (Colourgravure) process has not yet reached the stage of commercial development necessary to meet the growing demands of film producers for the production of films in color."

Gerrard has acquired 45,320 shares of £1 value in Technicolor, out of a total issue of 320,000. Of these 20,000 were paid for in cash at a premium of four per cent. Another 25,320 shares represent the surrender value of six

(*Continued on page 6*)

Expect Hearing Soon On Ohio Dating Law

CLEVELAND, Oct. 7.—Hearing by the U. S. Circuit Court of Appeals of the RKO case against the State of Ohio to test the constitutionality of the preferred playing time bill prohibiting designated playdates, is expected to be set within the next four weeks, according to Ben Schwartz, attorney, appointed by Attorney General John E. Bricker to defend the state. The bill became a law July 16. Hearing of the RKO appeal has been postponed because two of three judges specified to preside, have been laid up by injuries sustained in an automobile accident.

Meanwhile, defendants have agreed to take no action to enforce the law.

Windels Answers in Bofan Tax Cut Case

Corporation Counsel Paul Windels filed a return in the Manhattan Supreme court yesterday to the application of the Bofan Amusement Co. for a reduction of its assessment from $570,000 to $450,000. The Bofan company had objected to the assessment made by the Commissioner of Taxes and Assessments.

The corporation counsel asserted that the assessment of $570,000 was not erroneous. He confirmed the amount and stated the total assessment, with improvements, was $1,570,000. Trial and application are pending.

Harry Arthur Will Resume Stand Third Time Today at St. Louis

St. Louis, Oct. 7.—Russell Hardy, special assistant to the U. S. Attorney General, Tuesday will call Harry C. Arthur, head of F. & M., to take the stand for the third time as a Government witness in the trial of Harry M. Warner, Herman Starr, Gradwell L. Sears, George J. Schaefer, Ned E. Depinet, Warner Bros., Inc., Vitaphone Corp., First National Pictures, Inc., Warner Bros. Circuit Management, Inc., General Theatrical Enterprises, Paramount Pictures Distributing Co., Paramount Distributing Corp. and RKO Distributing Corp., indicted on alleged charges of conspiracy in violation of the anti-trust law.

Several of the many executives here from New York were anxious to return east for the week-end, but only three actually made the trip. They were Irving Lesser, who left here Thursday; Neil Agnew, who took a plane out at 1 P. M., Saturday, and William T. Powers, who flew to New York on the 10:30 plane Saturday night. All three will be back in court Tuesday when the trial is resumed.

Carriers Expected To Re-elect Clark

Re-election of James P. Clark as president of the National Film Carriers' Ass'n. was indicated yesterday with the opening of the organization's annual meeting at the Park Central. A nominating committee to draw a slate of candidates for the annual election, to be held at the closing session tomorrow, was appointed yesterday.

The opening day's session was given over to a discussion of the new Federal law pertaining to motor carriers and to the reading of the president's report on organization activities since the formation of the carriers' association two years ago. Harold Shertz, general counsel for the association, led the discussion of the Motor Carriers' Act which places all trucking under the jurisdiction of the Interstate Commerce Commission.

The organization's annual luncheon will be held today with managers of exchange operations for national distributors in attendance. C. C. Pettijohn of the M. P. P. D. A. and Ted Rodgers, president of the American Trucking Ass'n., will be speakers. The annual banquet is scheduled for tonight.

Clark will be chairman of a committee to be named today to attend the American Trucking Ass'n. convention in Chicago next week.

Kuykendall Speaker At Omaha MPTO

OMAHA, Oct. 7.—Exhibitor leaders began to gather here tonight for the annual session of the M. P. T. O. of Nebraska and Iowa at the Loyal Hotel tomorrow at which Ed Kuykendall will be one of the speakers.

Subjects listed for discussion include the Pettengill block booking bill, in-

(*Continued on page 6*)

Production Falls; Normal for Season

HOLLYWOOD, Oct. 7.—A general falling off of activity in all studio departments was noted last week. Production schedules, however, continued to show a substantial gain over the average mark for this time of year. Thirty-nine feature pictures and four shorts were shooting against 42 features and five shorts for the week before.

Columbia had four features working, two in preparation and five in the cutting rooms. Fox had three, two and three; Goldwyn, two, zero and zero; M-G-M, five, zero and 13; Paramount, nine, two and seven; Radio, four, two and five; Universal, four, two and one; Warners, six, one and 13. Independents, two, one and one.

In the short subject field Columbia had no shorts working, two preparing and four editing. M-G-M had one two and three; Radio, zero, two and five; Roach, one, one and two; Universal, zero, one and zero; Warners, one, zero and two; independents, one, zero and one.

Still Seek General Walkout in Mexico

By JAMES LOCKHART

MEXICO CITY, Oct. 7.—In spite of the fact that the National Federation of Workers and Peasants has decided to drop the plan for a general strike in sympathy with the striking exchange employes, the latter are still trying for a general walkout.

They are negotiating with petroleum, sugar and other workers. The move is aimed entirely against American distributors, but lacks Government sympathy.

F. & M. Group Fights Calls For Records

Court Takes Pleas Under Study in St. Louis

By BILL ORNSTEIN

ST. LOUIS, Oct. 7.—After listening to arguments for two and one-half hours this morning on an application to quash subpoenas served by Warners against six individuals and a like number of corporations to produce all files, records and memoranda of contracts and leases in their possession, Federal Judge George H. Moore reserved decision until tomorrow.

He asked for memoranda on cases cited by attorneys.

Ernest L. Wilkinson represented three individuals and four corporations summoned. They were: Harry C. Arthur, Harry Greenman, Charles Kurtzman, F. & M. Theatres of Missouri, Inc., lessee of the St. Louis; Eden Theatre Co., operating the Fox; F. & M. Stageshows, Inc. and Fanchon & Marco, Inc.

John S. Leahy represented Edmund Koeln and James T. Blair, receivers for the Fox; Allen L. Snyder, St.

(*Continued on page 6*)

Otterson Returning; To Discuss Theatres

John E. Otterson, Paramount president, is scheduled to arrive today from the coast and will resume conferences here preparatory to setting new operating arrangements for the Hoblitzelle-Interstate, Kunsky-Trendle and A. H. Blank circuits. Otterson has been at the Paramount studio for the past two weeks and while there had preliminary discussions with Karl Hoblitzelle on a new Interstate agreement to replace that which expired Sept. 28.

Of the Paramount theatre operating agreements which expired on that date only the Hoblitzelle, Kunsky-Trendle and Blank deals remain to be set. These have been extended to Oct. 28 to permit further negotiation.

Pathe Moves Into First Division Offices

The Pathe home office has moved into First Division's recently enlarged quaraters in the RKO building in Radio City. An informal get-together at which Harry Thomas, president of First Division, and Willis C. Bright of Pathe delivered short talks marked the occasion.

In line with First Division's expan-

(*Continued on page 6*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 8, 1935 No. 84

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Cuba to Levy a 5% Tax on Admissions

WASHINGTON, Oct. 7.—A five per cent tax on admissions to first and second class film houses has been approved by the Consejo de Secretarios in Havana, according to a report to the U. S. Department of Commerce from Commercial Attache Walter J. Donnelly.

Theatres, the report states, will be required to use stage players at least one hour daily in accordance with regulations to be prescribed by the commission.

Proceeds of the tax will be used to construct a theatre in Havana to exhibit Cuban arts, the report states. The tax will become effective the day on which the legislation is promulgated in the *Graceta Oficial.*

Bureau Checks Games

HOLLYWOOD, Oct. 7.—The local Better Business Bureau today, in a broadcast by Robert Sample, urged the public to report any collusion between theatres running Bank Night and persons winning prizes, as part of the bureau's campaign against rackets.

DONALD MEEK
"THE RETURN OF PETER GRIMM"
WILLIAM MORRIS OFFICE

Robbins in Charge Of M-G-M Training

HOLLYWOOD, Oct. 7.—Jack Robbins of the M-G-M music department has been appointed head of a newly created unit designed to develop talent for musicals.

From the chorus boys and girls now at work on the lot, he will choose those of exceptional talent, and put them through a course of training.

Dave Gould will be in charge of dancers. Roger Eden will conduct singers through training, and Oliver Hinsdell will remain dramatic coach.

Facilities of the new school will not be restricted to the young musical stock contractees. Robert Montgomery will be in the dancing class. Robert Taylor is enrolled for singing lessons and Marion Talley will study ballroom dancing.

Sam Maurice Succumbs

Sam Maurice, one time manager of the Brooklyn Paramount, Fox, the Fordham in the Bronx and also connected with the Poli and F. W. C. circuits, died over the week-end of a heart attack at the Flower Hospital. He was 60 years old. At one time he was associated as publicity representative with Ethel Barrymore and other stage and screen personalities.

Funeral services will be held today at the Universal Chapel on 52nd Street and Lexington Ave. Cremation will be at the Fresh Pond Crematory.

ST. LOUIS, Oct. 7.—Regret was expressed today by eastern executives at the anti-trust trial here on learning of the death of Sam Maurice.

S. L. Eilbacher Dead

WASHINGTON, Oct. 7.—Stephen L. Eilbacher, manager of the Warner Tivoli, died late Sunday night at the Garfield Hospital following a lingering illness.

Born in Baltimore, Eilbacher came to Washington at the age of 12 and soon after started a career which led to the management of the first run Earle. Surviving are his widow and two daughters. Funeral will be Wednesday morning.

Anthony Nellesen Dead

FORT WAYNE, Oct. 7.—Anthony Nelleson, 61, owner of the Creighton and another local theatre, died at his home here. He had been a resident of Fort Wayne for the past 34 years. He is survived by his widow, three brothers and five sisters. Services were held in Ft. Wayne.

A. A. Haley Passes

SEATTLE, Oct. 7.—A. A. Haley, for many years on Paramount's exchange sales staff, is dead after a brief illness. For the last year he had been connected with a local hotel, and previously had been interested in theatres in Bellingham and Mount Vernon.

Joseph Weiss Dead

PASSAIC, N. J., Oct. 7.—Joseph Weiss, father of William Weiss, manager of the Capital here, is dead. A daughter, Anna, is secretary to H. B. Warner.

Horowitz Out of U. A.

CHICAGO, Oct. 7.—Sam Horowitz, manager of the United Artists exchange here, resigned today. His successor is expected to be named tomorrow.

Purely Personal

KETTI GALLIAN, MARILYN MILLER, CHET O'BRIEN and EDWARD G. ROBINSON at El Morocco.

•

NEILA GOODELLE, EARL OXFORD, FRED LIGHTNER and NELL KELLY are making a second musical for Educational at the Eastern Service Studios.

A Dire Warning
By Ali Gaga

Mox Shobbus dreamt he was blue
And that Ali Gaga for slander would sue.
Mox awoke that night
In a hellluva fright
To find it was perfectly true.

LORRAINE MACLEAN munching apples with much delight along Westchester highways.

•

Y. FRANK FREEMAN, Paramount theatre head, returned yesterday from Minneapolis.

•

AL FRIEDLANDER, of First Division, flew to the coast Saturday.

•

. . . *Houston*

LEROY BICKEL, district manager for M-G-M, matched golf clubs with HOMER MCCALLON, publicity director for Loew's State, and took a licking. DON HINGA, reporter on *The Chronicle,* was also in the game.

BEN HILL, handling "The Dark Angel," put over a free radio plug when he got himself interviewed in the Vox Pop "man on the street interviews" program from KTRH.

LLOYD FINLAY, for 20 years orchestra leader, and most of that time at the Majestic here, is being groomed by EDDIE BREMER, Kirby manager, to take charge of the new Interstate North Side, now under construction.

LIONEL KEENE, Southern representative of Loew's, has been looking over the situation at Loew's State. KEENE gave a backstage party for the theatre personnel and critics after a private preview of "Dark Angel."

J. H. ELDER, contractor of Dallas, is here checking on the three suburban Interstate theatres now being built.

•

. . . *Omaha*

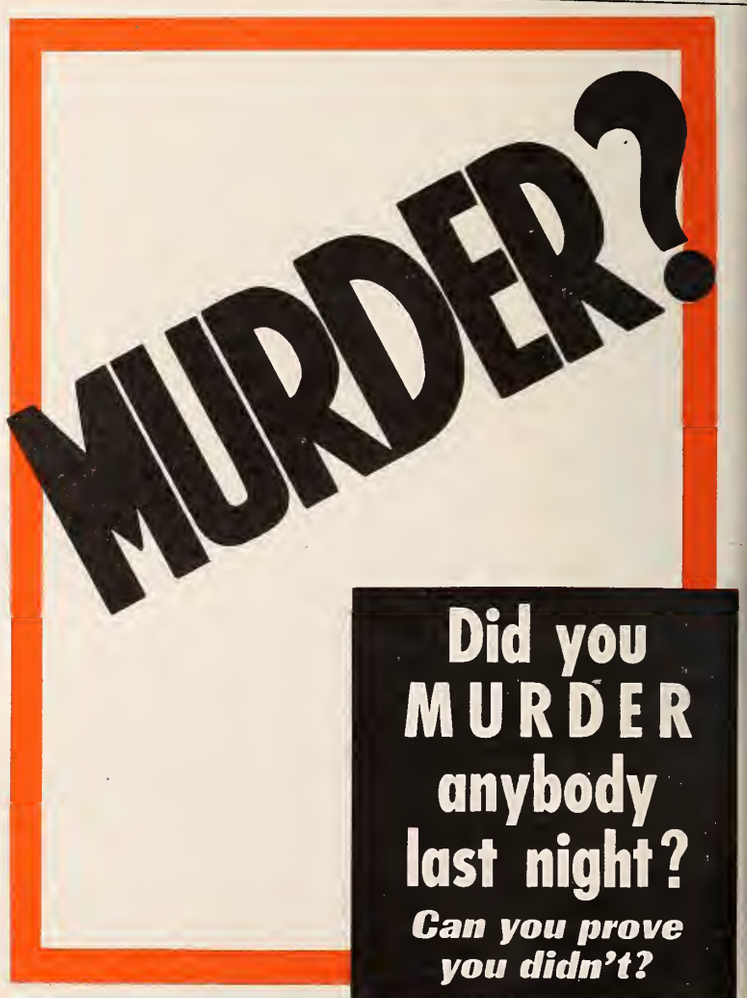
TONI SUE, 5 lbs. 7 ozs., has joined the family circle of V. B. and FLORENCE TRENT, both employes of M-G-M.

DORA MACLAREN is the new Warner cashier, succeeding PEGGY LIBBEE WASSON, who goes to Des Moines to join her husband, LIONEL WASSON, publicity and advertising chief for Central States.

EVERT CUMMINGS, district manager for Tri-States, was taken down with an attack of asthma, coupled with his seasonal hay fever.

CHARLES SCHLAIFER and MRS. SCHLAIFER have motored back to Omaha from a two weeks' holiday in New York.

RALPH and MRS. GOLDBERG have completed a western trip that included Southern California.





EXCELLENT SCREEN PRODUCT

says VARIETY and HOLLYWOOD REPORTER of

OTTO KRUGER

in

"TWO SINNERS"

Based on WARWICK DEEPING'S Cosmopolitan Magazine Novel "TWO BLACK SHEEP"

with

MARTHA SLEEPER
MINNA GOMBELL
CORA SUE COLLINS

★

Directed by ARTHUR LUBIN

Screen play by JEFFERSON PARKER

A TREM CARR Production

A REPUBLIC PICTURE

REPUBLIC PICTURES

$2000 ABOVE AVERAGE IN ITS NEW YORK WORLD PREMIERE AT FOX S, BROOKLYN

"Brought to the screen in faithful as well as creditable fashion . . . . Miss Sleeper tops anything she has done."
—*New York American*

"Cora Sue Collins is delightful."
—*New York Post*

"A smart piece of film fare . . . . Good marquee names."
—*Box Office*

"Otto Kruger the perfect figure of Warwick Deeping's character . . . . admirably aided by Martha Sleeper . . . ."
—*Brooklyn Times Union*

The World's Beloved MA

at Her Greatest! . . . "Lady

Becomes the Queen of H

3 KIDS *and a*







CARL LAEMMLE PRESENTS UNIVERSAL'S

ROBSON

or a Day"

rt-throbs!



QUEEN

with CHARLOTTE HENRY • BILLY BURRUD
FRANKIE DARRO • HENRY ARMETTA
John Miljan • Ferdinand Gottschalk
William Benedict • Henry Kolker • Tom Dugan
Directed by EDWARD LUDWIG
Produced by BEN VERSCHLEISER

GGEST SOUL-WALLOP FOR ALL HUMANITY!

F. & M. Group Fights Calls For Records

(*Continued from page* 1)

Louis Missouri Theatre, Inc., operating the Missouri, and St. Louis Ambassador Co., which operates the Ambassador.

Frederick Wood represented Warners. Samuel B. Jeffries, another Warner attorney, asked for postponement until tomorrow, but Moore ordered the arguments to proceed to save time. Because he was unprepared, Jeffries did not argue the motions.

Leahy, who was the first to present an argument, stated that Koeln and Blair were not parties to the action and that the documents sought were not relevant or material to the case. He asserted that the only paper Koeln has is the lease with the Eden Co. for the Fox. He added there could be no reason for the application and that Warners were trying to do one of two things, attempting to annoy these people "who are perfect strangers to the case," or to conduct a "fishing expedition."

Called "Search Warrants"

As for the other subpoenas, he declared that whatever those named had done could not throw light on the conspiracy alleged in the indictment.

Wilkinson, following Leahy, declared that the groups he represented were not parties to the cause and that the documents sought could supply nothing relevant to the case. His clients, he said, are not charged with playing any part in the alleged conspiracy. He described the subpoenas as "search warrants." Some of the four corporations are foreign to Missouri, he said, and have transacted no business in the state.

Wilkinson told the court that one of the defense attorneys had told him the supoenas were "foolish, but all a part of the game." He cited several cases, which, he said, were similar, and in which deliverance of the papers had been denied on the ground that the requests were "too broad."

Wood, following, pointed out a case where a judge would not pass on a motion to quash a subpoena for records, but had left the matter of materiality to be decided upon cross-examination of a witness. He pointed out another case where a clerk had been authorized to issue subpoenas without application to the judge.

Wants Files Available

Referring to Wilkinson's assertion that the summonses were "too broad," Wood said that he wanted the records and other data in court so that when Arthur is cross-examined the files will be available to avoid suspension of the trial until they are produced. He called the attention of the court to the fact that the records had been called for after Arthur had testified Friday and Saturday, and said defense attorneys wanted to check up on the testimony, particularly with reference to leases and film contracts.

"F. & M. is the enemy in this camp," he said. "They actually are the people behind this prosecution. Arthur is the man who personifies all the companies subpoenaed by Warners and he is the man who is trying to send these men," meaning Harry M. Warner, Herman Starr, Gradwell Sears, Abel Carey Thomas, George J. Schaefer and Ned E. Depinet, "to jail for his own private gain."

There was no actual trial today, due to a postponement granted because of Yom Kippur.

Other defense counsel, listening to the arguments today, included former Senator James A. Reed, Jacob M. Lashly, Robert W. Perkins, William Mallard and some assistants. Special Assistant U. S. Attorney General Russell Hardy and his four associates were not in court.

During the last half hour of the session there occurred a little byplay. Leahy was answering Wood's citations when he noticed Reed, Perkins, Wood and Jeffries in a huddle and having a laugh. He stopped and said: "I pause until either the conference or the admiration is over," to which the 72-year-old former senator replied: "It's not admiration."

The court joined a half dozen spectators in the laugh.

On the Lighter Side

St. Louis, Oct. 7.—Harry C. Arthur is *the* wit of the witnesses here.

✚

Al Zimbalist, who was formerly attached to the Warner home office department under S. Charles Einfeld and who is now with the St. Louis Amusement Co., operating a string of neighborhood houses here, hasn't been at the courthouse yet, but manages to make the rounds of the various hotels nightly to visit film executives from the east.

Al yearns for New York and contemplates returning there shortly.

✚

Ned E. Depinet, Jules Levy and Cresson Smith gave the eastern executives a treat the other night by screening at the local RKO exchange "The Three Musketeers" and the Louis-Baer fight films.

✚

Several evenings before this screening, the RKO officials held a special midnight screening of "The Last Days of Pompeii" at the Orpheum.

Spyros Skouras was among those who attended and the next morning he thought so much of the picture that he raved over it to Federal Judge George H. Moore.

✚

William Feldstein, local U. A. manager, is a Government witness. He has been on the job only about nine months, having been shifted from another U. A. exchange. Harry Scott, who had preceded Feldstein, was also subpoenaed, but he has not been seen around these parts and no one seems to know where he is.

✚

It looks as though the Paramount, RKO and Warner executives will have to extend their reservations on present suites at the Coronado, Chase and Park Plaza, respectively, for another month. The original notice provided for 30 days.

✚

Mort Blumenstock should be in court more often while he is here so he can receive his telegrams. On the day Motion Picture Daily published a story he arrived here and spent the morning listening to the trial, a telegram for the Warner theatre advertising head was delivered in the court room, but Mort was not around. It was marked personal and none of the other Warnerites would accept it.

✚

Harry C. Arthur wanted to make a trip to New York with his brother Milt, and Jack Partington, by plane over the week-end, but changed his mind. He said he had checked with the Weather Bureau and flying conditions were not so favorable Saturday. The real reason is the trio couldn't get seats.

✚

Louis Phillips is as busy as a bumble bee taking copious notes during the court session, while Austin C. Keough is all eyes and ears when a speaker takes the floor.

Kuykendall Speaker At Omaha MPTO

(*Continued from page* 1)

surance, Diesel engines for electric power, designated playdates and percentage bookings.

Kuykendall will be the principal speaker at the banquet which will close the two day session Wednesday night. D. V. McLucas, U. A. branch manager, will be toastmaster. Other speakers will be Ted Mendenhall of Paramount and Ed Shafton of the Variety Club. About 200 are expected at the banquet.

Pathe Moves Into First Division Offices

(*Continued from page* 1)

sion activities, additions in branch personnel have been made as follows: Lee L. Goldberg has been appointed division manager of the Cincinnati, Indianapolis and Louisville offices. Maurice Chase is special representative in southern Ohio, while Don Duff is handling sales in that territory and eastern Kentucky. Abe Kaufman is manager of the Louisville and Indianapolis exchanges, assisted by Joe Goldberg of the Louisville office. Sol Greenberg and Israel Landau of the same exchange are in charge of the Tennessee territory, while Sam Abrams covers sales in western Kentucky and Tennessee.

Michaels Hurt Again

Boston, Oct. 7.—Bad luck seems to be dogging Max Michaels, manager of the Park. Michaels and his bride of only a few weeks were in an automobile accident recently in which both were injured, Mrs. Michaels suffering a mutilated hand. Michaels, just recovering from this crash, underwent a fall last week and now has his knee in a cast. Don Martin, former assistant at the Park, is back at the house to run it with the aid of Samu Butler.

Heads Virginia Company

Newport News, Oct. 7.—Bertha Gordon is listed as president of the Palace Amusements, Inc., just chartered. Other officers are: Leonard Gordon, vice-president; Julian Gordon, secretary-treasurer.

Stock Buy in Technicolor's British Deal

(*Continued from page* 1)

per cent debentures in London Film Prod., Ltd., exchanged for 100,000 Colourgravure shares.

Gerrard, to pay for the Technicolor shares, has raised a loan, repayable in five years, and bearing five per cent, and also carrying an option to the lenders (not stated) on 6,500 of the Technicolor shares acquired for cash.

* * *

The preference shareholders' committee which has been opposing the scheme of reconstruction of General Theatres Corp., Ltd., has again circularized shareholders asking proxies. A counter circular from the directors asserts that the committee has misquoted the judgment of Justice Eve (authorizing the reconstruction) and promises a full statement soon.

The reconstruction, the essence of which was the continuance of Gaumont British management of G. T. C., will come into the courts again shortly on the appeal of the preference committee against the judgment of Justice Eve.

* * *

Associated Provincial Picture Houses, Ltd. (Gaumont-British subsidiary), made £102,876 profit in the year ending May 31 last, an increase of £18,882. The final dividend of four per cent makes six per cent for the year.

* * *

C. M. Woolf's new company, General Film Distributors, Ltd., has applied for membersihp in the Kinematograph Renters' Society.

Woolf was in charge of Gaumont-British distribution when that company withdrew from the society, with which it is at present in controversy.

Wall Street

Light Gains Mark Big Board

	High	Low	Close	Net Change
Columbia	65	65	65	+ ¾
Consolidated, pfd.	16	15⅜	16	.....
Eastman	153½	152½	152½	— ½
Eastman, pfd.	158½	158	158	— ½
Loew's, Inc.	43	42⅝	42⅞	+ ¼
Loew's, pfd	107¾	107¾	107¾	+1¼
Paramount	10¾	10⅜	10½	— ¼
Paramount, 1 pfd.	97	97	97	+ ¼
Paramount, 2 pfd.	13	12⅞	13	+ ⅛
Pathe Film	5½	5¼	5⅜	— ¼
RKO	4⅝	4½	4⅝	+ ⅛
20th Century-Fox.	16¼	16¼	16¼	+ ⅛
20th Century, pfd	25⅝	25⅝	25⅝	+ ⅛
Universal, pfd.	33½	33½	33½	— ⅛
Warner	7¼	7⅛	7¼	.....
Warner Bros., pfd	41	41	41	+ ½

Curb Issues Gain Slightly

	High	Low	Close	Net Change
Sonotone	2⅝	2½	2⅝	+ ⅛
Technicolor	18¼	18	18¼	+ ¼

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	16¼	16	16	.....
General Theatre 6s '40 ctf.	16	15⅝	16	.....
Loew's 6s '41 ww deb rights	105⅛	104⅞	105	+ ⅛
Paramount Pict. 6s '55	97	96¾	96¾	— ¼
Warner Bros. 6s '39 wd	81½	81⅛	81⅛	+ ⅛

(Quotations at close of Oct. 7)

"Thunder" and Fight Good in Philadelphia

PHILADELPHIA, Oct. 7.—Best business of the week was pulled by a sleeper at the Fox. After "Redheads on Parade" slumped last week, the house booked in "Thunder in the Night," backing it with the Baer-Louis fight films. The latter was a definite magnet for the masculine trade and the house got $19,500 on seven days, a top-notch figure above normal by $7,500.

"Broadway Melody of 1936" clicked well, though not so big as expected, with $15,000 at the Stanley and was held a second week. "Top Hat" kept building in the second week of its second run at the Karlton and grossed $6,300. It was held for a third week. "Dark Angel," in its second week at the Aldine, grossed $9,000 and was given a third week.

"The Bishop Misbehaves" hit the skids at the Boyd and was yanked after five days, when it got only $6,500. The Earle, without a stage show, about broke even with $9,500 for "I Live for Love." A stage policy returned to this house Friday with settlement of the musicians' fuss. The Fox will bring in its stage shows next Friday.

Total first run business was $74,600. Average is $70,500.

Estimated takings for the week ending Oct. 3:

"HERE COMES THE BAND" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 5 days. **Gross:** $1,400. (Average, 6 days, $2,400)

"THE DARK ANGEL" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 6 days, 2nd week. **Gross:** $9,000. (Average, $7,000)

"THE BISHOP MISBEHAVES" (M-G-M)
BOYD—(2,400), 40c-55c, 5 days. **Gross:** $6,500. (Average, 6 days, $12,000)

"I LIVE FOR LOVE" (W.B.)
EARLE—(2,000), 25c-40c-50c, 6 days. **Gross:** $9,500. (Average, $12,000)

"THUNDER IN THE NIGHT" (Fox) BAER-LOUIS FIGHT
FOX—(3,000), 40c-55c-65c, 7 days. **Gross:** $19,500. (Average, 6 days, $12,000)

"TOP HAT" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days, 2nd week. 2nd run. **Gross:** $6,300. (Average, $3,500)

"GOOSE AND THE GANDER" (F.N.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,500. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $15,000. (Average, $12,000)

"HERE COMES COOKIE" (Para.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,900. (Average, $6,000)

Kiesling Returns

HOLLYWOOD, Oct. 7.—Barrett Kiesling of the M-G-M publicity department has returned after a two-month tour, during which he visited 40 cities and discussed publicity problems with more than 200 editors and the operators of theatres.

Busby Berkeley Back

HOLLYWOOD, Oct. 7.—Busby Berkeley, recovered from his recent automobile accident, has returned to work at Warners. He is directing numbers in the Al Jolson picture, "The Singing Kid."

Bank Night for Loew's

Loew's 16 Manhattan houses will start Bank Night Oct. 30.

"Karenina" Is High in Twin Cities Pickup

MINNEAPOLIS, Oct. 7.—It was a big week all along the line with "Anna Karenina" making the best individual showing by grossing $7,500, up by $3,500, in its second week at the Century.

"The Return of Peter Grimm" was strong in its second week on both sides of the river. It took $7,000, over the line by $1,500, at the local Orpheum and $6,500 at the St. Paul Orpheum. The latter was $2,500 over a first week par.

"Steamboat 'Round the Bend," also showing in both cities, took $6,500, over the line by $1,000, at the State here, and it was $500 to the good on a take of $6,000 at the St. Paul Paramount.

Total first run business in Minneapolis was $28,000. Average is $21,000. Total St. Paul first run business was $20,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Oct. 3:

"ANNA KARENINA" (M-G-M)
CENTURY—(1,680), 25c-40c, 7 days, 2nd week. **Gross:** $7,500. (Average, $4,000)

"HERE COMES THE BAND" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending Oct. 4:

"RETURN OF PETER GRIMM" (Radio)
ORPHEUM—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,500)

"STEAMBOAT 'ROUND THE BEND" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"I COVER THE WATERFRONT" (U.A.)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE 39 STEPS" (G.B.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,500. (Average, $3,000)

St. Paul:

Week Ending Oct. 4:

"STEAMBOAT 'ROUND THE BEND" (Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"RED HEADS ON PARADE" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"RETURN OF PETER GRIMM" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $6,500. (Average, $4,000)

"HERE COMES THE BAND" (M-G-M)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"NELL GWYN" (U.A.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,500)

Preview for "Dream"

A press preview of "A Midsummer Night's Dream" will be held at the Hollywood Theatre tonight. The picture has its formal premiere tomorrow evening, the house having been taken over for the first performance by the English Speaking Union.

Hold 2 in Boston Theft

BOSTON, Oct. 7.—Gabriel Falzarone and Anthony Zarrella have been held in $10,000 bail for the Grand Jury on charges of breaking and entering the Seville and stealing the safe.

Quiet in Trade

Yesterday was a quiet day in the industry in New York. Jewish film men observed Yom Kippur, the Day of Atonement.

"Broadcast" Tops Louisville Takes

LOUISVILLE, Oct. 7.—It was another big week for first runs. At the Rialto, "Big Broadcast of 1936" brought them in plenty to tally a big $6,500, while "Broadway Melody of 1936" across the street at Loew's State topped that figure just a mite, with a very good $7,000.

"Alice Adams" with the help of the Baer-Louis fight picture, at the Brown, grossed a very satisfactory $3,600. This topped normal by $1,600.

"The Gay Deception" reached $3,400, up by $1,100, at the Strand. "Reckless Roads" at the National, with a strong stage show, hit $3,800, over the line by $800. "The Goose and the Gander" at the Mary Anderson got $3,000, a good $500 over par.

This week ushered in stage presentations at the Brown, with a fashion show and 50-voice choir, while the Rialto has also announced an elaborate stage show with 45 people.

Total first run business was $28,900. Average is $18,500.

Estimated takings for the week ending Oct. 3:

"BIG BROADCAST OF 1936" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $6,500. (Average, $3,500)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $7,000. (Average, $4,500)

"THE GAY DECEPTION" (Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $2,500)

"ALICE ADAMS" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,600. (Average, $2,000)

"THE GOOSE AND THE GANDER" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500)

"RECKLESS ROADS" (Majestic)
NATIONAL—(2,400), 25 cents, 7 days. Stage: "Broadway Brevities," Al Verdi & Thelma Lee, Leslie, Ayers & Gold, Dezso Retter, Virginia Ruggio, Arty Fox & His Band. **Gross:** $3,800. (Average, $3,000)

"THE WEREWOLF OF LONDON" (Univ.)
"THE OLD HOMESTEAD" (Liberty)
"MANHATTAN MOON" (Univ.)
"A DOG OF FLANDERS" (Radio)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,600. (Average, $1,400)

"Broadway Melody" Buffalo Top Draw

BUFFALO, Oct. 7.—"Broadway Melody of 1936" was the heavy draw in a week of big grosses, pulling $14,800 to the Buffalo, $2,800 over par. It was held a second week at the Great Lakes.

In its second week, "Top Hat" was $2,600 to the good at the Great Lakes, with a take of $9,900.

Total first run business was $44,100. Average is $37,900.

Estimated takings for the week ending Oct. 5:

"BROADWAY MELODY OF 1936" (M-G-M)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $14,800. (Average, $12,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $6,900. (Average, $7,300)

"TOP HAT" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $9,900. (Average, $7,300)

"LITTLE BIG SHOT" (W. B.)
"WANDERER OF THE WASTELANDS" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $5,600)

"BLACK ROOM" (Col.)
"CHAMPAGNE FOR BREAKFAST" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,500. (Average, $5,700)

"Top Hat" Has Big 3rd Week Chicago Take

CHICAGO, Oct. 7.—Aided by the Baer-Louis fight films, "Top Hat" ran through another big week, its third, at the Palace, and piled up $23,300. Normal for a first week is $19,000. Eddie Peabody and his revue were on the stage.

"Gay Deception" was strong at the Chicago on a take of $33,000, and "Pursuit" reached a par $13,000 at the State-Lake, but elsewhere business was nothing to get excited about.

Total first run business was $114,400. Average is $117,000.

Estimated takings:

Week Ending Oct. 3:

"GAY DECEPTION" (Fox)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: "Villa Venice" Revue. **Gross:** $33,000. (Average, $32,000)

"DON'T BET ON BLONDES" (W. B.)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Radio Rogues and Mark Fisher's Vaudeville Revue. **Gross:** $16,200. (Average, $15,000)

"TOP HAT" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days, 3rd week. Baer-Louis fight. Stage: Eddie Peabody and Revue. **Gross:** $23,300. (Average, $19,000)

"DARK ANGEL" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 5 days, 3rd week. **Gross:** $9,800. (Average, $17,000)

"SHE MARRIED HER BOSS" (Col.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $5,900. (Average, $5,500)

"HERE COMES THE BAND" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 6 days. **Gross:** $3,800. (Average, $4,500)

Week Ending Oct. 4:

"BIG BROADCAST OF 1936" (Para.)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 2nd week. **Gross:** $9,900. (Average, $11,000)

"PURSUIT" (M-G-M)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Will and Gladys Ahern and Revue. **Gross:** $13,000. (Average, $13,000)

"Jalna" and "Money" Do $2,600, Lincoln

LINCOLN, Neb., Oct. 7.—"Jalna" and "We're in the Money" demonstrated considerable box-office strength at the Orpheum on a take of $2,600, which is $900 over average.

Four houses played the Baer-Louis fight pictures as a result of a row between L. L. Dent and J. H. Cooper houses.

"China Seas" was good at $3,500 at the Stuart, and "Page Miss Glory" was better than normal on a take of $2,500 at the Lincoln.

Total first run business was $13,500. Average is $9,850.

Estimated takings:

Week Ending Oct. 1:

"FRONTIER JUSTICE" (Diversion)
"TRAILS OF THE WILD" (Ambassador)
COLONIAL—(750), 10c-15c, 7 days, split week. **Gross:** $900 (Average, $850)

Week Ending Oct. 3:

"SHE MARRIED HER BOSS" (Col.)
VARSITY—(1,100), 10c-15c-25c, 7 days. **Gross:** $4,000. (Average, $1,700)

"PAGE MISS GLORY" (W. B.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,200)

"JALNA" (Radio)
"WE'RE IN THE MONEY" (W. B.)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days. First three days with vaudeville headlining Mary McCormick. **Gross:** $2,600. (Average, $1,700)

Week Ending Oct. 4:

"CHINA SEAS" (M-G-M)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,500. (Average, $3,100)

"Clairvoyant" Only Draw in Capital Slump

WASHINGTON, Oct. 7.—Box offices all along the line took stunning body blows last week as grosses fell to mid-summer levels, with "The Clairvoyant" at the Belasco, the only picture to show an above-average figure, taking $3,700 to top par by $1,500.

Best of the sub-average grosses were $17,500 for "Two for Tonight" at the Earle and $14,700 for "The Call of the Wild" at Loew's Palace.

"Top Hat," playing two days on its fifth week, took $2,000, at RKO-Keith's. "Diamond Jim" opened Oct. 3.

The roadshow engagement of "The Crusades" opened at the National Sept. 29, playing a week's engagement of 13 screenings. At a take of $6,200, observers feel that Paramount broke even.

Total first run business (exclusive of "The Crusades") was $61,100. Average is $75,900.

Estimated takings, exclusive of tax:

Four Days Ending Oct. 1:

"LITTLE BIG SHOT" (W. B.)

METROPOLITAN—(1,591), 25c-40c, 4 days. **Gross:** $2,700. (Average, 7 days, $4,300)

Two Days Ending Oct. 2:

"TOP HAT" (Radio)

RKO-KEITH'S—(1,836), 25c-55c, 2 days, on the fifth week. **Gross:** $2,000. (Average, first week, $10,600)

Week Ending Oct. 3:

"TWO FOR TONIGHT" (Para.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Little Jack Little and His Orchestra and revue. **Gross:** $17,500. (Average, $18,400)

"THUNDER IN THE NIGHT" (Fox)

LOEW'S COLUMBIA—(1,243), 25c-40c, 7 days. **Gross:** $3,200. (Average, $3,600)

"BONNIE SCOTLAND" (M-G-M)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Lou Holtz, Belle Baker, Block & Sully; Pete, Peaches & Duke; Pierre & Harris. **Gross:** $17,300. (Average, $20,900)

"THE CALL OF THE WILD" (U. A.)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $14,700. (Average, $15,900)

Week Ending Oct. 4:

"THE CLAIRVOYANT" (G. B.)

BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $3,700. (Average, $2,200)

Week Ending Oct. 5:

"THE CRUSADES" (Para.)
(Road Show)

NATIONAL—(1,748), 55c-$1.65, 7 days (13 performances). **Gross:** $6,200.

"Melody" $23,000 Kansas City Top

KANSAS CITY, Oct. 7.—"Broadway Melody of 1936" led the town by doubling average at the Midland. The take was $23,000. Normal is $11,500.

"Diamond Jim" was also a good grosser, getting $5,800 at the Uptown, where par is $5,000. "Two for Tonight" went into the profit column by $1,050 with $8,050 at the Newman.

Total first run business was $44,050. Average is $39,000.

Estimated takings for the week ending Oct. 3:

"RETURN OF PETER GRIMM" (Radio)

MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

"BROADWAY MELODY OF 1936" (M-G-M)

MIDLAND — (4,000), 25c-40c, 7 days. **Gross:** $23,000. (Average, $11,500)

"TWO FOR TONIGHT" (Para.)

NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $8,050. (Average, $7,000)

"FRONT PAGE WOMAN" (W.B.)

TOWER—(2,200), 25c-35c, 7 days. **Gross:** $7,200. (Average $7,500)

"DIAMOND JIM" (Univ.)

UPTOWN — (2,000), 25c-40c, 7 days. **Gross:** $5,800. (Average, $5,000)

"Mad Love," Fan Dancer, Boston Smash

BOSTON, Oct. 7.—"Mad Love" and Sally Rand's revue knocked all calculations for a loop at the RKO Boston, and the gross shot up to $20,500 on the week. Normal is $11,000.

"Broadway Melody of 1936" also was in the big money with a take of $16,000, up by $4,000, at Loew's State, and another of $18,000, over the line by $6,000, at Loew's Orpheum.

"Special Agent" garnered a strong $25,500, helped by a stage show, at the Metropolitan.

Total first run business was $99,000. Average is $80,500.

Estimated takings for the week ending Oct. 4:

"I LIVE FOR LOVE" (W.B.)
"CHARLIE CHAN IN SHANGHAI" (Fox)

FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"TOP HAT" (Radio)

KEITH'S MEMORIAL—(2,907), 25c-65c, 4th week, 7 days. **Gross:** $9,000. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $18,000. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $16,000. (Average, $12,000)

"SPECIAL AGENT" (W.B.)

METROPOLITAN — (4,332), 35c-65c, 7 days. **Stage:** Joan Marsh, Georgie Price and big stage revue. **Gross:** $25,500. (Average, $22,000)

"I LIVE FOR LOVE" (W.B.)
"CHARLIE CHAN IN SHANGHAI" (Fox)

PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,060)

"MAD LOVE" (M-G-M)

RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Sally Rand and revue. **Gross:** $20,500. (Average, $11,000)

Bowes Unit Smash Hit in Milwaukee

MILWAUKEE, Oct. 7.—Major Bowes' Amateurs with "Pursuit" rolled up a gross of $17,800 at the Riverside. Plugged with full page cooperative newspaper advertisements, the show pulled $17,800, over par by $12,800.

Other houses picked up some of the overflow Riverside evening business, which grew tired of waiting in long lines to get into the house. Weather for the week was cool and clear.

Roscoe Ates at the Fox Wisconsin was largely responsible for a $9,000 take, while "Harmony Lane" was the big draw on a dual at the Palace.

Estimated takings for the week ending Oct. 3:

"HARMONY LANE" (Mascot)
"PUBLIC MENACE" (Col.)

PALACE—(2,800), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,000)

"PURSUIT" (M-G-M)

RIVERSIDE—(2,300), 20c-30c-40c, 7 days. Stage: Major Bowes' Amateurs, Meyer Goldberg, Marie Marlow, Leonard Maretta, Harvey Means, Joseph Rogato, Leona Howard, Rufus Smith, University of Missouri Quartette, Jersey Happy Rangers, Bernie Ross, Milwaukee Marvels, Rea Parada. **Gross:** $17,800. (Average, $5,000)

"OLD MAN RHYTHM" (Radio)
"STORM OVER THE ANDES" (Univ.)

STRAND—(1,400), 25c-35c, 6 days. **Gross:** $1,000. (Average, $1,250)

"DIAMOND JIM" (Univ.)

WARNER — (2,400), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"THE GAY DECEPTION" (Fox)

WISCONSIN—(3,200), 25c-35c-55c, 7 days. Stage: Roscoe Ates, Edgar Bergen & Co., Karre La Barron Trio, Ann Lester, Gordon, Reed & King, Marie Hollis, Bobby Bernard. **Gross:** $9,000. (Average, $8,500)

"Melody" Seattle Grosser at $8,650

SEATTLE, Oct. 7.—"Broadway Melody of 1936" set a swift pace here at the Fifth Avenue by garnering $8,650, above average by $1,650.

"Top Hat," at the Blue Mouse in the third week of an extended run from the Orpheum, was still strong on a take of $4,300, which was $300 over a first week average. "Two for Tonight" was slightly on the profit side of the line at the Orpheum with a gross of $6,100. "Without Regret," with a stage show, also was somewhat better than fair on a take of $2,700 at the Rex.

Total first run business was $35,950. Average is $32,500.

Estimated takings for the week ending Oct. 5:

"TOP HAT" (Radio)

BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Orpheum. **Gross:** $4,300. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)

FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,650. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)

LIBERTY — (1,800), 15c-25c-35c-50c, 7 days, 2nd week. **Gross:** $5,900. (Average, 1st week, $4,000)

"ANNA KARENINA" (M-G-M)

MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $3,700. (Average, $4,000)

"TWO FOR TONIGHT" (Para.)

ORPHEUM — (2,450), 25c-30c-40c-55c, 7 days. **Gross:** $6,100. (Average, $6,000)

"GOOSE AND THE GANDER" (F.N.)
"39 STEPS" (G.B.)

PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $4,600. (Average, $5,000)

"WITHOUT REGRET" (Para.)

REX—(1,500), 15c-25c, 7 days. Stage: "Broadway to Bagdad." **Gross:** $2,700. (Average, $2,500)

"Melody" $17,500 Hit in Providence

PROVIDENCE, Oct. 7.—"Broadway Melody of 1936" proved a smash hit here, winning the week's high gross of $17,500 at Loew's State. The average take is $12,000. Despite raves of all sorts, the film was not held over.

Fay's was the only other house to reach par, catching an even $7,000 with "Thunder Mountain" and a revue. "Page Miss Glory" and "Java Head" brought $6,000 to the Majestic and a like amount went into the Strand where "Harmony Lane" and "Here Comes Cookie" were shown. "Manhattan Moon" and "His Family Tree" at the RKO Albee were under at $5,300.

Total first run business was $42,750. Average is $40,500.

Estimated takings for the week ending Oct. 3:

"HARMONY LANE" (Mascot)
"HERE COMES COOKIE" (Para.)

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $6,500)

"PAGE MISS GLORY" (W.B.)
"JAVA HEAD" (F.D.)

MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $17,500. (Average, $12,000)

"MANHATTAN MOON" (Univ.)
"HIS FAMILY TREE" (Radio)

RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,300. (Average, $7,000)

"THUNDER MOUNTAIN" (Fox)

FAYS—(1,600), 15c-40c, 7 days. Stage: "Broadway Merry - Go - Round." **Gross:** $7,000. (Average, $7,000)

"LIGHTNING TRIGGER" (St. Rights)
"JALNA" (Radio)

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $950. (Average, $1,000)

"China Seas" $35,000 Wow, San Francisco

SAN FRANCISCO, Oct. 7.—"China Seas" was a sensation at the Warfield. It ran up to $35,000, passing normal by $14,000, in a week marked by generally good grosses.

"Top Hat" held up strongly in its second week at the Golden Gate, still being $2,000 over a first week average on a take of $16,500. "Redheads on Parade" and "The Goose and the Gander" took a good $12,500 at the Paramount and "Call of the Wild" was still on the profit side of the ledger in its fourth week at the United Artists.

Total first run business was $94,800. Average is $76,500.

Estimated takings:

Week Ending Sept. 24:

"TOP HAT" (Radio)

GOLDEN GATE—(2,850), 25c-35c-40c, 7 days, 3rd week. Stage, band. **Gross:** $16,500. (Average, $14,500)

Week Ending Sept. 25:

"SHE MARRIED HER BOSS" (Col.)

ORPHEUM—(2,440), 15c-35c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $6,800)

"REDHEADS ON PARADE" (Fox)
"GOOSE AND GANDER" (W. B.)

PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $12,500. (Average, $11,500)

Week Ending Sept. 26:

"BISHOP MISBEHAVES" (M-G-M)
"STORM OVER ANDES" (Univ.)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $6,500. (Average, $6,000)

"SPECIAL AGENT" (W. B.)

ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

"CHINA SEAS" (M-G-M)

WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $35,000. (Average, $21,000)

Week Ending Sept. 27:

"LOVE OF NORAH O'NEALE" (Guarantee)

CLAY—(400), 25c-35c, 7 days. **Gross:** $1,000. (Average, $700)

"CALL OF THE WILD" (U. A.)

UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 4th week. **Gross:** $10,000. (Average, $9,000)

"Grimm" and Fight $6,000 Omaha High

OMAHA, Oct. 7.—A dual, "Return of Peter Grimm" and "Public Menace," helped by the Baer-Louis fight films, pulled the best take of the week here, $6,000. This topped par by $2,000.

"The Farmer Takes a Wife" and "Manhattan Moon" at the Orpheum were $200 up on a take of $8,200. "Dante's Inferno" and "She Gets Her Man" failed to get to first base.

Total first run business was $17,800. Average is $16,250.

Estimated takings:

Week Ending Sept. 30:

"DANTE'S INFERNO" (Fox)
"SHE GETS HER MAN" (Univ.)

OMAHA—(2,200), 25c-40c, 5 days. **Gross:** $3,600. (Average, $4,250)

Week Ending Oct. 4:

"RETURN OF PETER GRIMM" (Radio)
"PUBLIC MENACE" (Col.)
BAER-LOUIS FIGHT

BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

Week Ending Oct. 5:

"FARMER TAKES A WIFE" (Fox)
"MANHATTAN MOON" (Univ.

ORPHEUM—(3,000), 25c-40c, 7 days. Stage: Henry Fonda, once daily three days. **Gross:** $8,200. (Average, $8,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 85 NEW YORK, WEDNESDAY, OCTOBER 9, 1935 TEN CENTS

British Film Industry All Awhirl—Kent

Says His Company Will Proceed Carefully

Sidney R. Kent, president of Fox, returned from Europe on the *Berengaria* last night with a warning that the British industry was "turning over like a Singer sewing machine" and that Twentieth Century-Fox's production activities in that country would proceed carefully until a greater stability arrived.



S. R. Kent

"Costs in England today, I think, are as high as they are in Hollywood," he told MOTION PICTURE DAILY. "Pro-

(*Continued on page 8*)

British 20% Quota Becomes Effective

By BRUCE ALLAN

LONDON, Oct. 8.—The 20 per cent exhibition quota under the Cinematograph Films Act became operative Oct. 1. For the first time, exhibitors are compelled to show the same percentage of British films that distributors are required to handle. The 20 per cent became applicable to exhibitors on April 1. The 20 per cent quota is a final form, operating until the Act, as it at present stands, lapses in 1938.

Exhibitor agitation for a reduction to 10 per cent, based on the necessity of a "safety margin" between distribution and exhibition quotas, has been active for some time.

Notable Opening Set For 'Dream' Tonight

Day and night advertising and publicity enterprise under the supervision of S. Charles Einfeld climaxes tonight in the formal premiere, at advanced prices, of "A Midsummer Night's Dream" at the Hollywood Theatre.

Presaged by one of the most far-reaching campaigns in the latter day history of the business on behalf of a single attraction, the Hollywood will scintillate tonight with celebrities from many walks of life. While this

(*Continued on page 6*)

Defense Attorneys Score Point at St. Louis Trial

By BILL ORNSTEIN

ST. LOUIS, Oct. 8.—Counsel for Warners, RKO and Paramount each won individual victories today when Federal Judge George H. Moore sustained objections made by them against the introduction of conversations as evidence in the indictment trial against these companies, their subsidiaries, Harry M. Warner, Herman Starr, Gradwell Sears, Ned E. Depinet and George J. Schaefer for alleged violation of the Sherman anti-trust act.

The trial today entered the second week with a resumption of arguments begun on Saturday on the admission of a conversation which transpired at Attorney-General Homer S. Cummings' office in Washington on May 17 last, during which former NRA Division Administrator Sol A. Rosenblatt called in Robert W. Perkins, counsel for Warners, and told him of a settlement made in connection with the St. Louis theatre situation.

This took all morning and when

(*Continued on page 4*)

"St. Louis in a Closeup," a reporter's further observations of the trial, appears on page 4.

Pettijohn for Settling All Rows Locally

Trade practice disputes within the industry could be settled by local arbitration groups which could be established in every exchange center if distributors would adopt two contract forms—one with a voluntary arbitration provision and one without it, C. C. Pettijohn, general counsel of the M.P.P.D.A. and Film Board of Trade head, told members of the National Film Carriers' Ass'n. at their Park Central meeting yesterday.

Pettijohn's declaration was made in reply to the query, "Will arbitration come back and, if not, why not?", which was put to him by George P. Aarons, head of the Independent Exhibitors of Philadelphia, who served as toastmaster for the Film Carriers' luncheon meeting yesterday.

Pointing out that only compulsory

(*Continued on page 6*)

Fox Theatres Stock Buy Ruling Reserved

Federal Judge Martin T. Manton yesterday reserved decision on an order to show cause why the receiver for Fox Theatres Corp. should not be directed to exercise an option to acquire 50 per cent of the stock of Metropolitan Playhouses, Inc., the reorganized Fox Met company, prior to Nov. 2. Beginning today the court will hear testimony on the financial status of Fox Theatres Corp. to determine its solvency or insolvency prior to ruling on the order.

The Fox Theatres' option permits it

(*Continued on page 8*)

New General Theatre Plan Before Court

WILMINGTON, Oct. 8.—Plans for a reorganization of General Theatres Equipment, Inc., Harley L. Clarke's holding company which in the hectic days following 1929 controlled Fox Film Corp. and came close to dominating Loew's, Inc., have been submitted to Chancery Court here.

Chancellor Wolcott has signed an order fixing Nov. 13 for a hearing.

Chase National Bank has agreed to advance $2,000,000 working capital to a new corporation, if the plan gets court sanction.

Holders of securities in the present corporation will be given an opportunity to buy into the new company at a set price. Holders of secured obligations, debentures, notes and accounts payable will receive the new securities in exchange for their present evidences of indebtedness.

The basis of exchange follows:

To holders of secured obligations

(*Continued on page 6*)

Seeks Dismissal of Missouri Tax Suits

JEFFERSON CITY, Mo., Oct. 8.—Attorney General Roy McKittrick on behalf of State Auditor Forrest Smith has asked the Cole County Circuit Court to dismiss two suits attacking the validity of Missouri's one per cent sales tax law. The suits are scheduled to be tried before Circuit Judge Nike G. Sevier on Oct. 17. The plaintiff in one suit is a Joplin cafeteria company. and in the second action a group of Central Missouri chicken dealers.

Al Lichtman To Quit Post As U.A. Head

Reported in Tilt with Samuel Goldwyn

HOLLYWOOD, Oct. 8.—Al Lichtman, who was formally elected president of United Artists on June 25, is about to resign that post, following reported verbal differences with Samuel Goldwyn last Thursday at which time the former is reported to have first tendered his resignation.



Al Lichtman

There is nothing of the official about Lichtman's retirement from the company in which he has been a vital factor for many years. It is

(*Continued on page 6*)

Independent to Sue Circuits and Majors

BOSTON, Oct. 8.—Suits for $100,000 each are expected to be filed this week against Maine and New Hampshire Theatres and the Shea Circuit on anti-trust grounds by Morse and Rothenberg, New England independent circuit. Major distributors are expected to be named also. Morse charges a conspiracy to prevent the Arcadia, Portsmouth, N. H., from getting sufficient major product.

The Maine and New Hampshire group has three houses in Portsmouth. The suit against Shea involves houses in Nashua, N. H., where the plaintiff has the Park and Shea has three.

Roach Undecided on Abandoning Shorts

HOLLYWOOD, Oct. 8.—Hal Roach is still undecided on engaging in feature production exclusively in the future, he said today in answer to reports that he would abandon the production of shorts. At this time he has completed 12 shorts of his year's program of 24, putting him three months ahead of his release schedule.

His future production plans will be decided definitely Jan. 1. He has four features scheduled for the current year in addition to the shorts.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 9, 1935 No. 85

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Victor Ridder Will Talk at Ampa Lunch

Victor F. Ridder, successor to Gen. Hugh Johnson as WPA administrator, will be one of the principal speakers at tomorrow's Ampa meeting at Jack Dempsey's.

Among some of the other guests will be Jean Muir and Anita Louise, both of whom are in "A Midsummer Night's Dream."

The Ampa board of directors met yesterday and decided upon a change in luncheon fees. Beginning Thursday, all members will be charged $1 and non-members and guests will be charged $1.25.

Sheehan Returning

LONDON, Oct. 8.—Winfield Sheehan sails for New York Oct. 16 on the *Majestic.*

Maria Jeritza (Mrs. Sheehan) has concert dates awaiting her in the Middle West late this month and early next. Sheehan is expected to proceed directly to Hollywood.

Briggs to Be Merriwell

HOLLYWOOD, Oct. 8.—Universal has signed Donald Briggs, radio star, for the title role in its planned serial "The Adventures of Frank Merriwell," from the stories by Bert L. Standish. The film goes into production late this month.

NRA Queries 6,000 on New Gov't. Moves

Letters Go to All Film Men Who Aided Code

By BERTRAM F. LINZ

WASHINGTON, Oct. 8.—Every individual in the film industry who participated in code and other hearings before the NRA today was questioned by George L. Berry, coordinator for industrial cooperation, as to his willingness to join in "round table discussions" on President Roosevelt's new recovery program.

More than 6,000 letters are being sent to those who were engaged in the hearings and negotiations on more than 500 codes which were in force when the Supreme Court invalidated them.

Under the President's order appointing him coordinator, Berry states in the letter, he was instructed to hold "conferences of representatives of industry, labor and consumers for consideration of the best means of accelerating industrial recovery, eliminating unemployment and maintaining business and labor standards."

Both management and labor, he says, "will be invited to Washington for the purpose of conferring on the advisability of developing a permanent structure contemplating the furtherance of prosperity and stability in our industrial life."

Tower Publications In Bankruptcy Move

The Tower Magazines, Inc., publishers of six monthlies which have been sold through the F. W. Woolworth stores, yesterday filed a petition in bankruptcy in the Scranton Federal Court. Catherine McNelis, president, listed liabilities of $400,000 and blamed high printing costs for the bankruptcy.

No decision has been reached yet on the definite suspension of all publications, which are *Home, New Movie, Tower Radio, Mystery, Serenade* and *Tiny Tower.*

Rogers to Be Name Of New B. & K. Spot

CHICAGO, Oct. 8.—The B. & K., 2,000-seat house to be built at 5647 Belmont Ave. at a cost of $250,000 will be named the Will Rogers Theatre.

C. W. and George Rapp, architects, are completing plans for the structure which will be of modern design.

Casey Wins Pathe Step

Permission to examine Frank F. Kolbe, president, and other officers of Pathe before trial of an action charging them with dissipation of the company's assets was granted to Pat Casey, plaintiff in the action, by State Supreme Court Justice Carew yesterday.

"Socrates" a Holdover

Warners' "Dr. Socrates" is being held over for a second week at the Strand.

Purely Personal

IT was at El Morocco. The sandman, the sissy, had turned in and the milkman was one of the town's busiest fellows. ERNIE HOLST, who supplies American melodies, had sent his boys to bed and GUSTAVO MARTELL, his rhumba lads home, but NICOLO DE QUATTROCIOCCHI wanted music. The dawn was yawning, the late birds were hanging on and out of all developed this unusual orchestra.

EDDIE DUCHIN.....Piano
RAMON RAMOS.....Guitar
ERIC MAORIGUERA.....Cornet
JOHN PERONA.....Claves
NICOLO DE QUATTROCIOCCHI.....Drums
FRANCES MAODUX.....Songs
ELLA LOGAN.....Songs
LIBBY HOLMAN.....Songs
ROBERTO MEORANA and DONNA.....Dances
RICHARO BARTHELMESS.....Speaker

Quip of the Day

Jack Ellis reports a conversation between a salesman and an exhibitor.

Exhibitor—"I won't do it."

Salesman—"But you made an oral contract, didn't you?"

Exhibitor—"Is that so? It isn't worth the paper it's written on."

WALTER FORDE, G. B. director, accompanied by MRS. FORDE, sails from England today on the *Aquitania* for a short visit here.

•

KATHERINE ALEXANDER and HELEN WESTLEY arrive here today. They have recently completed a picture for SAMUEL GOLDWYN.

•

WALTER HUSTON will next appear on Broadway in "Othello." This would be under the management of MAX GORDON and follow a road tour of "Dodsworth."

•

ARTHUR SCHWARTZ, the tunesmith, sails for London today in connection with a new revue for C. B. COCHRAN. HOWARD DIETZ has written some of the lyrics. KAY CARRINGTON, SCHWARTZ's wife, accompanies him.

•

HARRIET HILLIARD, RKO Radio singer, and OZZIE NELSON, band leader, were married yesterday at the home of the groom's mother in Hackensack, N. J. MISS HILLIARD leaves for the coast this week-end.

•

LAWRENCE TIBBETT, whose latest starring film, 20th Century-Fox's "Metropolitan," plays the Music Hall Oct. 24, begins his annual concert tour in Hartford, Conn., on Friday.

•

S. JAY KAUFMAN back from Hollywood where sale of play controlled by the SHUBERTS engaged his attention on the other side of those mountains.

•

FRANK BUCK, camera-adventurer, will be the guest of honor and chief speaker at the luncheon of the Downtown Athletic Club tomorrow.

•

CHESTER and MRS. MORRIS leave Thursday for Chicago where they will take the *Chief* to Hollywood.

•

CECIL E. MABERRY, that big hotel owner from Williamsport, Pa., is in town.





LEAVE NO STONE UNTURNED!

M-G-M firmly believes that you've got one of the biggest money-making opportunities of your career when you play **"BROADWAY MELODY OF 1936."**

It is **BEATING M-G-M's BIGGEST HITS!** It is the current marvel of all show business and the most widely publicized attraction of the day—on the radio, in the press, everywhere!

Take our tip! We have the glowing figures of 50 proven key engagements to back our enthusiasm. And BIG as these are, the subsequent runs are **SMASHING RECORDS OF FOUR AND FIVE YEARS' STANDING.**

Advertise and exploit it as you have never done before in all your showman days. **THE OPPORTUNITY OF A LIFETIME!**

Defense Wins Argument in St. Louis Case

(*Continued from page* 1)

the court recessed for lunch at 12:45 Warner attorneys, Ex-Senator James A. Reed, Frederick L. Wood, Perkins and Samuel B. Jeffries walked out of the room with a decision. Earlier, George S. Leisure, representing RKO, introduced citations in connection with objections he made Saturday against admitting a conversation Harry C. Arthur had with Jules Levy in the latter's office. Because of the short notice Government counsel asked for time to look up citations in rebuttal. This was done during the mid-day recess and when court reconvened at 2 P. M. Dwight L. Savage, one of Russell Hardy's associates, presented an oral argument why the conversations should be allowed. Leisure countered, reading the numerous citations he brought in and after an hour Judge Moore sustained the objection on the ground that Levy had no right as an agent of his company to relate or discuss anything that had happened in connection with the sale of RKO pictures to Warners here.

Gentry Gains Point

William R. Gentry, local counsel for Paramount, also came through with flying colors on a similar objection regarding Neil Agnew's talk with Arthur about the disposition of Paramount films to Warners here. He said, as had the others, that the meeting in question took place after the events concerned and that such conversations had no bearing on the case. Hardy opposed Gentry but after a few minutes of argument the judge sustained the Paramount attorney.

Before the court started to hear the pros and cons on the meeting which took place in the attorney-general's office Judge Moore announced the quashing of Warners' *subpoenas duces tecum* for all records, files, leases, film contracts and other memoranda sought from Arthur, Harry Greenman, Charles Kurtzman, F. & M. Theatres of Missouri, Inc., lessee of the St. Louis, which is closed; the Eden Theatre Co., operating the Fox; F. & M. Stageshows, Inc., Franchon & Marco, St. Louis Missouri Theatres, Inc., operating the Missouri; St. Louis Ambassador Theatre, Inc., which has the Ambassador; Allen L. Snyder, and Edmund Koeln and James T. Blair, receivers for the Fox.

Asks for Lease

Ernest L. Wilkinson, who represents the first three individuals and four corporations and John S. Leahy, attorney for the other two corporations and three individuals, yesterday argued the matter and presented citations to the court. Wood represented Warners at the session.

Although denied the various records because the subpoenas were too indefinite, Wood, on cross examination of Arthur this afternoon, asked the first government witness to produce the lease of the St. Louis, the Fox and booking records of these theatres in addition to the Ambassador, Missouri and New Grand Central. Arthur said on the stand that he would only produce them if compelled to do so. Wood asked the court to instruct Arthur to produce them and he was ordered to produce them tomorrow morning.

The session today again was a verbal battle ground between Hardy and the defense counsel and twice Judge Moore had to order the attorneys to proceed in an orderly manner. Hardy voiced objections to persistent interruptions by the defense counsel while he was answering the charges by Warner, RKO and Paramount attorneys in connection with the Rosenblatt conference last May 17 in Washington and his examination of Arthur. Hardy took every opportunity later to raise objections to Wood's cross-examination of Arthur. It was a nip and tuck affair all day with the defense legal staff impatiently waiting the first opportunity to take the floor to prevent certain references by Arthur from going into the record. Hardy himself was ready several times to get to his feet to stop Wood from asking Arthur specific questions which he claimed were outside of the issue involved in the indictments.

Hits at Rosenblatt

In defending himself from defense charges, Hardy attacked the former NRA division administrator as "an officious interloper" who was not responsible to the Dept. of Justice when he negotiated the settlement. He added that Rosenblatt was a stranger to the Dept. of Justice. He stated to the court that Wood knew that the NRA was unconstitutional because he was the attorney in the Jacob Schecter poultry case, which defeated the NRA in the United States Supreme Court.

Perkins intervened at this point to make it clear to the judge that Wood was not retained by Warners at the time. Reed then got up and queried, "Did the Dept. of Justice think the NRA unconstitutional when it went to the Supreme Court to fight for it?"

"I have been accused of bad faith and encouraging Rosenblatt to make a settlement," Hardy said. Perkins, from his seat, called out, "You did." Then Hardy continued, "I have the privilege of this court to answer this charge." Judge Moore agreed and let him proceed.

Jury Not Present

Arthur and the jury did not sit in on the morning session, during which the arguments took place.

Hardy brought out the fact that Perkins at one time was attached to the Dept. of Justice and the Warner counsel admitted it. This was many years ago.

Wood declared that in the cases cited by Hardy a confession of settlement made by a defendant in an alleged conspiracy case and who approaches the prosecutor is not admissible under the laws of Missouri. The Warner attorney said that, "this is the only case in the United States I have heard of where an officer of the Government solicits a defendant to do something and then the special assistant to the attorney general tries to have the conversation held as evidence against him."

"Warners did not ask for a settlement. It was offered to them by Rosenblatt, and although Warners did not agree with the arrangement they were willing to accept it, hoping the indictments would not be pressed for trial," Wood said.

Just before court convened and Judge Moore handed down his deci-

(*Continued on page* 5)

St. Louis in a Closeup

St. Louis, Oct. 8.—The scene is the court of the Honorable George H. Moore, judge of United States district court for Eastern Missouri. It is here that the case of the United States versus Harry M. Warner, Herman Starr, Gradwell L. Sears, George J. Schaefer, Ned Depinet and 10 companies and subsidiaries with which they are affiliated is being heard. These men are under indictment for alleged violation of the Sherman anti-trust law.

Numerous pictures of past judges which hang so solemnly on the walls lend character and dignity to the surroundings where the criminal trial is being conducted.

It is a few minutes after 10 A. M. and everyone in the courtroom rises as the judge makes his entrance. While the many defendants, witnesses, attorneys and spectators are on their feet, Bailiff Champ Charles Steers intones the perfunctory ritual of declaring "the honorable district court of Eastern Missouri is now open for the transaction of business."

The Case Is Called

The crowd sits down.

There are two other court matters which are disposed of in quick order.

The case of "the United States Government against Warner Brothers, et al" is called.

Judge Moore has on his tortoise-rimmed glasses. He looks down into the court room and the panorama before him shows Russell Hardy, Harold L. Schilz, John S. Claggett and Dwight L. Savage, government attorneys all, seated at a large table which runs the length of the judge's bench. To the right of this table is the official court stenographer seated at a desk by himself.

He is a young man, not more than 35, it is safe to gather. On the left is the reporters' table and six newspaper and trade men have their notebooks, pads, and pencils ready.

In back of the government table, which is laden with four heavy brief cases spread out, are three fairly large tables for defense counsel. George Leisure, representing RKO; Former Senator James A. Reed and Frederick Wood, acting for Warners, and William R. Gentry, local attorney for Paramount, occupy the first seats.

Leisure sits at the first table to the left. Behind him is Jacob M. Lashly, local counsel for RKO, and in back of Lashly sits Ned E. Depinet, president of RKO Distributing Corp. Leisure is of reddish complexion which makes an intriguing contrast to his golden hair and Roman nose. Lashly wears a grey suit to match his hair while Depinet wears a dark blue suit that very well becomes him.

Blue Serges Popular

Wood is an aristocratic looking man, wears pince-nez glasses. His peppery hair is flat and he likes to cant his chair so that it rests against the table and he can sit at an angle in the air. Behind him is the distinguished-looking Samuel W. Fordyce of the local legal firm of Fordyce, White, Mayne & Williams, one of the attorneys representing Paramount. He has a shock of white hair that finds its only competitor in that of ex-Senator Reed. Back of Fordyce is Louis Phillips of the Paramount home office legal staff. He also wears rimmed glasses. He has on a blue suit and is preparing to take down a series of notes.

Wood, who already has his chair propped in a comfortable position, is waiting for activities to get under way. Robert W. Perkins of the Warner office legal staff, is near him. He also dons glasses. Wears a blue serge suit.

Reed is at the extreme right. He has on a blue serge suit. Blue serges are popular here. His ruddy complexion makes an unusual contrast with his silky white hair. He has a cigar in his mouth, which he enjoys chewing with considerable relish, a large yellow pad on the table and pencil in hand. There are four panatella cigars wrapped in cellophane in his upper jacket pocket. They jut out so that they can be seen without any effort. Reed doesn't offer any of them around. He sits there talking to Samuel B. Jeffries, local Warner counsel.

Looking around the room one sees in the unoccupied jury box at the left of the court, in swivel chairs, Clarence M. Turley, Spyros Skouras, with his leg propped on a chair, William T. Powers, Harry C. Arthur, Jack Partington, Milton B. Arthur and Jules Levy. The jury panel on the right is occupied with the dozen individuals in whose hands rests the fate of the indicted.

Hardy Engrossed

Glancing further about the spacious room reveals Neil F. Agnew, Harry M. Warner, Herman Starr, I. Levinson, Gordon Youngman, Gradwell Sears, his mother, George J. Schaefer, Austin C. Keough, Cresson Smith, Louis Ellman, Charles Kurtzman and a number of the local exchange managers.

Hardy is engrossed in some papers and, when the court finishes with two incidental cases which precede the film trial, the Government attorney removes his horn-rimmed spectacles, rises and calls Arthur to the witness stand. Arthur takes his place and after a few questions by Hardy is asked if he sees Levy in the room. He says yes. Hardy asks Levy to stand up. He does, forsaking the comfortable seat for a moment, crouches and takes up his squatting exercise where he left off. While Levy is standing, he is the cynosure of the entire court.

Points Out Warner

Arthur is then asked if he sees Warner, Yes, he does, but since H. M. isn't asked to stand up, he remains seated. Hardy then directs Arthur to point him out, which he does. The same for Sears and Starr and the trial is on.

It goes on for almost three hours. Now it is 10 minutes to one. Arthur resumes his position in the witness chair. The judge notices the time and says that he has been asked not to hold court Monday because of the many witnesses and counsel who are of the Jewish faith and wish to observe Yom Kippur. He says he thinks it's no more than right that he should acknowledge this and so orders the bailiff to instruct the jury and witnesses that they are dismissed until today.

Defense Wins Argument in St. Louis Case

(Continued from page 4)

sion, Leisure told the court that if the Washington discussions were admitted he would ask for a severance on the part of RKO since no representative of that company attended the meeting. He said that if such conversations were permitted to go into the record it would be prejudicial to his clients.

Reed then took the floor and declared that it was Rosenblatt's job under the NRA as division administrator for the film industry to iron out difficulties within the business. He added that before Rosenblatt asked Perkins to accept the settlement the NRA official had already talked to the attorney general and the bondholders of the Ambassador, Missouri and New Grand Central. He concluded with the statement that Warners were innocent of any wrongdoing but they were willing to go along in the hope the indictments would not go to trial.

Arthur, Levy Excused

Arthur and Levy had been sitting in the court in the afternoon during the arguments on the admissibility of a conversation Levy had had with Arthur at which he (Levy) is said to have stated, "I didn't do it but I don't know if I wouldn't have done the same thing."

When they were noticed both were asked to leave and they promptly complied.

After Judge Moore upheld RKO's objections, Gentry asked that Arthur's conversation with Agnew at the latter's office also be withheld from the jury and record. He referred specifically to the meeting at which Agnew said to Arthur, according to the latter on the stand, "We had to sell Warners in St. Louis. They threatened to upset our reorganization plans in Detroit. Warners are our biggest customers."

Testimony Stricken Out

Arthur testified that during a July meeting with Agnew he offered Paramount $75,000 against a percentage for second runs at the three theatres, this in contrast to $71,000 Paramount received the previous year. Arthur stated further under oath that Agnew accepted the deal. The F. & M. head also tried to get first runs but he testified Agnew said that he had a deal on with Warners which had an Aug. 15 deadline. Agnew expressed the hope, Arthur said on the stand, that he could do something for him and that Warners might not take the deal for the Orpheum and Shubert Rialto, inasmuch as Paramount had asked the same prices as they had received for the other two big houses. Arthur testified that when he came back after the deadline date with Warners he learned from Agnew that the deal had been closed.

When he returned again and tried to close the deal for second runs, Arthur testified Agnew told him Warners were objecting to F. & M. getting the product. Arthur then told the court that when he returned another time he learned from the Paramount sales executive that he couldn't get the product on any run.

However, all this testimony proved in vain as Judge Moore sustained the objections by Gentry and the whole conversation was stricken out.

Arthur was questioned by Hardy about a meeting he had with Cresson Smith, western division manager for RKO, in regard to second runs. Arthur testified that he offered Smith $55,000 for the product in the form of a guarantee instead of percentage and Smith said he would accept. Arthur said on the stand he met a similar experience here and when he spoke to Smith again later the latter told him he couldn't get the pictures because Warners objected. This, however, was admitted to the record.

Leisure objected to Hardy's leading the witness by saying "with regard to" in his questions. Hardy stopped his examination and told the court, "We'll never get through with this case if I have to confine myself to a particular subject matter."

Within Court Discretion

Judge Moore answered both attorneys and said it was within the discretion of the court to decide this. The judge said he had let Hardy do this but would not permit him to do it again, following which the Government counsel acted accordingly.

Hardy then tried to bring in on examination of Arthur the conversation of another meeting between Levy and Arthur but excluding the references to which objections were sustained earlier.

The F. & M. head testified Levy told him with respect to the reason he couldn't get RKO second runs, "What are you going to do when they put a gun to your head. Warners are our biggest customers."

Leisure and Reed voiced objections to the introduction of a conversation between two not in the line of duty.

Judge Moore then asked whether the testimony being given touches a past event. Leisure said yes. Hardy said no. Reed then made a motion to strike out the testimony and the court sustained him. Hardy took exception to Reed interfering when the company he was representing was not involved in the particular question, but the judge ignored the protest and ordered Hardy to continue.

Wood took up his cross-examination of Arthur at 4:15 P.M. He interrogated the F. & M. chief on the various theatres operated by Arthur personally and the corporations in which he was interested financially. Arthur said in two houses in Santa Ana, two in Anaheim and one in Fullerton, all in California, and that Cobart had a 49 per cent interest and F.W.C. 51 per cent in one Long Beach and one San Jose house, that Cobart had a half interest in the Studio, Phoenix, the other half being owned by two independents, that he had a 75 per cent interest in both the Studio, Prescott, Ariz., and Boulder, Boulder Dam, Nev.

Wood tried to find out what personal interests Marco Woolf had in a number of theatres in which Arthur was not identified but Hardy objected on the ground Woolf was not a defendant or witness in the case. Judge Moore sustained the Government on this point.

Moore Orders Records

Wood then brought his interrogations to Arthur's interests in this city from early 1934 up to date and asked him to bring leases, film booking records and exhibition contracts on all local theatres under F. & M. to court tomorrow. Hardy objected and was overruled. Upon suggestion by Wood, Judge Moore ordered Arthur to produce the records.

Shortly after, Hardy made another objection as to the materiality of certain documents requested. Wood appeared nettled and asserted, "Your Honor, do you mind telling Hardy to stop advising this jury what is material and what is not. He should be admonished on his conduct." The court did not act on this suggestion.

There followed several other questions by Wood to Arthur on leases and film contracts. When asked by Warner counsel if he had the film contracts in St. Louis, Arthur said he believed he had them in New York but would get the papers if Wood wanted them. Wood said he did.

The session ended with a laugh. Arthur was still on the stand when Wood asked if he would produce film contracts for the St. Louis and Fox. Arthur, without opening his mouth, nodded and smiled.

Arthur will resume on the stand tomorrow and when Wood gets through with him the Paramount counsel will begin an interrogation of the testimony the F. & M. head had made when he was directly examined by Hardy.

Youngclaus Expected

William Youngclaus, who operates in Grand Island, Neb., and has an anti-trust action pending, is expected to attend the local trial within the next few days. Max Roth, midwest division manager for Columbia, dropped in at the session today and left tonight for Milwaukee after conferring the greater part of the night with Clarence D. Hill, local company branch manager, who has been subpoened.

Thomas K. Dysart, head of the bondholders' committee for the three theatres involved in the local action, is expected to be the second government witness. He has been in the court since the trial began, awaiting his turn.

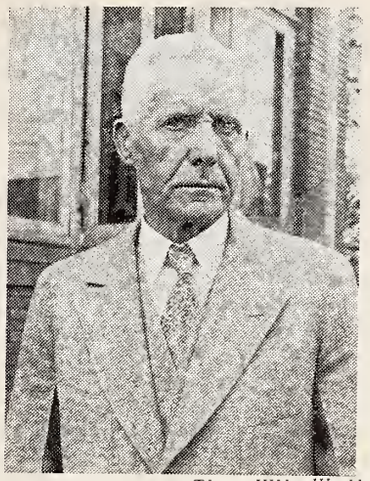
Executives Coming East

St. Louis, Oct. 8.—George J. Schaefer, Ned E. Depinet and Jules Levy expect to leave here by air Thursday night for the weekend in New York, returning for the resumption of the government trial on Monday. There will be no court sessions Friday or Saturday of this week.

Mrs. Gradwell L. Sears, Irving Lesser and Neil F. Agnew arrived Monday night from the east.

William T. Powers, Skouras lawyer, is still in New York.

James A. Reed



Times Wide World

The ex-senator from Missouri who heads the Warner defense counsel in the government anti-trust suit now in the second week of trial in St. Louis.

Ontario Tax Holds At $240,000 Level

Toronto, Oct. 8.—The Ontario Government has apparently reached the "saturation point" in the greatly-increased amusement tax which went into effect June 1. The deadline appears to be $240,000 for a month's collection because the total levy has been close to this figure for three of the four months since the new impost became effective. The take for September was approximately $239,000.

That the amusement business is suffering because of the levy is shown in comparisons with 1934. In September last year the tax total was $68,000, or an increase of $25,000 over August, 1934. The Government take of $239,000 for the past month was less than $9,000 greater than for August. In past years the normal jump in theatre business for September over August has been around 50 per cent. The Ontario tax reports this year indicate an increase of less than four per cent.

Two Executives Join Para. Studio

Hollywood, Oct. 8.—Changes in Paramount personnel today place two more former Fox department heads in executive positions, according to an announcement from Keith Glennan, Paramount operations manager. Walter Quinlan, former Fox electrical department head, was signed as electrical superintendent, and O. C. Stratton was placed in charge of properties. Quinlan replaces Earl Miller. George Bagnall, treasurer, and John Zinn, casting director, were both Fox executives.

It is reported that Winfield Sheehan definitely will join the Paramount studio at the conclusion of his European vacation.

Players Buy Peace Bonds

Jean Muir and Anita Louise, players in Warners' "A Midsummer Night's Dream," bought $25 worth of bonds yesterday in launching a drive for the sale of $1,000,000 of non-redeemable peace bonds. The sale is being directed by Frederick J. Libby, executive secretary of the National Council for the Prevention of War.

Names Griffith Receiver

When no opposition was made to the motion for a temporary receiver, Judge Murray Hulbert in Federal Court yesterday ordered a receiver appointed for D. W. Griffith, Inc. The application was made in connection with a suit by John A. Manning, stockholder.

Joe B. Fields Gaining

Baltimore, Oct. 8.—Joe B. Fields, proprietor, with his brother, Leo, of the Rivoli, Embassy and Casino, here, is now in Sinai Hospital recovering from an operation.

New General Theatre Plan Before Court

(Continued from page 1)

and debentures—for each $1,024.82 of indebtedness, 10 shares of capital stock of the new company, with warrants to purchase one and three-quarters units of capital stock of Twentieth Century-Fox at $60 per unit on or before Oct. 1, 1936, and at $70 per unit on or before Oct. 1, 1937.

To holders of notes and accounts payable—for each $1,024.82 of indebtedness, seven and one-half shares of capital stock of the new company, with warrants to purchase one and one-quarter units of capital stock of Twentieth Century-Fox at $60 per unit on or before Oct. 1, 1936, and at $70 on or before Oct. 1, 1937.

To holders of preferred stock—for each 10 shares, warrants to purchase one share of capital stock of the new company on or before Oct. 1, 1937, at $12 per share.

Is Committee Plan

To holders of common stock—for each 25 shares, warrant to purchase one share of capital stock of the new company on or before Oct. 1, 1937, at $12 per share.

The plan was submitted by a committee made up of Arthur Loasby, chairman; Edward C. Delafield, Harry S. Durand, Lloyd S. Gilmour, Arthur Peck, Conrad H. Poppenhusen, Seton Porter and Ray W. Stephenson. This committee, which now calls itself a reorganization committee, has been functioning since Feb. 10, 1932, as a protective committee.

General Theatres went into receivership Feb. 29, 1932 in Delaware and Daniel O. Hastings was named receiver. On March 1, the day following, Hastings was also made ancillary receiver by the U. S. District Court for the New York Southern District.

During Hastings' administration obligations of the company totalling $54,193,627.93 at the time of the receivership have been reduced to $47,812,790.72.

Many changes also have been made in assets as a result of the reorganization of Fox Film Corp. and its subsequent merger into Twentieth Century-Fox; the receivership of Fox Theatres Corp.; the sale of Loew's, Inc., stock held by the Film Securities Corp. and the subsequent liquidation of this company. Due to suits pending against All-Continent Corp., controlled by William Fox; the suit of the Chicago Title & Trust Co. against Fox on his guarantee of Roxy Theatres Corp. stock, and suits of All-Continent and Fox against General Theatres, various contingencies are left in the proposed reorganization.

Subsidiaries Named

At the time of the receivership General Theatres directly controlled as subsidiaries the following: National Theatre Supply Co., International Projector Corp., Theatre. Equipment Acceptance Corp., J. E. McAuley Mfg. Co., The Strong Electric Corp., The Ashcraft Automatic Arc Co., Hall & Connolly, Inc., lamp manufacturers, and J. M. Wall Machine Co., Inc.

It secured control of Fox and Fox Theatres through purchase of Fox's Class A voting stock in both at the time of his financial difficulties, but this control in turn was largely responsible for the undoing of General Theatres when Fox Film ceased to pay dividends.

The Fox Film and Theatres stock was pledged to the Chase National Bank with other stock for loans aggregating $20,389,769.85. The bank agrees to return the collateral in addition to loaning the new company $2,000,000, if the reorganization is approved by the court without changes which it cannot accept.

It is expected that copies of the plan and agreement will be available soon at the City Bank Farmers Trust Co., the depositary named in the plan and agreement.

Al Lichtman To Quit Post As U.A. Head

(Continued from page 1)

understood, however, that formal announcement of his resignation will be made on Wednesday following a meeting of the United Artists board of directors.

Nathan Burkan, attorney for Charles Chaplin, a member-owner of U. A., reached Hollywood tonight on The Chief. Mary Pickford, another member-owner, is due here tomorrow from the east and will go directly to the meeting of the board.

In the meantime, Lichtman, when questioned about his resignation which is viewed as inevitable, tonight stated he had nothing to say, but would make an announcement at the proper moment.

It was learned authoritatively from studio sources that Lichtman has spent no time on the U. A. lot since his reported verbal tilt with Goldwyn. He also said tonight he had not given thought to future identification with any other company, although reports current again tie him in with a special post at Twentieth Century-Fox. Goldwyn, thus far, has refused to make any statement.

It was reported last night the Loew circuit had determined not to play "Barbary Coast," latest Goldwyn release, because of terms insisted upon by the producer.

Whether or not this was a factor leading to the differences between Al Lichtman and the producer could not be learned.

Kent Scoffs Report

Queried about coast reports linking Al Lichtman with Twentieth Century-Fox, Sidney R. Kent, who returned from Europe on the *Berengaria* last night, said:

"Forget it. There is nothing to it."

Steuer Fee to Referee

Justice Edward S. Dore handed down a decision in the Supreme Court yesterday sending to a referee the matter for determining the fee for attorney Max D. Steuer in connection with a suit brought by the Knickerbocker Theatres, Inc., against Steuer for the return of $45,000. He also ruled that the fee could not be decided on the affidavit submitted and therefore the matter would have to be passed upon after it had gone before a special referee.

Pettijohn for Settling All Rows Locally

(Continued from page 1)

arbitration has been outlawed by Supreme Court decisions, and not arbitration as such, Pettijohn said that contracts which offer exhibitors no alternative but to submit their differences to arbitration are "compulsory." This can be avoided, he said, by offering two contract forms. Under the one form, exhibitors and distributors would agree to submit their differences to a "fair forum of industry men" for settlement. Under the second contract form the parties to it would not be subject to either the benefits or responsibilities of arbitration.

Urges Lawyers' Exclusion

Pettijohn made no suggestions as to how the local arbitration groups should be chosen or who should serve on them, leaving these and other considerations, he said, to those who are interested in furthering plans for the internal settlement of industry problems. He did state that arbitration groups should be made up of "reasonable and informed industry men interested in deciding what is right and what is wrong without invoking legal technicalities and complexities" and urged that lawyers be excluded from such boards.

"The only way that arbitration can be successful in this business is to keep the lawyers out," he said.

Pettijohn made but one reference to the Film Boards of Trade and that was to point out that they are still in existence, "performing a purely distribution service," and that they are not and never have been "arbitration boards." The old arbitration boards were separate and distinct organizations from the Film Boards, he said.

Tribute to Carriers

The Hays general counsel paid tribute to the Film Carriers Ass'n. and urged the members to keep their organization "active and compact" to assure the success of their business. He also complimented them on the services to the industry performed individually by the carriers in getting film to the theatres under many kinds of adverse conditions, citing the delivery of film during the San Francisco general strike of last year and throughout badly flooded districts in the south.

Ted Rodgers, president of the American Trucking Ass'n, also a speaker at the luncheon, said that under the new Federal Motor Carriers' Act trucking rates would have to be made known and that rate committees were now engaged in drafting schedules in all sections of the country. The rates would not represent unreasonable increases in any instance, he said. Rodgers also stressed to the carriers the necessity for safety in the operation of their trucks.

Managers of exchange operations for national distributors were the guests of the association at the luncheon. The organization's meeting closes today with the election of officers. The re-election of James P. Clark as president is regarded as a certainty.

Notable Opening Set For "Dream" Tonight

(Continued from page 1)

opening is under way here, the picture will already have taken its bow at the Adelphi in London where tonight marks the premiere of the picture in that city as well.

The New York premiere has been taken over entirely as a benefit performance by the English Speaking Union, one of the oldest and most important international societies in the world, with tickets scaled at $11 top. The house is completely sold for the opening and an advance of $10,000 on subsequent performances is already reported by Warners.

The sponsoring committee for the premiere consists of a long and formidable array of notables, among them:

Mr. and Mrs. Dana Converse Backus, Mrs. Robert Bacon, Mrs. August Belmont, Sir Gerald and Lady Campbell, Miss Mabel Choate, Paul D. Cravath, Hon. and Mrs. John W. Davis, Mrs. E. Marshall Field, Mr. and Mrs. H. J. Fisher, Dean Virginia C. Gildersleeve, Mrs. Morgan Hamilton, Mr. and Mrs. Edward Harding, Ernest Hutcheson, Mr. and Mrs. Thomas W. Lamont, Mr. and Mrs. Sam A. Lewisohn, Mr. and Mrs. H. G. Lord, Mr. and Mrs. Charles F. Robbins, Jr.

Mr. and Mrs. John D. Rockefeller, Jr., Mrs. James Roosevelt, Judge and Mrs. Samuel Seabury, Mr. and Mrs. Louis Slade, Mr. and Mrs. John Sloane, Mr. and Mrs. Myron C. Taylor, Mr. and Mrs. Lowell Thomas, Mr. and Mrs. Frank A. Vanderlip, Miss Marguerite Valentine, Dr. and Mrs. George E. Vincent, Mr. and Mrs. Felix Warburg, Hon. and Mrs. George W. Wickersham, and Mrs. Leonard Wood.

A press showing was held at the theatre last night, but critics were requested to withhold publication of their reviews until Thursday morning.

Florida Film Is Re-Cut

ST. PETERSBURG, Fla., Oct. 8.—A film of Pinellas County, made three or four years ago in an effort to interest producers in Florida, has been cut into a short subject and is to be shown nationally.

Wall Street

Trading Irregular on Big Board

	High	Low	Close	Net Change
Columbia	64½	64	64	—1
Consolidated	4½	4⅛	4¼	+ ⅛
Consolidated, pfd.	16¼	15⅞	16¼	+ ¼
Eastman	154	153½	154	+1½
Loew's, Inc.	43⅛	42¾	42¾	— ⅛
Loew's, pfd	108	108	108	+ ¼
Paramount	10⅝	10½	10½	.....
Paramount, 1 pfd.	96¾	96¼	96¼	— ¾
Paramount, 2 pfd.	13⅛	12⅞	12⅞	— ⅛
Pathe Film	5⅞	5½	5¾	+ ⅜
RKO	4⅝	4⅜	4⅜	— ¼
20th Century, pfd	25½	25½	25½	— ⅛
Universal, pfd	33½	33½	33½	.....
Warner Bros.	7⅝	7¼	7¼	.....
Warner, pfd	42½	41¼	42	+1

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	5/16	5/16	5/16	.....
Sonotone	2½	2½	2½	— ⅛
Technicolor	18⅜	18⅜	18⅜	+ ⅛
Trans-Lux	3	3	3	.....

Warner Bonds Up ⅝

	High	Low	Close	Net Change
General Theatre 6s '40	16⅝	15½	15¾	— ¼
General Theatre 6s '40 ctf.	16½	15½	15½	— ½
Keith B. F. 6s '46	86¾	86¾	86¾	+ ¾
Paramount Pict. 6s '55	97	96½	97	+ ¼
RKO 6s '41 pp.	70	69⅞	70	.....
Warner Bros. 6s '39 wd	82	81	81¾	+ ⅝

(Quotations at close of Oct. 8)

"Dark Angel" Big in Third Denver Week

DENVER, Oct. 8.—"Dark Angel" had a good third week at the Aladdin, the $3,500 take still being $1,500 over par, and it was moved to the Broadway for an extended run.

"The Big Broadcast of 1936" was good for $4,000 in four days at the Denham after a full week there. It made way for "Wanderer of the Wastelands" which grossed $5,000, over a first week normal by $1,000. Bank Night and an auto giveaway are given much of the credit for this.

Total first run business was $28,000. Average is $19,500.

Estimated takings for the week ending Oct. 3:

"DARK ANGEL" (U. A.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days, 3rd week. **Gross:** $3,500. (Average, $2,000)

"SHE MARRIED HER BOSS" (Col.)
BROADWAY—(1,500), 25c-40c, 4 days. **Gross:** $2,000. (Average, $1,000)

"BIG BROADCAST OF 1936" (Para.)
DENHAM—(1,500), 25c-35c-40c, 4 days following full week. **Gross:** $4,000.

"WANDERER IN THE WASTELANDS" (Para.)
DENHAM—(1,500), 25c-35c-40c, 3 days. **Gross:** $5,000. (Average for week, $4,000)

"BRIGHT LIGHTS" (F. N.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $5,000)

"RETURN OF PETER GRIMM" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $5,000)

"LITTLE BIG SHOT" (W. B.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

"Melody" $10,000 Indianapolis Wow

INDIANAPOLIS, Oct. 8.—"Broadway Melody of 1936" led the first run parade in a big way by getting $10,000 at Loew's. This left par $5,500 behind and made the going rough for some of the other downtown spots.

"The Goose and the Gander" was a heavy grosser in spite of the competition. With Dave Apollon on the stage to help out, it garnered $7,500, over the line by $3,500 at the Circle. "Page Miss Glory" made an average $4,000 at the Apollo.

Total first run business was $34,000. Average is $30,000.

Estimated takings for the week ending Sept. 28:

"PAGE MISS GLORY" (W. B.)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"GOOSE AND GANDER" (W. B.)
CIRCLE—(2,800), 25c-40c, 7 days. Stage: Dave Apollon. **Gross:** $7,500. (Average, $4,000)

"TOP HAT" (Radio)
INDIANA—(3,100), 25c-40c, 2nd week. **Gross:** $6,000. (Average, $7,000)

"BROADWAY MELODY" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $10,000. (Average, $4,500)

"GAY DECEPTION" (Fox)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,500. (Average, $7,000)

Lubitsch Shifts Aides

HOLLYWOOD, Oct. 8. — Ernst Lubitsch has rearranged the work of assistants in his department, making Fred Leahy and Charles Sprague his chief lieutenants. Hereafter Sprague will supervise layouts and plans for all productions, and Leahy will have charge of execution of production plans. Both will be solely responsible to Lubitsch.

Looking 'Em Over

"The Spanish Cape Mystery"

(Republic)

This is a good murder mystery, engrossing for the most part and never failing to hold the interest despite several sequences in which prolonged interrogating of suspects, which gets nowhere, threatens to wear on audience patience. The recovery from these sequences, however, introduces new lines of action which quickly compensate for the brief letdowns.

The story concerns the involving of Ellery Queen, an eastern detective, played by Donald Cook, in a series of house party murders during his vacation in California. Three men and a woman are found murdered 12 hours apart at the home of Stella Godfrey, a young heiress, played by Helen Twelvetrees. Cook, who has taken no part in the solution of the crimes up to the point at which suspicion falls upon Miss Twelvetrees, then steps in and sets the successful trap for the murderer.

The M. H. Hoffman production is nicely staged and well acted. Direction by Lewis D. Collins and photography by Gilbert Warrenton are good. Production Code Seal No. 1,167. Running time, 73 minutes. "G."

"Melody" $16,500 Hit in Cincinnati

CINCINNATI, Oct. 8.—"Broadway Melody of 1936" was last week's top with $16,500 at the RKO Albee, where average is $12,000. It was moved to the RKO Capitol.

"Redheads on Parade," plus a stage show at the Shubert, grabbed $14,000, up $2,000. "Top Hat" went $250 above the line on the fourth downtown week at the RKO Grand with a $3,000 take. The Strand reached $2,400, or $900 plus, with an eight-day rivival of "The Virginian."

Total first run business was $61,900. Average is $60,200.

Estimated takings:

Week Ending Oct. 2:

"THE VIRGINIAN" (Para.)
STRAND—(1,300), 16c-25c, 8 days. **Gross:** $2,400. (Average, 7 days, $1,500.)

Week Ending Oct. 4:

"BROADWAY MELODY OF 1936" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $16,500. (Average, $12,000.)

"RED SALUTE" (U. A.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $7,000. (Average, $10,000.)

"REDHEADS ON PARADE" (Fox)
RKO SHUBERT—(2,100), 35c-55c, 7 days. Stage: Frank and Milt Britton's Band and Jackie Heller. **Gross:** $14,000. (Average, $12,000.)

"ANNAPOLIS FAREWELL" (Para.)
RKO CAPITOL—35c-42c, 7 days. **Gross:** $3,500. (Average, $6,500.)

"HERE COMES COOKIE" (Para.)
RKO LYRIC—(1,400), 25c-30c-40c, 7 days. **Gross:** $5,800. (Average, $6,500.)

"TOP HAT" (Radio)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 4th week. **Gross:** $3,000. (Average, $2,750.)

"THUNDER MOUNTAIN" (Fox)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,300. (Average, $1,250.)

"ATLANTIC ADVENTURE" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,200. (Average, $1,200.)

"SPECIAL AGENT" (W. B.)
KEITH'S—(1,500), 30c-40c, 9 days. **Gross:** $7,200. (Average 7 days, $6,500.)

Finston Joins M-G-M

HOLLYWOOD, Oct. 8. — Nathaniel Finston, recently resigned as musical head of Paramount, moves to M-G-M in the same capacity. He replaces Victor Baravele, who has been occupying that post temporarily since the resignation of Jack Chertok. Baravele was signed to synchronize and to conduct, and the signing of Finston leaves him free to take over those duties.

"Hat" $8,200 Hit In Oklahoma City

OKLAHOMA CITY, Oct. 8.—"Top Hat" ran away with the bulk of the business here last week by garnering $8,200, more than double normal, at the Midwest.

All other houses suffered. "Alice Adams" was jerked after six days at the Criterion. In four days "Gay Deception," at the Capitol took $1,200, slightly more than half a seven-day average, and "Bonnie Scotland" and the Baer-Louis fight films went in for three days. The take on these also was $1,200.

Total first run business was $15,300. Average is $13,500.

Estimated takings for the week ending Oct. 5:

"ALICE ADAMS" (Radio)
CRITERION—(1,700), 10c-26c-36c-55c, 6 days. **Gross:** $3,000. (Average, $5,000)

"TOP HAT" (Radio)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $8,200. (Average, $4,000)

"GAY DECEPTION" (Fox)
CAPITOL—(1,200), 10c-26c-36c-41c, 4 days. **Gross:** $1,200. (Average, 7 days, $2,000)

"BONNIE SCOTLAND" (M-G-M) BAER-LOUIS FIGHT
CAPITOL—(1,200), 10c-26c-36c-41c, 4 days. **Gross:** $1,200. (Average, 7 days, $2,000)

"BLACK SHEEP" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,000. (Average week, $2,500)

"REDHEADS ON PARADE" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $700. (Average week, $2,500)

Henry Duffy on Leave

HOLLYWOOD, Oct. 8.—Henry Duffy has secured a leave of absence as associate producer at Twentieth Century-Fox to produce "Autumn," by Margaret Kennedy. After presentation on this coast, Duffy will take the new play to New York. Duffy has been acting as assistant to Darryl Zanuck in the choice of scripts and signing of contracts.

Clements Now Director

HOLLYWOOD, Oct. 8.—J. L. Warner has upped William Clements, cutter, to director, and assigned him to direct "Prison Farm," a story by Abem Finkel and Major Harold Buckley soon to go into production. Kay Linaker and Donald Woods will have the leading roles.

Short Subjects

"Tricks of Trade"

(Van Beuren-Radio)

An exposé of the various tricks played on the unsuspecting public, this short, aided by the insanities of the Easy Aces should be found interesting by a large audience. It shows how racing "touts" work, how dishonest weight is measured out by stores and a radio studio showing how sound effects are made. Films come in when a train wreck is shown in miniature which is the best episode in the offering. Recommended. Production Code Seal No. 1,308. Running time, 10 mins. "G."

"Scrappy's Trailer"

(Columbia)

With a sea-going trailer, the cartoon character of the title has a series of adventures, in the humdrum manner, when he stops for lunch out in the great open spaces. With fantastic compactness the trailer emits everything that makes for home-like comfort even to a cow and trees. A bear that somehow got himself into a tree breaks up the little affair and the expected chase and narrow escape wind up the routine offering. Production Code Seal No. 1,143. Running time, 7 mins. "G."

"Capital Idea"

(Van Beuren-Radio)

Mrs. Ace is taken on a somewhat sarcastic tour of the various buildings in Washington by her husband, but, nevertheless, an interesting offering is the result. Interesting shots of the highlights of the city include the three police forces, the various buildings and a tour of the Smithsonian Institution where emphasis is laid on the various gowns worn by the Presidents' wives at the Inaugural Ball. Recommended. No production code seal. Running time, 10 mins. "G."

"Broadcast" Sets Pace at Charlotte

CHARLOTTE, Oct. 8. — "The Big Broadcast" took the lead this week with a take of $5.000. It passed the Carolina par by $1,000.

"The Goose and the Gander" beat average by $500 with a take of $4,500. "She Married Her Boss," which was held over by the Imperial after a run at the Carolina, did $2,000.

Total first run business was $12,500. Average is $11,000.

Estimated takings for the week ending Sept. 28:

"GOOSE AND THE GANDER" (W. B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $4,500. (Average, $4,000)

"THE BIG BROADCAST" (Para.)
CAROLINA—(1,400), 25c-40c, 6 days. **Gross:** $5,000. (Average, $4,000)

"SHE MARRIED HER BOSS" (Col.)
IMPERIAL—(949), 25c-40c, 3 days. **Gross:** $2,000. (Average, $1,500)

"THE GAY DECEPTION" (Fox)
IMPERIAL—(949), 25c-40c, 3 days. **Gross:** $1,000. (Average, $1,500)

M-G-M May Do Musical

HOLLYWOOD, Oct. 8.—Oliver Hinsdell, head of the M-G-M stock school and talent scout, is considering a musical comedy as the next stage production for his young players. Hinsdell has already produced five plays at the Music Box here, but they have been straight dramatic productions.

'Grimm' Leads Detroit with $16,600 Take

DETROIT, Oct. 8.—"The Return of Peter Grimm" went out front in a big way at the RKO Downtown by pulling $16,600 beating normal by $6,600.

"Broadway Melody of 1936" demonstrated its staying powers by garnering $12,400 in its second week at the United Artists. This is over par by $2,400. "O'Shaughnessy's Boy," with Benny Davis' revue on the stage of the Michigan, pulled a neat $21,200.

Total first run business was $73,700. Average is $67,500.

Estimated takings for the week ending Oct. 3:

"REDHEADS ON PARADE" (Fox)
"SILK HAT KID" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

"THE GAY DECEPTION" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Olsen & Johnson revue. **Gross:** $15,300. (Average, $15,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Benny Davis revue. **Gross:** $21,200. (Average, $20,000)

"SMILIN' THRU" (M-G-M)
"PURSUIT" (M-G-M)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,900. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 2nd week. **Gross:** $12,400. (Average, $10,000)

"MY SONG FOR YOU" (G. B.)
LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $2,100. (Average, $2,500)

"RETURN OF PETER GRIMM" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $16,600. (Average, $10,000)

"Melody" $12,000 Hit in New Haven

NEW HAVEN, Oct. 8.—"Broadway Melody of 1936" at the Poli carried off the city's business with a $12,000 gross, $5,500 over average.

"Diamond Jim," "I Live for Love" on a dual bill, brought the Roger Sherman just up to the normal line at $4,500. The College did somewhat better than par on the holdover of "She Married Her Boss" and "Atlantic Adventure," totaling $3,100. "Virginia Judge," together with Ina Ray Hutton on the stage, called forth a five-cent increase in prices at the Paramount, and took $5,600, against an average $4,800.

Total first run business was $25,200. Average is $18,500.

Estimated takings for the week ending Oct. 4:

"SHE MARRIED HER BOSS" (Col.)
"ATLANTIC ADVENTURE" (Col.)
COLLEGE—(1,500), 25c-35c, 7 days. **Gross:** $3,100. (Average, $2,700)

"VIRGINIA JUDGE" (Para.)
PARAMOUNT—(2,400), 40c-55c, 7 days. Stage: Ina Ray Hutton. **Gross:** $5,600. (Average, $4,800)

"BROADWAY MELODY OF 1936" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $12,000. (Average, $6,500)

"DIAMOND JIM" (Univ.)
"I LIVE FOR LOVE" (W. B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

Protest "Red Salute"

BOSTON, Oct. 8.—The Liberal Club, a Harvard organization, has sent a delegation to the University Theatre asking that "Red Salute" not be shown there.

Out Hollywood Way

HOLLYWOOD, Oct. 8.—PHIL FRIEDMAN has returned to United Artists after a brief vacation. . . . JIMMY SAVO disturbed upon arrival to find flags and bunting on station not for him. . . . Relieved when told they were for PRESIDENT ROOSEVELT. . . . OLIVE COOPER, writer, dashing from Mascot to Pathe lots.

DARRYL ZANUCK signs MICHAEL WHALEN to term contract. . . . First assignment "Professional Soldier." . . . NAT LEVINE lines up two serials for Republic, one, "The Dark Continent," to feature CLYDE BEATTY, and the other, an original by TRACY KNIGHT. . . . Paramount takes up HERBERT MARSHALL'S option for two more.

WALTER WANGER about set to start "The Trail of the Lonesome Pine" with three Technicolor cameras. . . . HENRY HATHAWAY will direct, with FRED STONE as an Indian chief. . . . M-G-M gives SID SILVERS a new contract. . . . WARNER OLAND signed for two more by Twentieth Century-Fox. . . . FRED DATIG, Paramount casting head, on two-month vacation. . . . KENT TAYLOR'S option picked up by Paramount, and ELINORE WHITNEY given term pact by same company. . . . STUART HOLMES, heavy, given termer by Warners. . . . SAM BISCHOFF given a new long term contract with salary increase by Warners.

✚

Casting—STUART ERWIN and HENRY WADSWORTH borrowed from Warners by M-G-M for "Ceiling Zero." . . . GERTRUDE MICHAEL cast in "Lullaby," Paramount. . . . WALTER KINGSFORD and MAURICE CASS added to "Professional Soldier," Twentieth Century-Fox.

BEN LYON, HELEN TWELVETREES and ROD LAROCQUE head cast of "Frisco Waterfront," Republic. . . . HELEN FLINT in "Riff Raff," M-G-M. . . . FRANK ALBERTSON in "Ah, Wilderness" and UNA O'CONNOR in "Rose Marie," same studio. . . . GILDA GREY to play herself in "The Great Ziegfeld," M-G-M. . . . HUMPHREY BOGART in "The Petrified Forest," Warners.

✚

Directors—FRANK MCDONALD will direct "Backfire" for Warners. . . . EUGENE FORDE signed to do "Broadway Co-Ed" for Twentieth Century-Fox. . . . CRANE WILBUR signed by GEORGE HIRLIMAN to direct "Rest Cure," Magnacolor release for Republic.

SCOTT PEMBROKE to direct "G-Men of the Nineties" for Republic. . . . ROBERT Z. LEONARD signed to new term pact by M-G-M. . . . Now directing "The Great Ziegfeld."

✚

Writers—JOE POLAND has been assigned to write the next story for GENE AUTRY, Republic. . . . SHERIDAN GIBNEY working on "Green Pastures" with MARC CONNOLLY at Warners.

Hub Regulates Beano

BOSTON, Oct. 8.—Beano games here will operate in accordance with every detail of the law or licenses will be suspended or revoked. "Violations by certain organizations have been reported to City Hall and representatives of these organizations have been summoned and warned that the violations must stop immediately," declared Herbert McNary, head of the licensing board, today.

No cash prizes are to be allowed from now on, said McNary. In Brockton, where more than 10,000 people play the game weekly, police have set up regulations. Federal authorities, headed by U. S. Attorney Francis Ford, are investigating Beano elsewhere in the state.

Traub Fights Subpoena

An application to vacate a subpoena for the examination of Morris Traub, president of the Tivoli Vaudeville, Inc., was made in the City Court yesterday. Attorney Louis Nizer had previously made a motion to examine Traub in connection with a judgment for $184 obtained against Tivoli by the Hollywood Film Exchanges, Inc. Traub is opposing the move to examine him in supplementary proceedings.

Loy for "Ziegfeld"

HOLLYWOOD, Oct. 8.—Myrna Loy now that she has returned to the M-G-M fold will co-star with William Powell and Luise Rainer in "The Great Ziegfeld."

Mary Garden has been signed by the same company to advise and assist in pictures that call for operatic sequences.

Warner Golf Awards

Prizes were awarded yesterday for the Warner Golf Club gold tournament held Saturday at the Riverdale Country Club. Leonard Palumbo of the publicity department won the major prize donated by Harry M. Warner for the low gross score. He was followed by Lou Aldrich and Jerry Keyser, respectively. Low net prizes were won by Joe Hummel, who received the Joseph Bernhard award, and S. Newman and Steve Thilling. The kickers' handicap score went to William Brook. Arthur Sachson received the high prize for the best putting score. Max Blackman, with 15 strokes for one hole, won the joker hole prize and Frank Kiernan with a score card reading 169 got the booby prize.

Byrd Film at Astor

"Little America," the record of the Byrd expedition being released by Paramount, follows "The Crusades" at the Astor, opening there next Monday. The picture will play on a grind policy.

Film Tax Lien Filed

A judgment for $232 was filed by the State Tax Commissioner in the Supreme Court yesterday against the Hollywood Pictures Corp. for taxes alleged to be due for the period from Nov. 1, 1933.

Hecht Signs Connolly

Ben Hecht and Charles MacArthur have signed Walter Connolly for a leading role in "Soak the Rich," planned for Paramount release, which has gone into production at Astoria, Long Island.

British Film Industry All Awhirl—Kent

(*Continued from page* 1)

ducers have gone crazy on negatives. The British industry will have to go through all of the diseases, such as overbuilding, through which we have gone here and have not yet solved. Eventually, however, it will be a good industry.

"Promotion is in full swing and money is very easy to get. Exactly because it is, my thought is that it would be well to proceed carefully. So far as we are concerned at the minute, we are moving on plans for the Elisabeth Bergner pictures, but nothing beyond that at this time."

Kent is undetermined about his immediate plans for the future. If Joseph M. Schenck, chairman of the board, does not come east in the next few days, it is very likely Kent will go west.

Fox Theatres Stock Buy Ruling Reserved

(*Continued from page* 1)

to acquire 50 per cent of the stock of Metropolitan Playhouses for the payment to United Artists Theatre Circuit of $275,000 or to relinquish its option and receive $150,000 from the theatre company. The exercise of the option would leave Joseph M. Schenck with 40 per cent of the new Fox Met stock and Keith-Albee-Orpheum with 10 per cent. Failure to exercise it would give Schenck 80 per cent and K-A-O 20 per cent.

A preponderance of creditor sentiment expressed at yesterday's hearing was opposed to the exercise of the option by Fox Theatres. Attorneys for U. A. Theatre Circuit and K-A-O also appeared to oppose any extension beyond Nov. 2 of the time in which the Fox Theatres' receiver may exercise the option, declaring that this was a part of their contract with the receiver and could not be disturbed by the court.

Extend Fox Met Claim

Federal Judge Julian W. Mack yesterday extended to Oct. 18 the time in which the receiver for Fox Metropolitan Playhouses may file exceptions to the $4,500,000 claim filed against it by Fox Theatres Corp. The claim has been settled by an agreement made a part of the Fox Met reorganization plan which grants Fox Theatres an option to purchase for $275,000 one-half of the stock of reorganized Fox Met or to forego the purchase and receive $150,000.

Montague Pyke Dead

LONDON, Sept. 30.—Montague Pyke, pioneer in the British film theatre field, died in a London hospital today. Twenty-five years and more ago, Pyke opened the first group of "luxury" theatres in London, beginning with the Recreations in Edgware Road.

Fonda's Father Dies

OMAHA, Oct. 8.—W. B. Fonda, father of Henry Fonda, actor, died at the home of his daughter here yesterday. He was 56 years old.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 86 NEW YORK, THURSDAY, OCTOBER 10, 1935 TEN CENTS

Wood Grills Harry Arthur In Cross-Quiz

Defense Charges Arthur Sought a Monopoly

By BILL ORNSTEIN

ST. LOUIS, Oct. 9.—Harry C. Arthur, first Government witness in the indictment trial of Harry M. Warner, Herman Starr, Gradwell Sears, George J. Schaefer, Ned E. Depinet, Paramount, RKO, and Warners and their subsidiaries today underwent a terrific grilling at the hands of Frederick H. Wood, one of the Warner attorneys.

Arthur was cross-examined by Wood for the third time and the all-day process was marked by a number of sharp remarks by Wood when Arthur, who claimed he was confused at the questions, offered to tell his story of the events asked about in the order in which they actually hap-

(*Continued on page 4*)

Hays Office Study Begun in 100 Keys

The M.P.P.D.A. is sending representatives into 100 key cities to gather information and to develop good will for films. The move is a continuation of public relations contact work begun last year. An effort will be made to obtain a cross section of reactions to the industry, pictures and the Hays office.

The results of the study are to be confidential, available only to the M.P.P.D.A. staff and directors. Lupton H. Wilkinson, assistant to Will H. Hays, and in charge of coast publicity, is in New York, planning to start on a southern tour late this week. Tom Pettey of the New York

(*Continued on page 5*)

Join Warners with Phila. Theatre Buy

PHILADELPHIA, Oct. 9.—Film Row today buzzed with the theory that the T.N.F.R. Realty Co., which just settled for the Tower, Nixon, Roosevelt and Frankford with the estates of William Freihofer and Fred C. Nixon-Nirdlinger, has a definite hook-up with Warners.

Just about a year ago Harry M. Warner was reported purchasing these houses apart from Warner Theatres, but he vigorously denied such report at the time. The real estate agent for the current purchaser, however, is Albert M. Greenfield & Co.,

(*Continued on page 5*)

'Dream' Opens Auspiciously In New York and in London



Cosmo-Sileo Photo

Part of the crowd at the opening of the Shakespeare fantasy at the Hollywood Theatre last night.

Broadway Jammed For Record Opening

By J. M. JERAULD

Park Avenue moved over to Broadway last night for the opening of "A Midsummer Night's Dream" at the Hollywood, and Eighth and Ninth and 10th Avenues moved over to watch the Park Avenue migration. Jamaica, Patchogue, Yonkers and North Jersey commuters apparently stayed in town to take a look, too.

It was one of those kind of openings that would make the Metropolitan Opera House manager burst a shirt stud with pride. Broadway hasn't seen anything like it—not since the depression, anyway, and memories grow hazy beyond that.

Policemen began to filter into Broadway in squads about 7:30 o'clock. A half hour later they were arriving by the truckload. The 47th St. Station was sending out reserves.

Four mounted officers rode up onto the sidewalk under the marquee repeatedly and pushed solid masses of humans back. Shortly after 8 o'clock both sides of the street were jammed from 50th St. to 53rd St. The backwash had the Capitol entrance choked up and buses from everywhere were finding it impossible to reach the terminal near Eighth Ave.

At that it was an orderly opening,

(*Continued on page 6*)

Premiere Makes Big London Impression

By BRUCE ALLAN

LONDON, Oct. 9.—Attended by one of the most brilliant and representative social gatherings in London's film and theatre history, with crowds milling in front of the theatre and a large white bust of William Shakespeare floodlighted in its niche in the facade of the Adelphi, "A Midsummer Night's Dream" had its British premiere here tonight.

Crowds on the Strand caused a traffic jam and special police were called out before and after the show.

There was not one presentation speech, and no reception. It was a straight projection with the main leads on colored scrims drawn as the picture opened. The showing was interrupted for a 10-minute intermission.

The feature undoubtedly made a tremendous impression.

Production executives regard the technique as miraculous. Undoubtedly the general view is that it is America's new high as a combination of magnificence on a large scale and artistry.

Royalty, the peerage and the intellectual aristocracy of England was represented in the audience.

Celebrities from the social and political strata included the Honorable

(*Continued on page 6*)

"A Midsummer Night's Dream" is reviewed by Red Kann on page 6

U. A. Accepts Resignation Of Lichtman

Board of Directors Acts At Coast Meeting

HOLLYWOOD, Oct. 9.—The resignation of Al Lichtman as president was unanimously accepted at a meeting here today of the board of directors of United Artists.

It is understood that Lichtman's successor in charge of distribution, if not in the president's post, is very apt to be Maurice Silverstone, at present managing director of British United Artists.

Disagreements between Goldwyn and Lichtman are said to have become acute last week when Lichtman declared that his rights under his contract had been infringed.

At the U. A. sales convention an official statement was made to the ef-

(*Continued on page 5*)

Selznick, Whitney Head New Company

HOLLYWOOD, Oct. 9.—Details of David O. Selznick's new producing company, Selznick International Pictures, Inc., were made known today. Selznick heads the company with John Hay Whitney as chairman of the board. The new company takes over the assets of Selznick Prod., Inc., including the U. A. releasing contract.

On the board are Whitney, C. V. Whitney, Robert Lehman of Lehman Brothers, Dr. A. H. Giannini, Myron Selznick, Lloyd Wright and Selznick. Financial backing is being provided by the Whitneys, Mrs. Charles S.

(*Continued on page 5*)

No 10-Year Operator Pact, States Basson

Statements by two prominent circuit officials yesterday that 10-year contracts had been closed by Loew's and RKO with Local 306 were promptly denied by Joseph D. Basson, president of the local.

The circuit officials who made the statements have been active in the new wage scale negotiations with Local 306 for the past two months. They declared yesterday that a definite agreement on a 10-year contract had been arrived at and that the new pacts would be signed as quickly as a few remaining "details" of minor importance had been disposed of. They asked that their names be withheld.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 10, 1935 No. 86

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

St. Louis Creditors Told to File Claims

ST. LOUIS, Oct. 9.—Creditors having claims against the Theatre Realty Co., which operates the Fox here, have been requested to file petitions by Oct. 18 with James T. Blair and Edmond Koeln, receivers since Jan. 9, 1932. Failure to do so will bar any claimants from seeking settlements.

Circuit Judge O'Malley recently allowed attorneys and receivers fees aggregating $147,000. John S. Leahy and Guy A. Thompson are counsel for the receivers.

De Agostino Denied Eltinge Injunction

Benjamin F. De Agostino, president of Allied M. P. Operators' Union, has been denied an injunction by N. Y. Supreme Court Justice Edward S. Dore against the Edjomac Amusement Corp., operator of the Eltinge.

De Agostino sought the stay on the ground that the Eltinge operators were not members of his union and that this was a violation of an agreement between the corporation and the union.

No Paper Saturday

***Motion Picture Daily* will not publish on Saturday, Oct. 12, which is Columbus Day, a legal holiday.**

RKO Wins Order for Particulars in Suit

Justice Aaron J. Levy in the New York Supreme Court yesterday granted a motion made by Leon Goldberg as treasurer of both the 81st Street Theatre Corp. and the Keith-Albee-Orpheum Corp. for a bill of particulars in connection with the suit brought by the Skouras Theatre Corp. against Twentieth Century-Fox Film Corp. and the RKO theatre.

This suit alleges that the RKO induced Twentieth Century-Fox to breach a contract with the plaintiffs which was entered into on Nov. 2, 1931. Skouras was given five days to serve the bill of particulars and the trial of the suit has been postponed until five days after the bill has been served. Justice Levy's order requests the plaintiff to give details of its contract arrangement with Twentieth Century-Fox and mention every occasion during the season of 1931-32 that Fox pictures were exhibited in the Riverside, Nemo, Japanese Garden and Riviera. They are also requested to state the investments in the theatres mentioned other than the investment made by Skouras.

Report Bennett Not To Run Ascap Trial

Andrew Bennett, special assistant to the Attorney General, who was in charge of the prosecution of the Government's anti-trust action against the American Society of Composers, Authors & Publishers and other music licensing organizations at the start of trial of the action in Federal Court here last spring, will not be identified with the case after the resumption of the trial next month, it was reported yesterday in informed quarters.

Bennett plans to retire from Government service to enter private practice, it was stated.

Trial of the Government's anti-trust action against Ascap, the Music Publishers Protection Ass'n. and similar organizations, is scheduled to be resumed Nov. 4 before Federal Judge Henry W. Goddard. Whether the Government will be prepared to proceed on that date in the event Bennett's absence from the case materializes is expected to be decided at a conference of attorneys with Judge Goddard within the next few weeks.

Otterson Back from Second Coast Trip

John E. Otterson, Paramount president, returned yesterday from his second visit to the west coast studio since he became head of the company. Otterson probably will remain here until the end of the year when he plans a European trip to look over Paramount properties and operations abroad.

During the next few weeks he is scheduled to oversee the drawing of new operating agreements for the Hoblitzelle, Kunsky-Trendle and A. H. Blank circuits, to replace those temporarily extended to Oct. 28.

Blumenstock Returns

ST. LOUIS, Oct. 9.—Mort Blumenstock has returned to New York after several days here, but is expected back next week for a special campaign on the opening of "A Midsummer Night's Dream" at the Shubert-Rialto Oct. 24.

Purely Personal

JACK ALICOATE was the guest of the Off-the-Record Club which, according to constitution and bylaws, met as usual at "21" yesterday. The routine business was enlivened by a wire sent to Secretary RED KANN by BOB O'DONNELL, back in Dallas now. The text:

"Last week's honor guest takes this means of expressing his deep appreciation for the honor bestowed upon him, also including the stimulating effects recommended by HERMAN ROBBINS and SAM DEMBOW. In the event that there is an honor guest on this day, will appreciate your secretary ordering a generous libation and sending the bill for same to me. Regards to all of you and best wishes for the continued success of the Off-the-Record Club."

The board of governors instructed the secretary to wire O'Donnell and tell him emphatically among other things that there is always a guest of honor at every weekly meeting of the club.

•

JOAN CRAWFORD and FRANCHOT TONE, as usual; DOROTHY MACKAILL, PHIL REISMAN, BOB GOLDSTEIN and, of course, JOE MOSKOWITZ; LEONARD GOLDSTEIN, who left for Hollywood later by train this time; WILLARD MCKAY, BERT MAYERS, the Marquis HENRI DE LA FALAISE, NATE SPINGOLD, JACK COHN, O. H. BRIGGS, BILL HEARST and his wife; HUGO RIESENFELD, in from Hollywood for a spell; among those at JACK and CHARLIE'S yesterday for lunch, solid and liquid.

ARTHUR COLE, office manager of Paramount and Hays office contact on censorship in Kansas City, left for home last night. He came on for the National Film Carriers convention which closed at the Park Central last night and for meetings with Paramount and Hays officials. E. E. JAMESON of the Exhibitors Film Delivery and Service Co. and a director of the carriers' association goes by plane today. It's his own.

•

BEN CAMMACK, general manager for Radio in South America, is expected in New York for the Christmas holidays. He is a brother-in-law of NED E. DEPINET, which makes him brother to ALIDA CAMMACK DEPINET, MARGARET CAMMACK and "TOOTSIE" BARTLETT. REISMAN may return with him when CAMMACK goes south.

•

HERMAN ROBBINS will spend the week-end in at Schroon Lake, his final sojourn there for the season, barring the year-end holidays perhaps.

•

M. B. SHANBERG and GREGORY LA CAVA returned from their extended European trip on the *Normandie.*

•

ROSCOE KARNS, Paramount contract player, will be guest star on the Atlantic Family program over the Columbia network Saturday night from 7 to 7:30 o'clock.

•

STACY WOODARD, vagabonding cameraman, has arrived here for a short spell to confer with Van Beuren officials before hitting the trail again.





THE PICTURE OF THE WEEK

Headed for what this publication described as 'highs at the box-office', Warner Bros.' **"SHIPMATES FOREVER"**, starring **DICK POWELL** and **RUBY KEELER**, seems to have everything necessary for an outstandingly successful picture. A great story of Annapolis' dashing Midshipmen, three hit tunes by Warren and Dubin, sparkling performances by the stars, Lewis Stone, Ross Alexander, Eddie Acuff, John Arledge, Dick Foran, and 'superb direction' by Frank Borzage combine to provide the romance, thrills, and laughter that go to make a hit. A Cosmopolitan Production. A First National Picture. Released Oct. 12th.

Wood Grills Harry Arthur In Cross-Quiz

(Continued from page 1)

pened. This happened twice and on the second occasion Wood curtly replied to Arthur's suggestion, "I'm a little afraid of your sequences."

Russell Hardy turned the tables on his first adversary today when he took every opportunity to object to debatable questions put to Arthur by Wood. Particularly was the Government counsel annoying to the Warner attorney when Wood was trying to get some information from Arthur about the terms and provisions of a lease on the Fox. Hardy jumped up three times in succession and was sustained in all but two objections. Wood didn't hesitate to show his disagreement to Hardy's continued differences on the questions involved and cast several devastating looks at the Government counsel, who was giving Wood a taste of the medicine he had taken for two days while he had the F. & M. head on the stand. Hardy was enjoying himself and more than once turned to his associates and had a good laugh.

Attorneys Cautioned

Once during the afternoon session Arthur lost his temper when Wood questioned him about not knowing what Warners wanted in the subpoenas which were quashed yesterday. Arthur called out to Wood, who was standing alongside of a juror, that the subpoenas demanded every available record his companies had and he didn't know which specific ones were wanted.

Federal Judge George H. Moore at this point said, "We'll never get through with the case at this rate." During the morning session the judge admonished the attorneys to conduct themselves according to the propriety of the court. This happened when Hardy almost got into a legal battle with Wood.

Hardy jumped up as Arthur was being interrogated on a number of leases and said to the judge, "I'd like to know what Mr. Wood is trying to prove." Hardy asked to argue the matter without the jury but Judge Moore called him to the bench, with former Senator James A. Reed, Robert W. Perkins and Jacob M. Lashly.

Koplar Named

Whispering below the judge's bench so that the jury would not hear, Wood told the judge that he was trying to bring out that "Harry Koplar and Arthur had worked out a program to establish a monopoly of first runs, to acquire possession of the St. Louis Amusement Co., which was a second run circuit, to drive Warners out of business and to use the power and control to dictate terms to all producers and distributors. If they could effect such a monopoly they would have Warners and other exhibitors over a barrel and could rule the town for purposes of extortion."

Wood continued to the judge, "Koplar was the originator of the plan, part of which was to drive Warners out and Arthur knew about this. Reed brought this out in his opening statement." After Wood had finished making the statement, he asked the court reporter to read it over again to Judge Moore, who finally agreed to let Wood continue.

When Wood began interpreting the terms of the lease on the Fox as to the $1,000 weekly payment to the owners of the St. Louis, which, according to the agreement, was to be kept closed, and Columbia and RKO product bought for this house switched to the Fox, Arthur showed his displeasure at Wood's reasoning. Arthur objected several times to the way Wood had figured and offered to help him out but the Warner attorney refused.

Before the session opened this morning, Judge Moore officially announced there would be no sessions Friday and Saturday. After a very brief argument by counsel the judge quashed subpoenas issued on behalf of RKO for records and various data of companies in which Arthur was and is interested. Ernest L. Wilkinson represented Arthur and Lashly the distributor.

Reed Wins Point

Senator Reed also won a point when he argued that Wood had the right to question Arthur on inferences drawn by Hardy under direct examination. Arthur brought in most of the records of his companies sought by Warners in the subpoenas which were quashed. He has a number of others in New York for which he has telephoned. The F. & M. head will resume tomorrow on the stand and it is unlikely that the Warner counsel will get through with him. It is probable that Reed, who wants to cross examine Arthur, will succeed Wood when the latter finishes his questioning.

Before Wood began his interrogation of Arthur, Reed informally discussed with the Judge the objections made by Hardy to some of the questions put to Arthur yesterday by Wood. Reed said that the reason Arthur had lost about $200,000 in the operation of the Ambassador, Missouri and Grand Central was that the houses were mismanaged, prices cut and duals shown. These things combined formed the reason Warners had a right not to sell to F. & M., he said.

Arthur then was cross-examined by Wood, who asked him: "Between 1930 and 1932 you held an executive position with Fox Theatres?"

"Yes," Arthur answered, "I was under contract to Fox Film, but they assigned me to the theatre department."

Arthur was then queried as to his knowledge at the time of the local theatre situation. Arthur said he knew Loew's had the State, Fox the Fox, RKO the St. Louis as first runs, but did not know Skouras Super Theatres operated the Ambassador, Missouri and Grand Central. After a few more questions on this subject Hardy asked Arthur a question to which Wood objected and was sustained. Arthur then discussed a conversation he had had with Spyros Skouras after the latter had sold out his local interests to Warners.

Testifies on Meetings

Certain questions in relation to the Warner deal for the purchase of Skouras equity in the Ambassador and St. Louis Amusement Co. were brought up in connection with the development of the first and second run situation here. It was brought out that St. Louis Amusement Co. had about 20 theatres at the time it was sold to Warners. Arthur was then queried as to whether F. & M. had an office in St. Louis about 1933. He said no, but whenever a unit played a theatre the production manager made his headquarters there.

"What is Marco's full name and also Fanchon's?" Arthur was asked. He said Marco Wolff is the brother of Fanchon Simon and both form Fanchon and Marco.

Considerable testimony was introduced by Arthur as to meetings held here and attended by Louis M. Cohen, Harry Koplar, Harry Singer, Julius Glazer, Emil Straus and several other local individuals, including Allen L. Snyder and John S. Leahy. While Arthur was being interrogated Hardy arose and said that one of the questions being asked was not proper. He added, pointing to Wood, "You're trying to bulldoze the witness."

Arthur then introduced a lease of the Fox, an order of the court and three modifications of the lease. Wood said on their production, "You could have saved a lot of time by having given us these when we asked for them." Hardy took exception to the remark and he was upheld. Arthur also produced the leases of the Ambassador and Missouri and then went into detail on matters in connection with them. Hardy again wasn't satisfied with the procedure of Wood and told the court, "Mr. Wood has spent four minutes on one question. It's a colossal waste of time."

The last objection was sustained and when Hardy saw that Wood was trying to get around it in another way he jumped from his seat and said, "Your Honor has already ruled on this matter."

The judge promptly retorted, "I can take care of myself." The whole afternoon was taken up by questions pertaining to the leases on the Fox and St. Louis. Wood tried to bring out what transpired at meetings Arthur had with Koplar and also separate conferences with John S. Leahy. Arthur several times confessed his confusion.

Arthur "Twisted"

Koplar's name was mentioned more in the afternoon session than in any other. Wood was trying to get Arthur to testify to the part Koplar played in F. & M. taking over the Ambassador, St. Louis and Missouri. Arthur stated under oath that before Koplar came into the picture he had talked to Leahy about a proposition and after he had accepted it by phone he later came on from New York to sign the deal. When he talked to Koplar, Arthur said he understood Koplar wanted him to go in on a deal. Later upon talking to Leahy, Arthur said, Koplar's name was mentioned and that was the first time he knew Koplar and Snyder were together on the proposition.

"What was Koplar's job?" Wood asked.

Arthur answered he was one of three managers at the St. Louis. Charles Kurtzman and Harry Greenman were the other two.

"What did Koplar do for his $52,000 a year?"

"He got $78,000," Arthur corrected, "and he gave the boys advice based on his experience. Not that they always took his advice."

After a barrage of questions concerning Koplar, Arthur said, "You've got me so twisted that I may have said Koplar did something I'm not so sure of." The F. & M. head pleaded with Wood to let him tell his story in his own way but it was no use. Just before he finished for the day Arthur said that he later understood that "Koplar was broke and that he represented a Dr. Probstein in the deal with Snyder."

On the Lighter Side

St. Louis, Oct. 9.—Some of the boys have been here so long they've acquired that old southern accent—suh!

+

Max Roth appeared in court yesterday with a blood red shirt, and did he take a carload of kidding from his fellow exchangemen?

+

Jack Partington has had the unfortunate experience of moving from New York to Bronxville without as much as sleeping one night in his new place. The day he moved he had to hop a plane to St. Louis in order to be here on time for the opening of the trial.

+

Spyros Skouras has taken the bandages off his infected toe and now has very little use for his cane which he continues to carry for an emergency. He says he's feeling fine again, but had a few tough days last week.

+

Most of the gang are planning to desert the town over the week-end. That's because no court will be held Friday and Saturday. Definitely set to spend the week-end in New York are George J. Schaefer, Ned E. Depinet, Neil F. Agnew, who made the trip last weekend, and Jules Levy.

+

The wife of former Senator James A. Reed, one of the counsel representing Warners, is a constant visitor in the court.

+

Bruce Bromley, another of the Warner legal staff, is conspicuous by his absence. He was here for one day and left. Bromley hasn't been seen around since then, although his associate, Frederick L. Wood, is very much in the legal limelight.

+

Jimmy Harris, who has been hanling publicity at Loew's State here now for the past year, hails from Minneapolis where he performed a similar job for Publix.

Study Other Trust Suits

St. Louis, Oct. 9.—Investigators of the Dept. of Justice are studying suits filed by independent exhibitors charging conspiracy in violation of the Sherman Anti-Trust Act. Two cases being checked are complaints filed by a Hillsboro, Tex., exhibitor in the U. S. District Court at Waco against Robb & Rowley. Another is the Ruben Frels damage claim of about $250,000 against the Jefferson Amusement Co., filed in Dallas. The Youngclaus and Thornburg suits also are being studied.

Hays Office Study Begun in 100 Keys

(*Continued from page 1*)

office is substituting for him in Hollywood. Wilkinson will cover 16 cities, and on his return Pettey will embark on a similar trip.

John Boettiger, special assistant to Hays, recently completed a coast-to-coast tour, contacting eight key cities. Rev. Irving E. Deer, who recently resigned as executive secretary of the Kansas City Council of Churches, is engaged in contact work with church groups, as a member of the public relations department under Carl E. Milliken. He was responsible for the creation of a film bureau in conjunction with the Council of Churches.

As the result of a survey he conducted in Kansas City before joining the Hays organization, Deer concluded that censorship is of little value in producing better pictures, that parents should exercise more discrimination in the selection of films their children see, and that churches should adopt a method of supplying information on pictures being shown.

Selznick, Whitney Head New Company

(*Continued from page 1*)

Payson, Lehman, the Selznicks and eastern interests, the names of which are unavailable at this time. Giannini is the contact between the financial and production interests. The executive committee consists of David O. Selznick, John Hay Whitney and Giannini.

It is a closed company with no public stock issue planned. Although the schedule has not yet been set, Technicolor will play a large part in the program. Pioneer Pictures will continue as heretofore. The first film will be "Little Lord Fauntleroy," starring Freddie Bartholomew, the second a color feature directed by George Cukor and the third a Ronald Colman starring vehicle. Production begins Nov. 15.

B. & K. Refuses to Discuss Clearance

CHICAGO, Oct. 9.—B. & K. has refused to send a representative to the booking and clearance conference scheduled for tomorrow. Independents are expected to state their stand.

Exchanges are reported to be concerned, as city deals are being held up pending a decision. No November booking has been done by the independents.

Film Couples Marry

HOLLYWOOD, Oct. 9.—Norman Foster and Sally Blane were married in a simple ceremony here at the home of Miss Blane's mother, Mrs. George Balzer.

Another film couple married today were Johnny Quillan and Anita Thompson. The ceremony took place at the Church of the Blessed Sacrament.

Rivoli Pickets Held

Eighteen students arrested in front of the Rivoli for picketing the showing of "Red Salute" were held in $25 bail each yesterday by Magistrate H. Stanley Renaud for General Sessions on charges of disorderly conduct.

Clark Is Reelected Film Carriers Head

All officers of the National Film Carriers' Ass'n. were reelected at the closing session yesterday of the organization's three-day meeting at the Park Central.

Officers are James P. Clark, president and treasurer; H. C. Robinson, Detroit, vice-president, and Clinton Weir, secretary.

The following were elected members of the executive committee: George Callahan, Pittsburgh; H. C. Robinson, Detroit; George Blackman, Syracuse; James P. Clark, Philadelphia, and John Vickers, North Carolina. Members of the board of managers are Thomas Gilboy, San Francisco; H. Decker, Boston; E. E. Jamison, Kansas City; C. W. Trampe, Milwaukee; Charles E. McCarthy, Minneapolis; L. M. Miller, New Orleans; F. Smith, Syracuse, and S. E. Wall, Columbus.

Further discussion of the new Federal Motor Carrier Act and the transaction of unfinished business occupied the closing session of the meeting.

Examination Ordered In Schwartz Action

In connection with the suit alleging fraudulent transfer of property brought by Louis Schwartz, Jack Spatz and Samuel Weiss against Knickerbocker Theatres, Inc., Clinton-Apollo Theatre Corp., Emesco Amusement Corp., Greater M. & S. Circuit, Inc., M. & S. Circuit, Inc., 98-108 Avenue A Corp. and the Eastside Theatres, Justice William T. Collins yesterday granted the request of Louis Schneider, president of Knickerbocker, for a partial examination of Heiman Weisner and Jack Schwartz as original owners of the claim upon which this suit is based.

He also granted Schneider's motion for a partial examination of the three plaintiffs. Jack Schwartz and Heiman Weisner assigned to the plaintiffs the judgment which was obtained originally against the Greater M. & S. Circuit, Inc.

Guild Denies Film Plan

The Theatre Guild, Inc., denied yesterday that it was the "New York Theatre Guild" which Mrs. Natalie Kalmus was credited in Hollywood correspondence with having stated would make a Technicolor film of the opera "Faust."

"We have no idea of engaging in such a production," a Guild official said.

McDonough Coming East

Joseph R. McDonough, president of RKO Radio Pictures Corp., will arrive in New York Friday to confer with Ned E. Depinet on production plans. Depinet, now attending the St. Louis court sessions, will fly to New York Thursday.

McDonough also will attend a meeting of the RKO board.

Ridder at Ampa

Vincent Ridder, WPA administrator for New York City, will be chief speaker at today's regular meeting of the Ampa at Jack Dempsey's Restaurant. Jean Muir and Anita Louise, two of the featured cast in "A Midsummer Night's Dream," also are expected.

Wall Street

Slight Gains Mark Big Board Trading

	High	Low	Close	Net Change
Columbia	64	64	64	.....
Consolidated	4⅞	4¼	4⅞	+ ⅝
Consolidated, pfd.	17¼	16⅜	17¼	+1
Eastman	153¾	153	153¾	— ¼
Loew's, Inc.	43½	42¾	43½	+ ¾
Loew's, pfd	108¼	108¼	108¼	+ ¼
Paramount	10⅝	10⅜	10½	.....
Paramount, 1 pfd	95½	95½	95½	— ¾
Paramount, 2 pfd	13	12⅞	13	+ ⅛
Pathe Film	6⅛	5⅞	6⅛	+ ⅜
RKO	4½	4¼	4½	+ ⅛
20th Century-Fox	16¼	15⅞	16¼	.....
20th Century, pfd.	25⅞	25⅝	25⅞	+ ⅜
Warner Bros.	7½	7¼	7½	+ ¼
Warner, pfd	43	42¾	42⅞	+ ⅞

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2⅝	2½	2⅝	+ ⅛
Technicolor	18½	18¼	18½	+ ⅛
Trans-Lux	3	2⅞	3	.....

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	15½	15	15½	— ¼
General Theatre 6s '40 ctf.	15	15	15	— ½
Keith B. F. 6s '46	86¾	86½	86¾	.....
Loew's 6s '41 ww deb rights	105⅛	104⅞	105	.....
Paramount B'way 3s '55	60½	60½	60½	—1
Paramount Pict. 6s '55	97	96¾	96¾	— ¼
Warner Bros. 6s '39 wd	82	81¾	82	+ ¼

(Quotations at close of Oct. 9)

U.A. Resignation of Lichtman Accepted

(*Continued from page 1*)

fect that Lichtman was in complete charge of distribution, including sales, advertising, exploitation, with owner-members relinquishing the right to approve contracts.

It is understood that last week Goldwyn, reputedly dissatisfied with results on "Dark Angel" and "Barbary Coast," refused to accept Lichtman's approvals.

In the past Goldwyn has always demanded as high prices for his product as that obtained on any other product, except Charlie Chaplin's films. It is understood that Lichtman's activities have been hampered by demands that important sales matters be referred to the coast for approval. He is said to have felt that these demands infringed on his prerogatives.

Deny "Barbary Coast" Rift

United Artists yesterday denied any booking difficulties with the Loew circuit over "Barbary Coast," latest Samuel Goldwyn release, and declared the picture starts its dates Oct. 18 out of town.

U. A. Takes "Gentleman"

U. A. has closed a deal for distribution in this country of the Marcel Hellman production, "The Amateur Gentleman," with Douglas Fairbanks, Jr., and Elissa Landi. The film is now in production in England under the direction of Thornton Freeland.

Form Wright-Richmond

ALBANY, Oct. 9.—Wright-Richmond Amusements, Inc., has been chartered here by Leon Rosenblatt, Isadore Welt, Ned Gerber, Eva Chadnow, Lena Rosenbaum and Anne Rosenfeld.

Statements Vary on Fox Theatres Status

Contradictory testimony on the assets and liabilities of Fox Metropolitan Playhouses figured in the first day's hearing on the solvency of Fox Theatres Corp. before Federal Judge Martin T. Manton yesterday.

The hearings will be resumed today. They are being held to aid the court to determine whether or not it should sign an order to show cause why the Fox Theatres' receiver should not be directed to exercise an option to acquire 50 per cent of the stock of reorganized Fox Met. The order is being sought by a Fox Theatres' stockholders' committee and appears to be opposed by a majority of the company's creditors. Under the option, which expires Nov. 2, Fox Theatres may acquire one-half of the new Fox Met stock by payment to United Artists Theatre Circuit of $275,000, or may relinquish the option and receive $150,000. Creditors opposed to the action are of the opinion that Fox Theatres stands no chance of realizing a profit on the proposed investment for the next 10 years.

Join Warners with Phila. Theatre Buys

(*Continued from page 1*)

acting with Lionel Friedman, Inc. The theory on Warner participation is strengthened by the fact Greenfield has negotiated most of the company's local real estate affairs.

Acquisition of the Tower and Nixon would give Warners dominance in West Philadelphia, where rival interests, together with William Goldman, former zone manager for Warners, are rumored preparing an invasion. The purchase price of the four houses is given as $1,650,000, with $403,000 of it in cash. This is close to the figure mentioned last year in the deal denied then by Warner.

The houses involved have key neighborhood rank. The Frankford and Roosevelt are located in the prosperous Frankford district.

ITOA Talks Federal Probe in This City

Complaints of alleged trade aggressions against independent exhibitors here may be lodged with the Federal district attorney by the I.T.O.A., according to a statement issued by Harry Brandt following a regular I.T.O.A. meeting yesterday.

A committee of five was named and empowered by the meeting to file a complaint with the Federal official on unfair trade practices, alleged "conspiracies in restraint of trade are being perpetrated by the film companies," according to the Brandt statement. Members of the committee are Ben Romain, chairman, Al Cooper, Maurice Fleischman, Louis Schiffman and Joe Rosenzweig.

Aarons Not with IEPA

George P. Aarons, who acted as toastmaster at the National Film Carriers' luncheon meeting at the Park Central on Tuesday, was inadvertently identified as an official of the Independent Exhibitors Ass'n. of Philadelphia in yesterday's issue. Aarons is secretary of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware.

Broadway Is Crowded As 'Dream' Opens

(*Continued from page* 1)

distinguished by its dignity. The Hollywood had been sold out in advance to the English Speaking Union and tickets retailed at $11 per copy. That made it different from regular premieres—a little less colorful, perhaps, but impressive.

About 9:20 a shout went up along Broadway above 53rd St. and a stampede started. It was Anita Louise. Policemen on foot got lost in the scramble. Those on horses waved their arms and shouted. It took six of them to get the blonde player across the sidewalk.

Albert Einstein, creator of relativity, got as far as the entrance before his waving locks were recognized. He was received with cheers. He hesitated, apparently surprised, then smiled and S. Charles Einfeld rushed to the rescue and escorted him in.

Mrs. James Roosevelt Arrives

Samuel Seabury walked in, followed by Frank Buck, and not a flapper gasped. One man arrived under a beret and another had a green velvet evening jacket and red tie, but these were minor interruptions in a parade of solid dignity issuing from a line of limousines 10 blocks long.

Edward G. Robinson came in at 8:20. There were no microphones, none of the usual ballyhoo. Celebrities hurried in in droves and flashlight bulbs kept the place intermittently illuminated like a midsummer night's electrical storm. Adolph Zukor received a hand. Mrs. Boettiger, the President's daughter, was a sensation.

The big moment of the evening came when Mrs. James Roosevelt stepped out of a car escorted by Will H. Hays. A hush swept the crowd, then a burst of cheers. She paused, then flashed an extraordinarily magnetic smile and bowed. Broadway film openings had touched a new zenith. It was another red letter night in the history of Warners, recalling those two previous openings that left their marks on film history—Aug. 6, 1926, when "Don Juan" talked from the screen, and Oct. 6, 1927, when "The Jazz Singer" rendered film silence obsolete.

Art, Science Represented

Charlie Einfeld had set out to achieve something different. Here it was. A billboard campaign, the like of which hasn't been seen in years, had drawn the spectators; artistic advertising had impressed the more discriminating with the importance of a new venture in film entertainment; careful planning had brought out a new clientele.

Art, science, society, the professions were represented in profusion. Max Reinhardt, the producer of the picture; Sir Gerald Campbell, British consul general; M. H. Aylesworth, Joseph Bernhard, Jules E. Brulatour, A. E. Davison, Frederick A. Delano, the Marquis Henri de la Falaise, Sir Henry and Lady Grayson, Deems Taylor, Eddie Rickenbacker, Major Leslie Thompson—hundreds of well known personages paraded through the lobby without interruption.

The final outburst of excitement that nearly pushed the police into the side streets came when Joan Crawford and Franchot Tone arrived at 9:10. At the time John W. Davis was talking on the stage of the importance of the occasion and the pleasure the English Speaking Union took in sponsoring it. Reinhardt apologized for his English in the presence of such a gathering, and was received with cheers. Sir Gerald Campbell said he didn't know who he was supposed to represent, but supposed it was the country that had given birth to Shakespeare.

And the show was on.

Looking 'Em Over

"A Midsummer Night's Dream"

(*Warners*)

Encircle the date, October 9. For last night brought in an event of very major importance. "A Midsummer Night's Dream" took its bow at the Hollywood Theatre.

It was a substantial and a gracious bow and yet this reviewer is not at all certain but that it is the industry which should do the curtsying before that which was unwrapped on the screen and before the Brothers Warner who had the courage to step out of well-worn tracks and foray into realms of entertainment hitherto essentially untouched and untrammeled.

This "Midsummer Night's Dream" is an achievement in artistic endeavor. In the realm of pure fantasy, nothing like it has been seen since the industry, through growing pains and travail, steadily has crept up on its majority which, by this effort, becomes less of the illusive and far more of the fact.

With proper deference and reverence did the Warners approach their task. Max Reinhardt, whose standing in the world of the spectacle and the theatre should require no outline here, was engaged as general production overseer. Behind him and his vast experience was the production of the "Dream" in the Hollywood Bowl. Reinhardt wanted Nijinska for the choreography and got her. Erich Wolfgang Korngold was engaged to arrange the lovely Mendelssohn music. The entire resources of the Warner studio were turned loose and the result now comes to verify the initial judgment and the fortune spent in obtaining it.

In its breath-taking photography, shot through filmy and lace-like filters; in the arrangement of the ballet, heightened by the mechanical and technical wizardry of the camera; in its beautifully arranged and brilliantly played musical accompaniment, "A Midsummer Night's Dream" represents a new level in artistic and production standards.

In its acting, supplied by virtually the entire roster of Warner stars and featured players, the spectacle ranges from the excellent to something less. There is, for instance, Mickey Rooney as Puck. Mischievous and prankful, this Puck, to us, easily emerged as the highlight in the acting division. Mickey gives a remarkable performance for a youngster of his tender years. There are, further, Victor Jory as Oberon, the King of the Fairies; Ian Hunter, in a bit as Theseus, Duke of Athens; James Cagney, as Bottom; Hugh Herbert, as Snout; Frank McHugh, as Quince; Joe E. Brown, as Flute; Olivia de Havilland, as Hermia; Anita Louise, as Titiania, the Queen of the Fairies; Dick Powell, as Lysander; Ross Alexander, as Demetrius; and Jean Muir, as Helena. It is in about this order that this critical appraisal inclines to place them.

The slight story, if it must be told, concerns a comedy of love errors involving as it does Lysander and Hermia, Demetrius and Helena, Oberon and Titiania and tells how the love juice, administered by Puck, amusingly confuses the emotional issue with serio-comic consequences until the mischief is undone and the heart beats directed in the channel apparently ordained for them.

The high note of comedy which Shakespeare gave to his original play has been registered through the joint efforts of Professor Reinhardt and William Dieterle, who directed. Some of it is played broadly, most of it with genuine charm and well caught in the spirit of good-natured raillery which the Bard obviously intended.

To bring Shakespeare to picture theatre audiences is a logical development in the growth of the industry. "A Midsummer Night's Dream" starts what properly should be a cycle and starts it intelligently and well. This, exactly, is the element of service which the Warners have undertaken here. Their enterprise bespeaks thoroughly for their daring and substantial reward, it is to be hoped fervently, will be their due.

Production Code Seal No. 752. Running time, 132 minutes. "G".

KANN

AFA Names Mayor

Mayor F. H. LaGuardia and Congressman William P. Connerry, Jr., will serve on the arrangements committee of the American Federation of Actors' annual show, Sunday, Nov. 10, at the Majestic.

London Much Impressed by Film Opening

(*Continued from page* 1)

R. W. Bingham, American ambassador to the court of St. James; Countess of Oxford, Lord Ivor Spencer Churchill, the Marquis and Marchioness of Queensberry, Earl and Countess of Rosslyn, Earl and Countess of Durham, Lord and Lady Glenconner; Dolores, the Countess Hollenden; Ladies Livingstone, Erleigh, Crawford, Dashwood, Hulton, Cochran, Bain and Mac Robert, the Honorable Mrs. Frederick Cripps, the Honorable Katherine Norton, Sir Adrian and Lady Baillie, the Honorable Reginald and Mrs. Winn, Sir Arthur and Lady Colefax, Mrs. Dudley Ward, Sir D. Banks, Sir Guy Marshall, Sir John Baldwin, Sir Clive Morrison, Vell, Sir H. White Smith, the Honorable E. Roper Curzon, Sir Gerald Regan, Mrs. Winston Churchill, Mrs. A. A. Milne, Mrs. Claude Beddington, the Honorable Evelyn Fitzgerald, Edward Marsh, James and Mrs. James M. Beck.

Stage and screen celebrities included Sir Philip Ben Greet, famous Shakespearian actor and producer, Conrad Nagel and Basil Dean.

Northwest Allied to Convene on Aug. 25

SEATTLE, Oct. 9.—Allied Amusements of the Pacific Northwest will hold its annual convention at the New Washington Hotel, Oct. 25, according to James M. Hone, executive secretary. More than 100 exhibitors from Washington and Idaho are expected.

In conjunction with the convention, the Northwest Film Club will stage its annual film ball as the evening event for the visitors. The ball will be held at the Trianon, and will be open to the public. The Film Club committee on arrangements includes Al Rosenberg, Roy Cooper, Hone, Hugh Bruen, L. J. McGinley, Harry Black, Don Beckman, Ted Barbour, Paul Aust, Ben F. Shearer, John Danz, L. O. Lukan, Edward Lamb, Vic Gauntlett, Jack Sampson and Eddie Rivers.

Payne a "Dream" Sponsor

PITTSBURGH, Oct. 9. — Warners have lined up B. Iden Payne to serve on the sponsorship committee for "A Midsummer Night's Dream," which opens at the Nixon Oct. 28. Payne is director of the Shakespeare Stratford-on-Avon Theatre in England and is in Pittsburgh to stage the annual Shakespearian production for the Carnegie Tech drama school, "Antony and Cleopatra."

Anita Louise, who plays Titania in "A Midsummer Night's Dream," will visit Pittsburgh in person Friday on her way back to the coast.

Museum Gets Films

The Museum of Modern Art Film Library has acquired a group of Harold Lloyd films covering the work of the comedian from his earliest days, and a group from Warners, including important historical work on sound experiments from 1925 to 1928.

"Life" Leads Frisco Takes With $35,000

San Francisco, Oct. 9.—Big money for the week went to "I Live My Life" at the Warfield with a gross of $35,000, which topped normal by $14,000.

A combination of "The Return of Peter Grimm" and the Louis-Baer fight picture with a stage show did well, too, at the Golden Gate. The $16,500 gross was $2,000 to the good. "Two for Tonight" and "Clairvoyant," a dual at the Paramount, were good for $12,500, up by $1,000. "Dark Angel" was also a good grosser at $10,000 in the United Artists.

Total first run business was $94,800. Average is $76,500.

Estimated takings:

Week Ending Sept. 30:

"RETURN OF PETER GRIMM" (Radio)

GOLDEN GATE—(2,850), 25c-40c, 7 days. Louis-Baer fight picture and stage show. **Gross:** $16,500. (Average, $14,500)

Week Ending Oct. 1:

"SHE MARRIED HER BOSS" (Col.)

ORPHEUM—(2,440), 15c-40c, 3rd week, 7 days. **Gross:** $5,500. (Average, $6,800)

"TWO FOR TONIGHT" (Para.)

"CLAIRVOYANT" (G. B.)

PARAMOUNT—(2,740), 25c-40c, 7 days. **Gross:** $12,500. (Average, $11,500)

Week Ending Oct. 2:

"HERE COMES THE BAND" (M-G-M)

"ONE FRIGHTENED NIGHT" (Mascot)

FOX—(5,000), 10c-35c, 7 days. **Gross:** $6,500. (Average, $6,000)

"CHINA SEAS" (M-G-M)

ST. FRANCIS—(1,470), 15c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

"I LIVE MY LIFE" (M-G-M)

WARFIELD—(2,680), 25c-50c, 7 days. Stage band. **Gross:** $35,000. (Average, $21,000)

Week Ending Oct. 3:

"LA CRISE EST FINIE" (DuWorld)

CLAY—(400), 25c-35c, 7 days. **Gross:** $1,000. (Average, $700)

"DARK ANGEL" (U. A.)

UNITED ARTISTS—(1,200), 15c-55c, 7 days. **Gross:** $10,000. (Average, $9,000)

"Melody" $19,250 Is Big in St. Louis

St. Louis, Oct. 9.—"Broadway Melody of 1936" at Loew's State, had the biggest draw of the week, approximating $19,250 for the seven-day period. It was held over. Average for the house is $9,000.

"Top Hat," in its second week at the Orpheum, continued strong, netting about $10,300 for the seven days. This is $1,800 above average. It was held a third week.

Total first run business was $63,500. Average is $53,800.

Estimated takings for the week ending Oct. 3:

"SHE MARRIED HER BOSS" (Col.)

"THUNDER IN THE NIGHT" (Fox)

AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $9,250. (Average, $10,000)

"SHE MARRIED HER BOSS" (Col.)

"THUNDER IN THE NIGHT" (Fox)

FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $12,500. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S STATE—(3,162), 25c-35c-55c, 7 days. **Gross:** $19,250. (Average, $9,000)

"SUPER SPEED" (Col.)

"DIZZY DAMES" (Liberty)

MISSOURI—(3,514), 25c-40c, 7 days. **Gross:** $6,000. (Average, $8,000)

"TOP HAT" (Radio)

ORPHEUM—(2,950), 25c-35c-55c, 2nd week, 7 days. **Gross:** $10,300. (Average, $8,500)

"GOOSE AND THE GANDER" (W. B.)

"RETURN OF PETER GRIMM" (Radio)

SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $6,500. (Average, $6,500)

Out Hollywood Way

Hollywood, Oct. 9.—Fred Astaire has rehearsed 100 hours for "Follow the Fleet," Radio . . . Due to spend 150 more, at least. . . . Eric Blore hoping for trip to England when he finishes "Seven Keys to Baldpate," Radio. . . . Katharine Hepburn, in station wagon, picks up George Cukor every morning at 6:30 o'clock and drives him to studio.

Joe E. Brown again in bed with strained back . . . Handball. . . . Warners soon to start "Anthony Adverse," "Glorious," "Colleen" and "The Singing Kid." Samuel Goldwyn sets Nov. 1 for start of "The Children's Hour" with Merle Oberon. . . .

✤

Casting—Myrna Loy to play Billie Burke in "The Great Ziegfeld." . . . To get co-star billing with William Powell. . . . Thomas Beck assigned to "Champagne Charlie," Twentieth Century-Fox. . . . Ross Alexander assigned to male lead in "Backfire," Warners. . . . Louise Fazenda borrowed from M-G-M by Warners for "Colleen." . . . James Finlayson, Darla Hood, Mae Busch in "The Bohemian Girl," Roach.

Myra and Louise Keaton, mother and sister of Buster, in "Way Up Thar," Educational. . . . Hal Roach signs Isabel Jewel for lead in "Alone, Alas!" . . . Paul Draper signed by Warners for "Colleen." . . . Edward Keane and Paul Stanton cast in Radio's "It Happened in Hollywood."

Wally Wales, Art Mix, Ralph Lewis and George Hayes in Hoot Gibson's "Swifty."

✤

Directors—Paul Malvern to direct John Wayne in "The Oregon Trail," Republic. . . . Twentieth Century-Fox directorial assignments—George Marshall to "A Message to Garcia," replacing John Ford. . . . Frank Lloyd to Ronald Colman picture, "Under Two Flags." . . . David Butler to Shirley Temple in "Captain January." . . . John Blystone to "Gentle Julia." . . . Henry King to "Ramona." . . . Edward T. Lowe to supervise three for Sol Wurtzel, "Your Uncle Dudley," "Champagne Charlie" and "Efficiency Edgar."

✤

Writers—Stuart Palmer gives four-year option to Radio on all his stories. . . . Elizabeth Meehan on script of "The Harvester," Republic. . . . Donald Gallagher and John Fante on "Legion of the Lost," Republic. . . . Dave Silverstein and Jerry Chadorov on "Dancing Feet," also Republic. . . . Richard Sherman under long term contract to Twentieth Century-Fox. . . . Morris Ryskind busy with Commander Frank Wead on "Ceiling Zero."

✤

Story Buy—J. Robert Bren's and Norma Houston's "Here Comes Trouble" acquired by Twentieth Century-Fox.

✤

Title Change—Anne Shirley's "Long Ago Ladies" now "Chatterbox."

"Hat" Third Week Hit in Cleveland

Cleveland, Oct. 9. — "Top Hat" was still a sensation in its third week here. It was 100 per cent over a first week average on a take of $6,000 at the Allen.

"Broadway Melody of 1936" was also a knockout at Loew's State, doubling normal on a gross of $20,000. "Smart Girl" was slightly above par with a take of $4,500 at Loew's Stillman.

Total first run business was $60,500. Average is $40,000.

Estimated takings for the week ending Oct. 4:

"TOP HAT" (Radio)

ALLEN—(3,300), 30c-35c-42c, 7 days, 3rd week. **Gross:** $6,000. (Average, $3,000)

"SHE MARRIED HER BOSS" (Col.)

WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $17,000. (Average, $8,000)

"I LIVE FOR LOVE" (W. B.)

RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Sophie Tucker and Co. **Gross:** $13,000. (Average, $15,000)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $20,000. (Average, $10,000)

"SMART GIRL" (Para.)

LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,500. (Average, $4,000)

Services for Rennie

Hollywood, Oct. 9.—Funeral services were held this week for John T. Rennie, well known exhibitor, who died over the week-end at his home in San Fernando.

"Dark Angel" Pulls $7,000 in Portland

Portland, Oct. 9.—"Dark Angel" was $2,000 to the good on a gross of $7,000 at the United Artists, by far the best showing of the week here.

"O'Shaughnessy's Boy," "Let 'Em Have It" and "Girl from 10th Avenue" on a dual, and "Gay Deception" and "Charlie Chan in Shanghai" on another dual were all par.

Total first run business was $27,700. Average is $24,700.

Estimated takings for the week ending Oct. 5:

"O'SHAUGHNESSY'S BOY" (M-G-M)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LET 'EM HAVE IT" (U. A.)

"GIRL FROM 10TH AVE." (F. N.) (2nd Run)

BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"WITHOUT REGRET" (Para.)

MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"SHE MARRIED HER BOSS" (Col.)

ORPHEUM—(1,700), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"GAY DECEPTION" (Fox)

"CHARLIE CHAN IN SHANGHAI" (Fox)

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"DARK ANGEL" (U. A.)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Form Grand Amusement

St. Louis, Oct. 9.—Grand Amusement Co. has been formed here by Arthur A. Clamage, Meyer Lazarus, and Pearl Edelman, who constitute the board of directors.

Fight Film and Dual Bill Top Montreal Draw

Montreal, Oct. 9. — The Louis-Baer fight film shoved in on a dual with "New Adventures of Tarzan" and "Harmony Lane," at the Princess did the best business of a quiet week here. The $7,500 take was over normal by $1,500.

The only other bill to get on the profit side of the line was "Mad Love" and "Times Square Lady" at Loew's where the $11,500 gross was above normal by $500.

Total first run business was $42,000. Average is $40,500.

Estimated takings for the week ending Oct. 5:

"ANNAPOLIS FAREWELL" (Para.)

"TWO FOR TONIGHT" (Para.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)

"TESTAMENT DU DR. MABUSE" (French)

"L'ARISTO" (French)

IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

"MAD LOVE" (M-G-M)

"TIMES SQUARE LADY" (M-G-M)

LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "A Night in Paris." **Gross:** $11,500. (Average, $11,000)

"ALICE ADAMS" (Radio)

"HOT TIP" (Radio)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

"HARMONY LANE" (Mascot)

"NEW ADVENTURES OF TARZAN" (Empire)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. Added: Louis-Baer fight film. **Gross:** $7,500. (Average, $6,000)

Blythe Appeal Denied

Albany, Oct. 9.—Mary Blythe has lost a move to appeal to the Court of Appeals from a Queens County Supreme Court award of $2,639.95 for personal injuries alleged to have been sustained in a fall over a defective mat in a Skouras Theatres Corp. house. Leave to appeal was denied and $10 costs and necessary printing disbursements were assessed against her.

To Hear Fox Met Fees

Federal Judge Julian W. Mack yesterday set Oct. 18 as the date for hearing of the petitions for allowances and expenses of more than $800,000 which are being sought by attorneys, committees, the trustee and others for services in the receivership and reorganization of Fox Metropolitan Playhouses.

"Ethiopia" to Paramount

"Wings Over Ethiopia" has been booked into the Paramount along with "Here Comes Cookie" starting Friday. The Ethiopian film is feature length.

"Charlie Chan in Shanghai" goes into the Roxy Friday. "Legong" will get a second week at the World.

"Ethiopia" Starts Well

Los Angeles, Oct. 9.—Paramount's "Wings Over Ethiopia" got off to a flying start yesterday at the Paramount. The house went $1,000 over normal. Prints are now being rushed to key centers.

Loew Boston Pays 15c.

Loew's Boston Theatres has declared a 15-cent dividend payable Nov. 15 to stockholders of record on Oct. 10.

SMASH HIT

JUDGE Super X Negative solely on the basis of its reception by users. Placed on the market only a few months ago, it is already being employed in the majority of feature productions, as well as for various purposes of a special nature. Either of its striking advantages... greater speed, generally improved photographic quality... would have justified this swift, widespread adoption. Verdict of the industry: *a smash hit.* Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 87 NEW YORK, FRIDAY, OCTOBER 11, 1935 TEN CENTS

N. Y. Critics "Go to Town" With "Dream"

Weight of Appraisal All For Film

"A Midsummer Night's Dream," which had a gala opening at the Hollywood Wednesday evening, yesterday had New York critics, in the main, going right down the line in unstinted praise of the Reinhardt-produced spectacle for Warners.

Rarely, if ever before, has any picture been submitted to such keen analysis and detailed review as the "Dream." In all instances, the criticisms themselves ran far over the space usually allotted for the appraisal of motion pictures.

In two instances, joint reviews by New York and London critics were published simultaneously. Malcolm Johnson covered the Hollywood opening, while Eileen Creelman, regular critic of *The New York Sun*, now in London, cabled her analysis following the opening there at the Adelphi. Gerald Breitigam, substituting for William Boehnel on the *New York*

(Continued on page 8)

Fox Asks Details in Infringement Action

A motion for a bill of particulars was filed in Federal Court yesterday by W. C. Michel, vice-president of Twentieth Century-Fox, in connection with a suit alleging copyright infringement brought by F. K. Kaplan, an artist, against the Fox Film Corp.

The complaint charges that "George White's 1935 Scandals" "contains a scenic effect which is in substance a copy of the cover design of the August, 1929, issue of the *Theatre Magazine*, copyright of which is owned by the plaintiff." The complainant is seeking a temporary injunction and an accounting. The defendant denies that there was any infringement. The plaintiff has also filed a request for a bill of particulars.

Bernhard Denies

Joseph Bernhard, Warner Theatre head, yesterday denied the company was in any way identified with purchase of the Tower, Nixon, Roosevelt and Frankford in Philadelphia through the T. N. F. R. Realty Co. or any other company.

Kelly and Buckley Moved Up At U.A.; Name No President

Taking no action by way of naming a president to succeed Al Lichtman, whose resignation was accepted in Hollywood on Wednesday, the board of directors of United Artists yesterday moved Arthur W. Kelly and Harry D. Buckley up the line into the two top spots in the corporation's distribution affairs.



Harry D. Buckley



Arthur W. Kelly

Kelly, long vice-president in charge of foreign sales, was advised by telegraph that he had been promoted to assume charge of domestic sales as well, thereby placing him in complete control of the international selling activities of the company.

Buckley, who has been in charge of theatre operations, was named in charge of general corporate affairs with no specific definition as to duties beyond the inferences which might be drawn from the designation coupled with his new post.

In the meantime, Lichtman's resig-

(Continued on page 7)

Arthur Query Rouses Wood At St. Louis

By BILL ORNSTEIN

ST. LOUIS, Oct. 10.—Frederick H. Wood, one of the Warner counsel in the indictment trial here, finished his three-day cross-examination of Harry Arthur, Government witness, at 3:45.

The session was marked by continued rivalry between defense and Government attorneys in addition to a series of laughs provided by Arthur this morning when he gave an analysis of certain pictures, spiced with his own remarks, and an outburst of temperament by Wood, who, nettled beyond restraint at the continued talking of the F. & M. head while he, Wood, was asking the court reporter to read a certain question, called out,

(Continued on page 6)

Capra Is Named as New Academy Head

HOLLYWOOD, Oct. 10.—Frank Capra was elected president of the Academy of M. P. Arts and Sciences yesterday. He succeeds Frank Lloyd.

Howard Estabrook was reelected first vice-president with Major Nathan Levinson, last year's secretary, second vice-president. Jane Murfin was named secretary, with Fred Leahy, treasurer, succeeding William

(Continued on page 7)

Branch Heads In Court, So Selling Waits

ST. LOUIS, Oct. 10.—Local exchange managers are meeting a temporary setback in closing up many of their important deals because of the anti-trust trial now in progress.

All branch heads with the exception of Ben B. Reingold of Fox have been subpoenaed and are spending mornings and afternoons in court, which leaves little time for business.

Theatres in St. Louis comprise between 55 and 60 per cent of the entire territory handled by local exchanges. The local deals are usually set last and about at this time of the year.

What some of the local sales executives can't explain is the fact that Columbia and Universal managers

(Continued on page 7)

Say Met Buy Would Aid New Fox Setup

A reorganization plan for Fox Theatres would be forthcoming from the protective committee for the company's stockholders in the event Fox Theatres acquired a 50 per cent stock interest in reorganized Fox Metropolitan Playhouses under the option it holds, Gustavus A. Rogers, chairman of the stockholders' protective committee, said yesterday at a hearing be-

(Continued on page 7)

David L. Loew Quits Loew's; In Roach Post

Becomes Vice-President; Roach to Expand

HOLLYWOOD, Oct. 10.—David L. Loew today resigned his post as a vice-president of Loew's, Inc., to become vice-president of Hal Roach Studios.

Loew will assume his new post immediately, remaining on the coast permanently, but he will make a quick plane trip to New York on Saturday. Roach coincidentally announced an expansion program involving several hundred thousand dollars in studio improvements. Contracts for two new sound stages will be let within the next 60 days. Roach also plans to increase his director and actor personnel. The main expansion move is to begin shortly after Jan. 1.

Commenting on his new association, Loew said Roach is a man who perhaps has discovered and sponsored the rise of more present-day stars than any other individual in the industry, and having been close to Roach, has observed his success in the comedy field. Loew expressed the hope that Roach would be a leader in feature production, and gratification that he would have a part in the future development of the studio.

Loew explained his move into the producing end as simply moving his desk, as M-G-M will continue to release the Roach product. Roach pointed out that the studio needed another executive added to the personnel of the official staff and said he considered the acquisition of Loew as extremely fortunate in view of his experience.

Republic Increases Budget $1,000,000

HOLLYWOOD, Oct. 10.—Republic will add $1,000,000 to its production budget for the remainder of the season, says W. Ray Johnston, president. Over 2,500 deals for product, including the largest circuits and key runs, have made this possible, he says.

With the additional funds, "The

(Continued on page 7)

No Paper Tomorrow

***Motion Picture Daily* will not publish on Saturday, Oct. 12, which is Columbus Day, a legal holiday.**

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 October 11, 1935 No. 87

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Sabath Committee Hears Zirn Charge

Twelve former bank creditors of Paramount Publix were charged with stripping the company of all its security assets two months before the company's receivership in testimony given by Samuel Zirn, attorney, before the Sabath Congressional committee for the investigation of realty bond reorganizations here yesterday.

Zirn referred to the Film Productions Corp. transaction, by which Paramount transferred title to 23 negatives to the new subsidiary of that name as security for new loans from the 12 banks. Zirn described the 1932 transaction as an "illegal manipulation." The attorneys represented small bondholders in the bankruptcy and reorganization proceedings of Paramount.

Selznick Incorporates

DOVER, Del., Oct. 10.—Selznick International Pictures, Inc., has been formed here. It has listed capital of $2,600 and 13,000 shares, no par value. The incorporators are Robert E. Samuels, Russell H. Wilde and Howard A. Seitz of Brooklyn.

Details of the new company's operations were given in MOTION PICTURE DAILY Oct. 9.

Trade Shows Set

"Metropolitan," 20th Century-Fox film starring Lawrence Tibbett, will have special trade showings in all key cities, according to John D. Clark.

Insiders' Outlook

By RED KANN

"THEY"—that phantom group to which the birds whisper what's going to happen next—are at it again. This time, Universal is being tossed about with the slightest of regard for personnel and morale, exactly in the manner of previous stories over the years. It traces to the not so surprising resignation of Al Lichtman from the United Artists presidency what with the always difficult Sam Goldwyn to conjure with and the rapidly rising tide of reports following speculation about the location of Al's future hatrack. . . .

▼

There is some reason to credit the report that Lichtman, failing to see eye to eye with Goldwyn, which worked in reverse as well, made his current trip west for the purpose of quitting and, while odds were around on Wednesday that the rift would be patched, the takers, as it developed, would have lost their money. At any rate that routed him out of the company where he had rolled up a distinguished record, leaves United Artists, by any appraisal, the poorer and unleashed guesswork as to what his new affiliation might be. . . .

▼

In the vanguard of the rumors, which include a special sales post at 20th Century-Fox, presumably in charge of the personally-made Zanuck product, is the yarn linking his name with (1) Harry M. Goetz, (2) Eddie Small, (3) Sam Briskin, (4) Herb Yates and (5) Universal. Yates-Consolidated money, long a factor in the Laemmle company, is mentioned as the copious doughbags from which the funds for a buy reputedly were to be drawn. . . .

▼

There is Bob Cochrane, here in New York and disturbed again by the latest disposal of the company via the rumor route. Yesterday, he said:

"I have heard nothing about it and I am certain it will be news to Carl Laemmle. Furthermore, I am quite sure that if any such proposal had been made, I should have learned of it directly and quickly enough from the president of this company."

▼

There is Fred S. Meyer, former exhibitor and now a producer as well as big-time factotum in the studio affairs of "U". From Hollywood, he has this to say:

"As far as I know and I should know, there is as much foundation to this rumor that Lichtman, Goetz, Small and Yates are acquiring Universal as to all previous rumors combined. Everyone else, including the late Huey Long, has been named as a possible purchaser of Universal and it is only natural that anyone leaving a company should immediately become interested in buying this company. However, all such rumors are without foundation of fact."

▼

Far less removed from resounding rumor factories, however, is the situation about RKO where the signs are pointing up now to that long-pending deal between Floyd Odlum and his Atlas Investment Trust and David Sarnoff. It was only a few days ago that "they" would have you believe Odlum had already signed the necessary documents with Mike Meehan, giving Atlas control of KAO, which is the most vital theatre branch in the RKO family tree. You can take or leave it, but here's a tip on what might be expected to happen, presenting this to you always cautiously and with generous elbow room for an out if nothing develops:

Any transaction which Odlum might strike with RKO will first include the parent company. With that arranged through purchase of RCA's interest in RKO, the next logical step then would concern Meehan and KAO.

In other words, the cart in its usual and normal position as it concerns the horse. . . .

More Screeno Deals

George West, eastern representative of Screeno, stated yesterday the game had been sold to the Loew circuit for 30 of its New York theatres, 10 Schine and as many Comerford houses and to Warners for four Philadelphia houses.

Bay State Passes 43

BOSTON, Oct. 10.—Forty-three features in the latest group approved by the Department of Public Safety for Sunday showing have been passed without cuts.

W. A. Curll Succumbs

BOSTON, Oct. 10.—William A. Curll, 68, fell dead here while taking tickets at the Serville, where he had been employed for many years. The veteran theatreman, whose home was at 170 Bennington St., East Boston, worked at the Central Square before transfering to the Serville. He is survived by his widow.

George H. Withers Dead

ATLANTA, Oct. 10.—George H. Withers, 78, grandfather of Jane Withers, is dead here.

Allied Men Ask Stay To Prevent Ousting

Before Justice Albert Conway in the Brooklyn Supreme Court there was a hearing yesterday on an injunction sought by Karl Sohnen and Lawrence Epstein, operators, against Benjamin De Agostino, president of the Allied Motion Picture Operators' Union, to prevent the union from ousting the plaintiffs from membership therein. Decision was reserved.

Sohnen said today that at several meetings of the union he had asked for an accounting of $160,000 paid in by the members to the treasury in dues, assessments and loans. He said that no accounting had been made. He added that he had been threatened at a meeting of the union on Sept. 2 last when he was told tht he was slated to be "polished off." He interpreted this to mean that he was to be beaten up.

On Sept. 3 he was ousted from his job at the Times Square, he says. On Sept. 4, Epstein was ousted from his job in the Canarsie in Brooklyn, he charges. This evidence was presented on their behalf by their attorney, Charles H. Levy. Murray E. Harsten, attorney for the executive committee of the union, said that the court had no jurisdiction in the case. He also said that the two members were now in good standing in the union until charges have been proven against them. Charges are to be heard later before a full meeting of the membership and until this meeting is held the court had no jurisdiction in the matter, Harsten insisted.

Detroit "Maxim" Ban Is Taken Into Court

DETROIT, Oct. 10.—Under an order signed by Circuit Judge Arthur Webster, Police Commissioner Heinrich Pickert and Police Censor Joseph Kollar must appear before Thomas J. Murphy on Saturday to show cause why they should not be required to issue a permit for the showing of the Russian film, "The Life of Maxim," at the Detroit Institute of Arts under the auspices of the local Cinema Guild.

Kollar originally approved the film for showing to members of the guild, but, when he discovered that it was being advertised for public showing, he cancelled the permit after holding a preview attended by American Legion heads and other civic leaders, who agreed that the film was subversive propaganda.

Seeks Appraisal of Fox Film A Shares

Orra B. Mead, as owner of 23 shares of Fox Film Class A common, has field a petition in N. Y. Supreme Court asking the appointment of three appraisers to determine the value of her holdings.

She objects to the Twentieth Century-Fox merger and the reclassification of stock which will result, and says she has demanded payment for her stock.

A hearing is scheduled for this morning before Justice Aaron J. Levy.

Revives Langford Fight

Fight films have done so well lately that Herman Axelbank has revived the Langford-Flynn fight of 25 years ago and has it booked into the Trans-Lux.

Get it while it's HOT!



PARAMOUNT'S

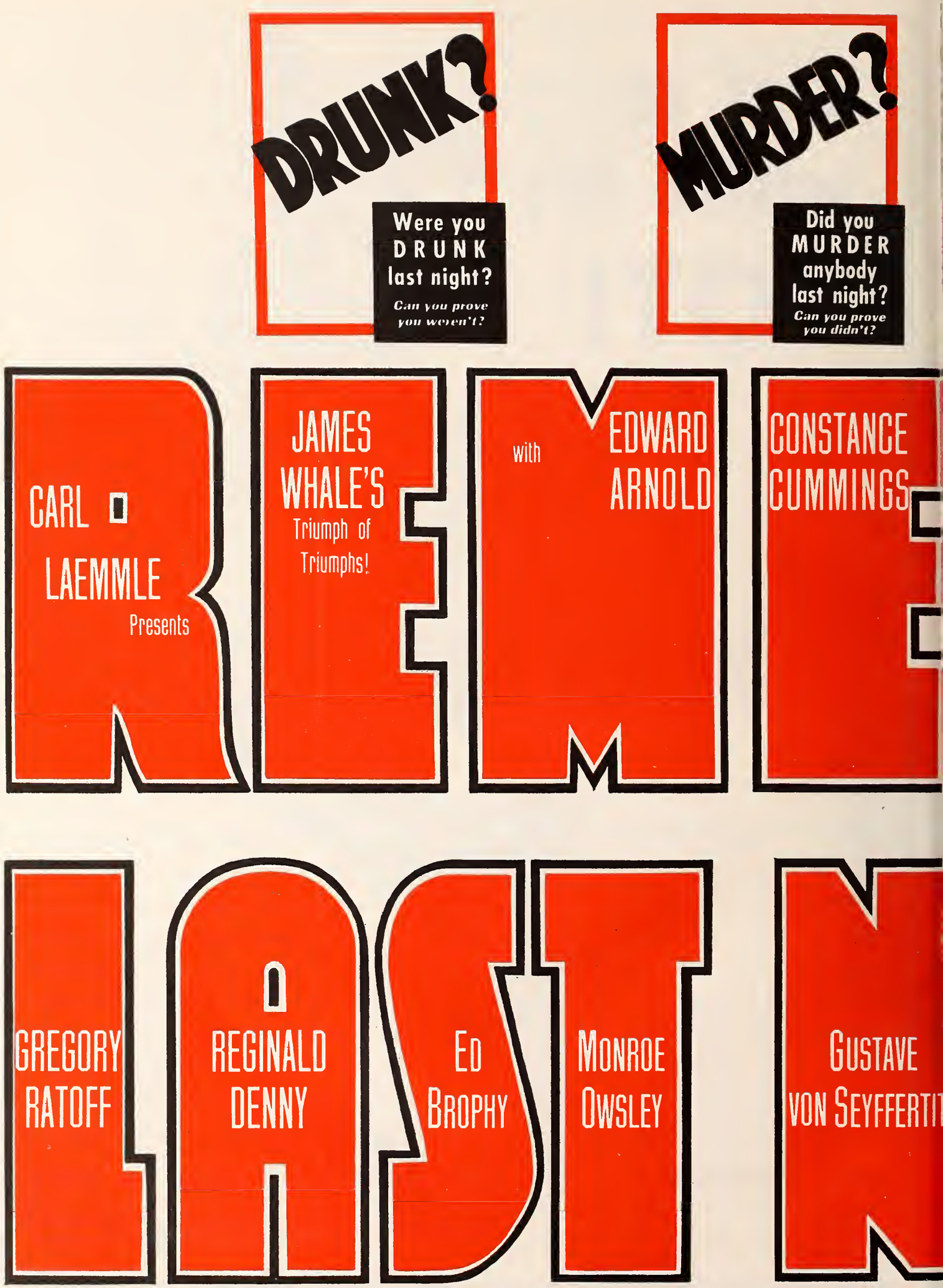
"WINGS OVER ETHIOPIA"

Put your theatre in the head lines with the hottest film on the screen. Let your cus tomers on the inside of the front-page country — ETHIOPIA. Let them see the British preparations for war in lower Egypt ... fly them over Ethiopia's wild mountain defences — deep impenetrable canyons. Let them judge for themselves whether Ethiopia can be conquered or not! An intimate inside FEATURE record of an Ethiopia that no camera has yet taken and no one has seen. Pathos, humor, excitement in weird tribal customs amid wild barbaric tribes... royal pomp and pageantry behind the doors of the Royal Palace. Nothing like it yet brought to the screen... and on *TIME!*

NOT A NEWSREEL BUT A FEATURE! Get it while it's HOT!

FLASH! Business at Los Angeles Paramount jumps 35% a day with addition of this feature to program!

Paramount Pictures


DRUNK?
Were you DRUNK last night?
Can you prove you weren't?
MURDER?
Did you MURDER anybody last night?
Can you prove you didn't?
CARL LAEMMLE Presents
JAMES WHALE'S Triumph of Triumphs!
REMEMBER LAST NIGHT?
with
EDWARD ARNOLD
CONSTANCE CUMMINGS
GREGORY RATOFF
REGINALD DENNY
ED BROPHY
MONROE OWSLEY
GUSTAVE VON SEYFFERTI


REMEMBER?
Can you REMEMBER everything and every minute of last night?
Can you prove it?
PROOF!
Do you know when you've got a SENSATION on your hands?
Universal will PROVE that you have!
ALLY
LLERS
and
ROBERT YOUNG
ROBERT ARMSTRONG
LOUISE HENRY
MBER
JACK LA RUE
GEORGE MEEKER
ARTHUR TREACHER
CARL LAEMMLE, JR'S. Finest Production
A thousand surprises you'll never forget
IGHT!

Arthur Query Rouses Wood At St. Louis

(Continued from page 1)

"Shut up," to the amazement of the court, the many witnesses, spectators and defendants present.

After Wood had finished shouting his command, Russell Hardy, Government counsel, turned around in his chair and had a good laugh with his associates. Almost every time Hardy had been sustained in objections to questions put to Arthur, former Senator James A. Reed rose and started an argument by referring to the record.

In all but one instance Federal Judge George H. Moore reversed himself, despite the fact that Hardy demanded that the practice should not be permitted to continue.

Gentry Examines Arthur

William R. Gentry, local attorney representing Paramount, began to cross-examine Arthur after Wood had finished, but cut his interrogation short for the day when Hardy objected to the introduction of references and conversations of meetings Arthur had with the Dept. of Justice in relation to the case. Hardy insisted that no one should disclose any information of contacts or conversations with the Government department officials and that this has been understood to be the law for more than 100 years.

Reed again took the floor and began reading citations, but Gentry asked to adjourn at 4:15 so that he could look up authorities on the subject over the three-day week-end. There will be no session tomorrow because of the dedication of a memorial in Nevada, Mo., for the late Senator William Joel Stone, whose son is presiding judge in the U. S. Circuit Court of Appeals for the Eighth District. Saturday, being Columbus Day, there will be no court session.

Questioned on Leases

Prior to the opening of the session this morning, Jacob M. Lashly, representing RKO, wanted to present new applications for subpoenas for various records supposedly held by Arthur and his companies on the ground specific material was mentioned. RKO subpoenas had been quashed yesterday by Moore, who stated, in essence, that they were too indefinite. The judge asked that they be submitted after the session, but when Arthur left the stand for the day no action had been taken. There probably will be oral argument on this subject Monday when the case is resumed.

Wood opened his cross-examination of the F. & M. head today by asking questions in connection with the lease on the Ambassador, to which Hardy objected and which Judge Moore sustained, declaring "there has been too much cross-examination on matter that has not been covered on direct examination. You gentlemen are familiar with the rule in Federal Court that cross-examination of a witness must traverse the examination in chief."

One of the big laughs of the morning came when Wood asked Arthur, "Was 'Of Human Bondage' a good picture?" to which the F. & M. head replied, "It was a piece of cheese."

"Wasn't it an outstanding picture?" Wood further queried.

"It was a piece of cheese," Arthur repeated, "and the subject matter should never have been shown."

Wood then started to read an advertisement on this picture when Hardy interjected and asked the Warner counsel to read it the proper way. After Wood finished this Arthur said, "We erroneously advertised it on the advice of RKO. We had no right to tell the people of St. Louis it was an outstanding picture. That ad was taken from a press book."

"Sluff" Interpretation

Some question arose as to the interpretation of "sluff" in connection with former bookings at the Ambassador. Arthur agreed "Belle of the Nineties" was a big picture, but he described "Handy Andy," which was the first attraction when F. & M. reopened the house, as a "sluff." Arthur said he presumed the Will Rogers picture was up to the usual of the late comedian's films, but it "flopped" at the box office. Other films and ads were discussed.

The subject was then changed to the local theatre situation. Wood started to take up the New Grand Central Theatre situation. Arthur said the theatre was closed when he took it although this was not the case when he began negotiations. Wood asked whether the house operated at a loss when it was open. Arthur said he understood the New Grand Central operated at a profit.

"Wasn't the Fox also operated at a loss?" Wood asked.

"I wasn't told so by the receivers," was the response.

Then the Ambassador and Missouri were brought up and Arthur stated that Spyros Skouras told him both were profitable. The F. & M. head also testified that Skouras during the last four years told him the Fox was the finest house here and that it still is today.

When Wood brought up the subject of admissions at the St. Louis when Arthur opened it, Hardy objected and was sustained. Reed then got up and told the judge that when Arthur was queried on direct examination the F. & M. executive said he lost a lot of money because he couldn't get pictures. Hardy countered, "This is not a damage suit." Reed admitted this and referred to the testimony. Judge Moore answered Reed, saying, "I can't see the ground for the admissibility of the testimony as desired. I fail to see wherein the Government's opening statement has laid any foundation for it and that certainly would be the only foundation for it." Reed showed Judge Moore the testimony and the sustaining order was withdrawn.

Asks for Film Contracts

At the opening of the afternoon session Wood asked Arthur for the film contracts the latter promised to bring in. Several were produced and those not immediately available Arthur said he would get from New York. The Warner attorney then continued with Arthur.

"Do I undertsand you to say that when you went to Warners on March 6, 1934, and had a conversation with Abel Carey Thomas, Sears and Starr, that Koplar was not interested in or associated with you in the Ambassador, Missouri and New Grand Central?" Wood inquired.

Hardy objected and was sustained, but that did not satisfy Senator Reed, who argued the matter on the testimony by Arthur on direct examination. Judge Moore reversed himself again and the Government prosecutor became angry.

Much ado was made by Wood over an article appearing in *Variety* with a Los Angeles date line. The Warner attorney said, "You gave it out to the world that Koplar was one of your associates."

Hardy again objected and was overruled, but this time was insistent that the article be disallowed. He said "The honorable judge has reversed himself before and he could do it again."

"They have gone into all the ramifications of the Koplar situation. When are they going to finish?" Hardy remarked. "I suggest this subject be brought to an end in the interest of saving time, if nothing else."

Hardy Overruled

Hardy then stated, "It would be very injurious to the Government's case if these people are permitted to put everything in evidence unless we have the validity of the stories. Why don't they bring in the man who wrote this story. He's the best one who could tell them where it came from."

Just as Wood was about to read the story referred to, Hardy objected and was overruled. The positions of Koplar, Harry Greenman and Charles Kurtzman and their stock interests in the three theatres were developed by Arthur under examination.

"Have you any financial interest in the outcome of this case?" Wood asked Arthur.

"The financial interest is my existtence. If I don't get pictures I'm finished and I'm almost finished now," Arthur replied.

"If you get a conviction it would be to your profit and gain, would it not?" queried Wood.

"It may help me get pictures," Arthur answered.

"I have my very existence at stake," Arthur said. "I've been told that."

"If you gain a conviction that leaves you open to file a civil suit for three times the amount of damages," Wood asserted.

"I can sue at any time," Arthur responded.

"You knew that to be the law before you went to see Hardy in Washington?" the Warner counsel queried.

"No."

Government Sustained

"When did you find out?" Wood asked.

"When I came back my attorney, Ernest Wilkinson, told me." The F. & M. head stated he thought that if he won the indictment case he would be able to get back some of the money he lost.

Wood then made another query about filing a suit for triple damages and Arthur answered, "I'm glad to know it."

Hardy won another objection when he took exception to Wood's interrogation as to what Wilkinson had told Arthur in connection with the triple damage action.

"How soon after you talked to Depinet about RKO product did you go to Washington to get the Dept. of Justice interested in getting this prosecution started?" Wood inquired, and Hardy rose to object. The Government counsel was sustained and again Reed took the floor and brought up some points on the subject, following which Hardy withdrew his objection.

Answering another question of Wood's, Arthur denied he had made an investigation of the operations of the three theatres here before he went in with Koplar and Allen Snyder.

"On March 6 when you conferred with Starr, Sears and Thomas didn't you know Koplar had been very active in his hostility to Warners?" Wood asked.

"I knew Koplar had a lawsuit with Warners in St. Louis. No one ever told me. No one ever told me Koplar was the instigator of the actions which led to the appointment of a receiver for all Warner theatres here."

Bond Purchase Queried

"Didn't you hear that Koplar cost Warners $80,000?" Wood asked.

"No."

"Didn't you know that they were blackmail cases?" Wood inquired. Hardy objected, declaring, "It's most unfair. These suits were settled a long time ago."

Arthur said he met Samuel B. Jeffries, local Warner counsel, and told him he didn't want to get in wrong with Warners.

Referring to the bankruptcy of St. Louis Amusement Co., Arthur testified he thought Warners had lost whatever interest they had in the company.

"I thought it was all washed up and had gone the way of watered stock."

Wood then made mention of a fight by Warners to hold their interest in the circuit and his witness wanted to know what it was all about. Wood said, "I'm not asking you about the fight." Just as the Warner attorney asked the court reporter to look up the last question, Arthur kept on asking what the fight was about when the Warner counsel exploded, and at the top of his voice yelled, "Shut up."

Questions were then entered in connection with purchases by Arthur of $15,000 worth of bonds in Central Properties. This finished Wood's cross-examination.

During the Warner attorney's interrogation of Arthur, Wood stated that Skouras had lost more than $80,000 a little over a year ago in the operation of the Missouri and Ambassador. Wood also brought up again today the famous expression he attributes to Koplar about "having distributors over a barrel."

George Wright, who represents Paramount in Dallas on legal matters, left for home tonight after attending the trial during the last three days. Ned E. Depinet, Jules Levy, George Schaefer, Austin C. Keough, Louis Phillips, Neil Agnew, Irving Cohen, William Schneider, Spyros Skouras, William Mallard, E. K. Hessberg, Jack Partington and Irving Lesser all left for New York by train and plane. All will return by Monday.

Wehrenberg Can't Attend

St. Louis, Oct. 10.—Fred Wehrenberg, head of the Eastern Missouri M. P. T. O. A., has been compelled to refuse an invitation to attend the Tri-States convention at Memphis Oct. 13-14 because of the Government case. He may reach the stand today.

Sales managers here have promised action in clearing up a current condition in oily prints in this territory, Wehrenberg said today.

U. A. Moves Up Kelly, Buckley; Name No Head

(Continued from page 1)

nation is to take effect at once. In a statement made in Hollywood, but made public in New York, he said:

"I found it necessary to sever my connection with United Artists because my views did not coincide with the policies of one of its producers. My chief regret is that I must leave those loyal and efficient co-workers in United Artists who have worked with me for 10 years."

The statement further declared Lichtman will announce his new affiliation and future plans upon his return to New York from the coast in the next few days.

Speculation Runs High

Speculation ran high yesterday over his new association. Hollywood and New York reports linked him with a deal whereby, in association with Harry M. Goetz and Edward Small of Reliance, and Sam Briskin, he would assume control of Universal. Finances for the reputed purchase, which was completely unconfirmed, presumably would come from Herbert J. Yates of Consolidated Film Industries, Inc.

Kelly, now world-wide sales chief for U. A. has been in charge of foreign sales there since 1926. This will not be his first experience in the domestic field. He was long associated with Charles Chaplin and was active in the American distributing organization when Hiram Abrams was president of the company. English-born, Kelly first came to New York when he was 21 to represent the Frank J. Gould Enterprises. Four years later he was a director in 12 companies.

Buckley, also a U. A. veteran, broke into show business when, at 21, he was manager of the Garrick, St. Louis. After World War service, he became Kansas City branch manager for U. A., later assuming a like post in Los Angeles. He handled roadshows of "Robin Hood" and later was business manager for Mary Pickford and Douglas Fairbanks. In 1926 he became one of three members of the executive committee of U. A. and currently is also vice-president and general manager of the United Artists Theatre Circuit, Inc.

HOLLYWOOD, Oct. 10.—Al Lichtman stated today he has not negotiated with 20th Century-Fox and Warners as reported. He will entrain for New York Saturday. United Artists announced there will be no more board meetings in connection with Lichtman's resignation and successor. It was reported that James Mulvey has an inside track on the job, with the board in perfect accord with any future move on the part of Samuel Goldwyn.

Lotts Gets U.A. Post

CHICAGO, Oct. 10.—Harry Lotts, Milwaukee U. A. manager, has been named head of the Chicago exchange to fill the vacancy left by the resignation of Sam Horowitz. Joseph Hardman, Chicago salesman, becomes Milwaukee manager.

Branch Heads In Court, So Selling Waits

(Continued from page 1)

were summoned despite the fact that these exchanges, in addition to Fox, have been supplying the Fanchon & Marco houses with product during the past few years, as well as the two Warner houses, the Orpheum and Shubert.

Warners' main supply of film for the two houses comes from its own exchange, Paramount and RKO. M-G-M and U.A. product for many years has been supplied to Loew's State, yet Clayton Lynch of M-G-M and William Feldstein of U.A. are regular attendants at the Federal Court, morning and afternoon.

No one knows what to make of it, but the mystery will be solved when the men are put on the stand.

Exchange heads are reluctant to discuss any phase of the trial. That also goes for what took place preceding and after the indictments.

One of the managers some months ago met a company sales head from New York at the railroad station. Both engaged in a conversation and, according to a branch boss, that talk was taken down word for word by a Department of Justice man.

Say Met Buy Would Aid New Fox Setup

(Continued from page 1)

fore Federal Judge Martin T. Manton.

The hearing is being conducted to examine into the financial status of Fox Theatres Corp. in advance of a decision by the court on whether the receiver for Fox Theatres should be directed to exercise the option for acquisition of one-half of the stock of Metropolitan Playhouses. A majority of the Fox Theatres' creditors appear to be opposed to the acquisition.

Rogers brought out that claims against Fox Theatres had been reduced to approximately $8,000,000. Much of the testimony concerning the assets of Fox Theatres and the probable earnings of Metropolitan Playhouses was questioned by Archibald Palmer, attorney for Fox Theatres' creditors, in cross examination of an accountant placed on the stand by Rogers. Palmer contends that Fox Theatres should not be permitted to exercise the option because it is insolvent and because the investment offers little likelihood of profit and would be poor business judgment. The hearing will resume on Monday.

Capra Is Named as New Academy Head

(Continued from page 1)

Sistrom. There was only one vice-president last year.

The board of governors and executive committee also adopted a revised writer-producer agreement, effective Oct. 15. The following companies have signed: Columbia, First National, Twentieth Century-Fox, M-G-M, Paramount, Radio, Universal and Warners.

All branches of the Academy have accepted it except the credits clause, rejected by the Directors' Branch.

Wall Street

Gains Feature Big Board

	High	Low	Close	Net Change
Columbia	66¼	65½	66¼	+2¼
Consolidated	5⅛	4⅞	5	+ ⅛
Consolidated, pfd	18	17½	17½	+ ¼
Eastman	154¾	154	154⅜	+ ⅝
Eastman, pfd	160¼	159	159	+1
Loew's, Inc.	44¾	44¼	44¾	+1¾
Paramount	10¾	10⅜	10¾	+ ¼
Paramount, 1 pfd	96½	96¼	96½	+1
Paramount, 2 pfd	13¼	12⅞	13¼	+ ¼
Pathe Film	6⅛	6	6⅛	.....
RKO	4¾	4½	4½	.....
20th Century-Fox.	16½	16¼	16½	+ ¼
20th Century, pfd	26⅜	26⅛	26⅛	+ ¼
Warner Bros.	7⅞	7⅝	7¾	+ ¼
Warner, pfd	43¼	42	43¼	+ ⅜

Technicolor Spurts Up 2

	High	Low	Close	Net Change
Sentry Safety	⅜	⅜	⅜	.....
Sonotone	2¾	2½	2¾	+ ⅛
Technicolor	20½	18⅞	20½	+2
Trans-Lux	3	3	3	.....

Keith Bonds Up 1¾ Points

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	14⅝	14⅝	— ⅞
General Theatre 6s '40 ctf	15	14	14	—1
Keith B. F. 6s '46	88½	88½	88½	+1¾
Paramount B'way 3s '55	61	61	61	+ ½
Paramount Pict. 6s '55	97	96½	96¾	.....
Warner Bros. 6s '39 wd	83½	82½	83	+1

(Quotations at close of Oct. 10)

Republic Increases Budget $1,000,000

(Continued from page 1)

Glory Parade," a Civil War story, will be added to the list. "Dark Continent," a serial to be produced by Nat Levine, also will be added, and some of the funds will be used to sign names.

Two new stages are to be built at the Mascot plant.

Favor Republic Pictures

BOSTON, Oct. 10.—Independent Exhibitors of Massachusetts, Inc., the New England Allied unit, is urging its members to sign up for Republic product.

"If you are not included among those who have signed," the latest bulletin states, "we urge that you see Mr. Rifkin, Mr. Morey, or their representatives, and arrange for their pictures without delay. This is one independent company that we should all patronize because Republic pictures mean a lot to independent exhibitors in New England and all over the country."

Fox Appeals Judgment

An appeal was filed yesterday in the Appellate Division of the N. Y. Supreme Court from an order issued Sept. 10 denying a motion of Sidney Franklin for summary judgments in an action against Fox Film and Fox Movietone News, Inc.

Franklin, the bullfighter, had sought one judgment allegedly due as expense money for the arrangement of bullfighting exhibitions and the second as an assessment of damages on the ground that the defendants violated his rights of privacy is using photographs for trade purposes without his written permission. He originally asked $100,000 damages. The motion for judgments was filed in the Supreme Court on Aug. 19.

Ridder Tells Ampa Of Relief Problems

Problems of the WPA administration which he will take over from Gen. Hugh Johnson next Tuesday as administrator were discussed before Ampa members yesterday by Herman Ridder, one of the publishers of the *Staats-Zeitung*.

His chief problem at present, he said, was to get pay envelopes into the hands of those who need them. He promised there would be no more personalities involved in the conduct of the work. One of its important problems, he said, was to work out projects which can be finished before the end of the Federal fiscal year June 30. Later, he said, he hoped some plans could be made for what will happen when the $240,000,000 allotment has been exhausted.

In reply to questions about jobless members of Ampa and approximately 750 former advance men and agents for the legitimate stage, Ridder said these groups were "comparatively small" and that he hoped to get around to them after some of the others had been solved. At present, he said, he is trying to secure a modification of the rule against giving relief work to more than one member of a family, so that family acts can be employed in theatre relief.

Anita Louise was introduced by Herbert Crooker. The entertainment consisted of a burlesque fighter-manager act put on by Leo Wibberman and a partner. It drew a series of laughs.

Warners' Milwaukee Pool Causes Shift

MILWAUKEE, Oct. 10.—Pooling of the Granada, Warner south side neighborhood house, with Saxe's Modjeska under the latter circuit's supervision leaves Warner with three neighborhood spots here. The shift finds Joe Rosenfield managing the Granada as well as the Modjeska.

Gene Arnstein has been transferred to Warners' Juneau, with Louis Lutz, formerly manager of the circuit's Egyptian, going to the circuit's Lake. Jack Keegan, in addition to serving as supervisor of the neighborhood spots, becomes manager of the Egyptian. George Siefert, formerly at the Lake, has been transferred to manager of the circuit's Appleton, in Appleton, succeeding Al Sindlinger.

Warners also recently pooled its Appleton with Jack Silliman's Rio in Appleton. Silliman also operates the Avalon, local neighborhood spot.

Chicago's November Bookings Drawn Up

CHICAGO, Oct. 10.—Discussions of bookings were held today with B. & K. representatives absent. November bookings were set and sent to exchanges for approval on the old basis and without the additional seven days sought between C week and the first week of release sought by B. & K.

Exchanges will not be able to give B. & K. the extra week at present because contract commitments with other exhibitors have been made on the old basis.

There is a possibility that B. & K. may be forced to forego the plan for extra clearance until next year when new contracts will be drawn. Film Row is anxiously awaiting a statement as to the B. & K. stand.

N. Y. Critics "Go to Town" With "Dream"

(*Continued from page* 1)

World-Telegram, covered the attraction locally while Boehnel, like Miss Creelman, wired his reactions from the other side.

The dailies went in for a generous use of photographs. In addition, news accounts of the opening ran to considerable space. *The New York Times,* between the news story and the review, viewed the event as sufficiently important to devote almost four columns to it.

While the preponderance of critical opinion hailed the "Dream" as an event of major importance, pointing the way to perhaps a Shakespeare cycle in films, the critics did not fail in pointing up shortcomings as they saw them. There was practically no divergence of opinion on the merit of music, ballet and photography. What criticism was offered centered chiefly around the merits of individual performances.

Consensus of Reviews

A consensus of the reviews of all New York dailies follows:

American—Last night the classic Warner bid for cinematic immortality was triumphantly launched upon a thunderous wave of popular approval which echoed and re-echoed through the ermined, star-strewn aisles of the Hollywood Theatre. *** It comes to us, therefore, as a cunningly wrought amusement in which all elements of popular entertainment have been mingled in a pleasant brew. Lusty, gusty, low-brow comedy is combined with tenderest romance. Rollicking, raucous laughter merges with the sighs of lovers. The ineffable beauties of a veritable fairy-land are offered in superb spectacle, as in counter melody the simple theme of this cinema symphony is played. *** The players are superb. ***

Credit, too, to the Warners for courage, enterprise and vision primarily responsible for this achievement.

Daily News—There is so much that is exquisitely beautiful in the filming of the fantasy that it is a pity to be captious about it. ***

The picture is too long. It runs for two and a half hours, which is nearly an hour too long for any film, no matter how beautiful it may be. ***

But, on the other hand, the director has created some unbelievably beautiful effects with the camera and his background. ***

The cast works with beautiful harmony under the master's direction. James Cagney is superb in the role of Bottom, and Joe E. Brown, as Flute, is screamingly funny. Frank McHugh gives an amusing performance as the coach, Quince.

"Monumental Picture"

Daily Mirror—*** a monumental motion picture—an historic one. It has a fabulous magnificence — an awesome reverence—a stupendous cast and a sturdy director. It is big, impressive, mental, genteel, elevating. ***

The cast is a magnificent and costly one. Besides the Warner feature players, it includes the stars. Joe E. Brown, among these latter, stands out as the overwhelming Shakespearean actor, the young man who barks like a seal as he plunges into a pool and who incarnates, fully, the Elizabethan sense of fun. ***

The entire cast works hard and loudly, Mickey Rooney's "Puck" is particularly effective. Intricate ballets are an important feature of the spectacle.

Evening Journal—*** opens a new field for the magic of the camera *** equisitely beautiful, enchanting both to see and to hear. In its thrilling spectacles, its brilliant use of music, it superb blend of poetry, drama, orchestration and choreography, the picture translates Shakespeare to the medium that can best do justice to the greatest playwright of them all. *** Combines rollicking humor and gay romance with rhythm and movement and color. ***

Shakespearean scholars will find that the picture follows the original text faithfully. The rest of us, who go to the movies for entertainment, find here enormously enjoyable entertainment as well as artistic splendor. *** The players are not only at ease in their roles but also give excellent performances. Particularly effective are the comedians, James Cagney, who has the role of Bottom, a part which tradition has heretofore insisted be played only by a fat man; Frank McHugh, who does the best work of his film career as Quince the Carpenter and Joe E. Brown, who offers a hilarious sequence in his impersonation of Thisby. ***

There is so much to see in the picture that no written resume could possibly convey its multitudinous enchantments. "A Midsummer Night's Dream," with its glorious music, is a magnificent achievement.

Films Can Do Shakespeare

Herald-Tribune—*** is a beautiful and expansive spectacle, imaginatively conceived and handsomely photographed, which captures to a striking degree not only the play's dreamlike mood of moonstruck fantasy but also the hearty and hilarious gusto of its Elizabethan clowns. Korngold's brilliant arrangement of Mendelssohn's music adds immeasurably to the beauty and entrancement of a definitely distinguished production of this gay and elfin satire on the court of true love. ***

Despite its faults the Reinhardt screen version of a "A Midsummer Night's Dream" proves with high conclusiveness that the photoplay can do not just a scene from Shakespeare but an entire play. ***

First of all, there is Joe E. Brown, who has never been one of this department's outstanding favorites. Now it is obvious that the only trouble with Mr. Brown has been that he is a Shakespearean clown born after his time. As Flute, the bellows mender, who appears as the maidenly Thisby in the play staged for the Duke of Athens, he is quite magnificently comic. That splendid comedian, Hugh Herbert, is likewise brilliant as Snout the Tinker. ***

Also worthy of enthusiasm are Frank McHugh, who has never been nearly so funny, as Quince, leader of the amateur actors, and Otis Harlan, Dewey Robinson and Arthur Treacher. These scenes prove to be vastly and freshly amusing. ***

With James Cagney's performance as Bottom we come to more controversial ground.

Morning Telegraph—*** a picture that is fairly breath-taking in its beauty, its effulgence and its general air of splendor and magnificence. It is a Shakespeare that even Shakespeare never dreamed of, it is a "Midsummer Night's Dream" that transcends all previous "Midsummer Night's Dreams," it is, in short, a picture to be remembered, to be cherished, and to be seen again and again and again. The screen has never done anything like it before. ***

Then, too, there is the cast. There is chiefly Mickey Rooney, a sprightly youngster, playing Puck with vim and earnestness and an amazing appreciation of the lines and meaning thereof.

"Good—and Bad"

Post—*** is as colossal in its faults as in its virtues. The latter may outnumber the former but they certainly do not outweigh them, and in the resultant colossus it is the mechanical genius of the screen wedded to Mendelssohn's music which Professor Reinhardt evokes as the supreme artistic gesture. ***

In its aerial passages "The Dream" has an exhilarating beauty, not only to the eye but the ear. Reinhardt has found the scope for his imaginative powers, and on the extended plane of the motion picture he has devised effects in rhythm and imagery which clearly show the understanding between himself and his medium.

It is in dealing with the plot sequences that "The Dream" dives to earth. For the simple fact is that the dialogue passages, with their frequent close-ups and static exchanges, are tedious, and the actors who play them show a total lack of uniformity in speech and style.

The curious result of this casting is a jumble of good, bad and indifferent acting; and there is not one dialogue scene which is not marred or ruined by at least one of the players. Dick Powell, whose Lysander is in evidence for most of the picture, easily outstrips all the other players in total wreckage. ***

And at the other end of the scale is Joe E. Brown whose comicalities as the coddling Flute are not only entertaining in themselves but are remarkably in the vein of the Elizabethan fool. Mr. Brown steals every scene he is in. * * *

Sun—(Reviewed in New York by Malcolm Johnson)— *** a spectacle and a gorgeous one—a thing of shining beauty, a fantasy of delight, translating the poetry of Shakespeare into a visual creation through the magic of the camera. As a production, and considering it as a production alone, there are many who will unhesitatingly call this film great, containing much that is beautiful, unforgettable. ***

That this mood is retained, enhanced, is due in great measure to Erich Wolfgang Korngold's skillful arrangement of Mendelssohn's music and its perfect synchronization with the film to interpret the action. ***

The ballets, staged by Bronislava Nijinska and Nini Theilade, are breathtakingly beautiful. ***

To put it brutally, this cast, as a whole, does it badly. The players with few exceptions, are as though suddenly seized with stage fright in awe of their material. *** They stumble, usually at headlong pace, through their lines, reciting them without conviction, like parrots. They seem to have no feeling for the meaning of the words, for the poetry.

Rooney Praised

(Reviewed in London by Eileen Creelman) —*** not only a spectacle but one of sheer visual and musical beauty. ***

It is a weird and unexpected performance that Mickey Rooney gives. ***

He literally holds the picture together. ***

In only two instances have the directors, Max Reinhardt and William Dieterle, been unfortunate in their selection of players. The vulgar grimaces of Dick Powell and Rose Alexander as the lovers, Lysander and Demetrius, are decidedly distressing. To compensate for this casting breach, however, are such grand performances as those given by Joe E. Brown as Flute, Hugh Herbert as Snout, Frank McHugh as Quince, and James Cagney as Bottom. ***

One cannot help but wish that Reinhardt had found a way of using more of the play itself instead of laying the emphasis on spectacle and comedy. ***

The spectacle itself is entrancing with a magnificent Korngold arrangement of the Mendelssohn music and the breathtakingly beautiful ballets by Bronislava Nijinska and Nini Theilade.

Times—Hollywood pursues the shapes and shadows of the unfettered imagination with courage, skill and heavy artillery. ***

Many of the elusive, dancing conceits of Shakespeare's lyric fantasy remain at large, though, and seem to hover about the screen hooting derisively at the cinema's determined bloodhounds. But Mr. Reinhardt has isolated some of the winged fancies and the photoplay caparisons them in rich and lovely stuffs. If this is no masterpiece, it is a brave, beautiful and interesting effort ***and it has magical moments when it comes all alive with what you feel when you read the play. ***

But the plain and distressing truth is that the screen, in the proud act of releasing the play from the shackles imposed on it by the proscenium arch, has the embarrassing miracle to perform of creating visual images which will catch the phantoms that lurk behind the words.

"A Masterpiece"

World-Telegram—(Reviewed in New York by Gerald Breitigam)—The American screen definitely put aside puerilities and entered upon man's estate with the filming of that magically beautiful portrayal. ***

The infinite capacity of the screen for giving rein to all the arts at one and the same time is nobly realized. Shakespeare's fantasy is presented in a prodigality of imaginative beauty never possible to the stage. Nor is the eye alone charmed but the ear as well—charmed by those great familiar lines spoken racily and without a trace of ham, and charmed, too, by Mendelssohn's music. ***

And this is a masterpiece—in which setting and acting and music, rendition of the lines, imaginative concepts, tellingly visualized by the camera and rich costuming, all blend into an harmonious whole.

(Reviewed by William Boebnel in London)—*** a beautiful and magnificent thing to see. There is nothing anywhere that can be compared with this offering for stunning camera work, intelligent treatment, lovely music and generous production as proof that the cinema is capable of producing great works of literature with taste, charm and discrimination. ***

But even if the production had none of the rare quality of Reinhardt it would still have sufficient reason for being in the performances contributed by James Cagney, Joe E. Brown, Frank McHugh and little Mickey Rooney.

It would be engaging to dwell at length on Cagney's qualities as Bottom, McHugh as Quince, Brown as Flute and the demoniac impishness of Rooney as Puck.

Or to remark on the sweetness of Anita Louise as Titania or the beauty of Verree Teasdale as Hippolyta. Or to comment on the fine performances of Ian Hunter, Olivia DeHavilland, Ross Alexander and Jean Muir. But, then, all the acting was good, even though one or two actors were ill chosen.

But all this merely reiterates the fundamental fact that "Midsummer Night's Dream" is a rare film—one that has full vitality and imagination.

To Sell Out Opening

PITTSBURGH, Oct. 10.—The 17 city managers for Warners here have taken over the entire house for the Wednesday night performance of "A Midsummer Night's Dream," which opens as a roadshow at the Nixon Oct. 28. Each house official has agreed to sell 100 tickets to personal friends and will be on the door to greet customers that night.

Following the show the managers will have a party at one of the downtown night clubs. The idea was suggested by one of the managers at a weekly district meeting and was immediately taken up by the others without any solicitation from the higher-ups.

"Dream" Opening on Air

About an hour and one-half after the opening of "A Midsummer Night's Dream" at the Hollywood it was dramatized over a nationwide Columbia hookup on the "March of Time" program.

Purely Personal

GEORGE ARLISS, whose latest is "Mister Hobo" for GB, has been named a Supreme Knight of the Road by the outfit known as the "Hoboes of America."

•

HENRY SAULSBURY, JOE MOSKOWITZ, BOB GOLDSTEIN and LOU IRWIN among those who caught the opening show at the Paradise early yesterday morning.

•

CHARLIE EINFELD went Hollywood all the way Wednesday. There was the opening of the "Dream" at the Hollywood Theatre and a bit of cavorting at the Hollywood Cafe later.

•

WALTER FORDE, who directed "Born for Glory" arrives from London on the *Berengaria* Tuesday and will attend the opening of the film at the Globe the following Sunday.

•

JEAN MUIR, who came to New York for the opening of "A Midsummer Night's Dream," will sail for England tonight on the *Berengaria.*

•

HARRY H. THOMAS, First Division head, is on a tour of exchanges which will extend as far west as Kansas City.

•

G. B. WILEY, who has been representing *True Story* magazine in New York, has reopened the company's offices in Detroit.

•

WILLIAM MALLARD, RKO general counsel, is due in town today from St. Louis. He will return there on Monday.

•

BRUCE BROMLEY, special counsel for RKO, who has been taking a brief furlough from the St. Louis trial, will return to the court scene Monday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 88 NEW YORK, MONDAY, OCTOBER 14, 1935 TEN CENTS

Quick Revamping of RKO Seen; Aylesworth at Top

Metro Talking New Pact for Arthur Loew

Deal On, But Outcome Still in Doubt

Arthur M. Loew, in charge of sales abroad for M-G-M through Culver Export Corp. which handles that phase of the company's activities, either has been or will be offered a contract to continue in that post, Motion Picture Daily learned over the week-end.

The matter has been discussed, although its outcome is yet to be determined.

The resignation of his brother, David L., as one of the vice-presidents of Loew's, Inc., immediately was followed by speculation as to Arthur's plans. The question, therefore, was put squarely up to him and brought this comment:

"For the moment, I do not think I can say anything about my plans."

He readily acknowledged later that a contract had been discussed, but added no decision had been made by

(*Continued on page 2*)

Five More Seek Court Fox Stock Appraisals

Five applications for the appointment of three appraisers to appraise the value of Class A common stock of the Fox Film Corp. were filed Friday in the N. Y. Supreme Court. All five were submitted by the law firm of Blau & Polakoff. The applications stated that their clients were opposed to the Twentieth Century merger and desired to dispose of the stock held by them.

The applications were made by Munson G. Doremus, owner of 900 shares; Estele R. Gold, 100 shares; J. C. Vogeler, Jr., 200 shares; Arthur A. Eisele, 65 shares; and Charles F. Eisele, 300 shares. Hearings were set for this morning before Justice William P. Collins.

"Snatched" Banned As Title by Hays

Hollywood, Oct. 13.—Joseph M. Schenck has filed a protest with the Production Code Administration here as a result of the banning of the title, "Snatched," for a 20th Century-Fox production.

Schenck pointed out in his letter of protest that the entire subject matter of the picture had been approved by the Administration previously, and said that he thought banning of the title was improper.

Gov't Sees Anti-Trust Case Continuing for Five Months

By BILL ORNSTEIN

St. Louis, Oct. 13.—Government lawyers, optimistic at the outset that the trial would proceed quickly, now expect the criminal action against Warners, Paramount and RKO and various of their officers, will continue for five months. They also voice the opinion that the injunction suit, a separate action, will run that length of time as well. The second is not concurrent with the first.

The trial, which enters its third week Monday, thus far has progressed at a snail's pace. Almost two weeks have elapsed since Russell Hardy, chief of Government counsel, made his opening address.

Harry C. Arthur, the first witness, has been on the stand for four days, the first day and a half for direct examination by Hardy and the other two and a half for cross-examination by Frederick H. Wood, one of Warners' attorneys. Last Thursday, Wood finished his interrogation of Arthur

(*Continued on page 8*)

Yates Denies Move To Take Universal

A denial of a report that Consolidated Film Industries would finance a purchase of Universal in association with Al Lichtman, Harry M. Goetz, Eddie Small and Sam Briskin was made Friday by H. J. Yates, head of Consolidated, on his return from the coast.

"There's nothing to it," Yates said. "I haven't even heard of the report, but there's nothing to it. Somebody may be trying to plant an idea, but I don't want it."

New Ohio Admission Tax Battle Planned

Columbus, Oct. 13.—Another admission tax campaign is being started by the I.T.O. of Ohio because the present three per cent rate expires in January and the 12 per cent schedule returns automatically.

A strong effort is to be made to convince the Legislature that theatres can't pay the increase, in spite of the fact that increasing state revenues will be one of the big problems before the next session.

One Man's Idea

The irrepressible Bob Goldstein says the latest World's Series in St. Louis was the worst on record.

"Why?" asked Joe Moskowitz.

"Because the film team couldn't hit what the Government men were pitching."

Para. Paid Out $50,000,000, States Zukor

More than $50,000,000 in dividends were paid to Paramount stockholders during Adolph Zukor's regime as head of the company, the Paramount board chairman told the Sabath Congressional committee investigating real estate reorganizations on Friday.

Zukor's statement was made in justification of his salary and bonus contracts with Paramount which netted him more than $2,000,000 during the "boom" years from 1928 to 1931. Zukor's earnings for those years were read into the investigating committee's record of the Paramount reorganization. Zukor said that he had "fought" for the contract which gave him a salary of $130,000 annually and a bonus of seven and one-half per cent of the company's profits after deduc-

(*Continued on page 8*)

B'dway Takes Low; "Big Shot" $29,000

Grosses along Broadway were weak in a number of spots for the week. "Little Big Shot" garnered $29,000 at the Roxy, but this was nothing to get excited about.

"Red Salute," in its second week at the Rivoli, took $10,000. "The Last Outpost," at the Paramount, grossed $22,000. "O'Shaughnessy's Boy," at the Capitol, was down to $16,500.

Atlas-Lehman Bond Buy, Sarnoff's Statement Point the Way

The prompt emergence of RKO from reorganization, with M. H. Aylesworth as president of the new company and Floyd B. Odlum as chairman of the board, is seen indicated in the closing on Friday of the deal by which Odlum's Atlas Corp. and Lehman Bros. acquired a substantial portion of RCA's holdings in RKO.

The presentation to the Federal court of a plan of reorganization for RKO was definitely indicated for the near future in a statement from David Sarnoff, RCA president and chairman of the RKO board, reporting the closing of the deal with the two financial concerns.

RCA's investment in RKO is estimated to have a book value of approximately $16,000,000. What portion of this investment was acquired by Lehman and Atlas was not made known, nor was the price paid. Early reports of the negotiations for the sale which were first broached early last spring had Odlum offering $5,000,000 in cash for the entire RCA investment and Sarnoff insisting upon a dollar for dollar deal. It appears likely that the sale closed on Friday involved not less than half of RCA's holdings in RKO. The deal also included an option under which Atlas and Lehman Bros. may purchase the remainder of the RCA holdings.

With or without the exercise of the option, Atlas and Lehman Bros. become a vital, if not a dominant duo, in the future of RKO. This is expected to be evidenced with the presentation of an RKO reorganization plan in the near future, which will undoubtedly be

(*Continued on page 8*)

Mary Pickford May Be U. A. President

Hollywood, Oct. 13.—Following a meeting here of the board of directors of United Artists, it was reported that Mary Pickford was agreed upon as the next president of the company. She would succeed Al Lichtman, who resigned several days ago.

Miss Pickford and Nathan Burkan left Friday night for the east, although Lloyd Wright, Miss Pickford's attorney, canceled his trip to New York at the last moment.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 October 14, 1935 No. 88

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 Soutb Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

FWC Gets Pasadena House in Dual Deal

LOS ANGELES, Oct. 13.—After Ben Berinstein and B. H. Lustig had transferred the Tower, Pasadena, to the California Amusement Co., owned by Ray Miller and Robin Rowley, these two turned it over to F.W.C. in exchange for the circuit's Pasadena.

The Tower was the only Pasadena first run not controlled by F.W.C. Under the new arrangement F.W.C. has all the first runs and Miller and Rowley control all the subsequents.

Gotham Ruling Upheld

The Appellate Division of the New York County Supreme Court on Friday handed down an order unanimously confirming the previous order of the Supreme Court denying the motion made by the Gotham Amusement Corp. for a temporary injunction against the M-G-M Distributing Corp.

The original petition sought to restrain the defendants from delivering "China Seas" to the Dorset. The Appellate Division also assessed the Gotham Amusement Corp. $20 costs and disbursements.

W. K. L. Dickson Dead

LONDON, Oct. 3.—W. K. L. Dickson, early associate of Edison in the experiments which led to the Kinetoscope, has died, aged 75. Dickson selected the present film width and perforation system.

Insiders' Outlook

By RED KANN

THIS department, always looking askance at matters having to do with financial deals and such, labored under the weekend suspicion that the lawyers, bless them, had a good deal to do with the nondescript statement made public relative to the long-awaited deal between Floyd B. Odlum and his Atlas Corporation and David Sarnoff and his RCA's $16,000,000 investment in RKO. For it said something and then again it said nothing, the details, as far as they went, being readily available to you if you will flip this page back and read what it has to say. . . .

▼

This transaction, launched before David Sarnoff left on his annual European junket on July 26, has been on for some time, interrupted at one or two points by guarded and, perhaps, inspired statements from those close to the Odlum throne that Atlas was no longer interested. That, in the light of what has happened, may be construed as business diplomacy designed to place the purchaser in the well-known position of playing hard to get. At any rate, Atlas, in association with the Lehmans, who have never been out of the RKO picture, is now the owner of a substantial portion of RCA's interest in RKO with an option to go all the way, if and when. This is what the official statement had to say for itself. . . .

▼

There is, however, more to it than surface indications divulge. There is, for instance, the general understanding that, since Sarnoff is far more interested in RCA communications than he has been, or is, in RKO's films, that this sale, price unknown but originally placed at $5,000,000 for what RCA has on its books at sixteen, he will recede even further from the show business scene and maybe entirely out of a picture in which he has never been more than superficially active. There is to consider, also, the extremely strong probability that Merlin Hall ("Deac") Aylesworth, who reputedly first interested Odlum in RKO and has kept at it since, will issue forth as the bigwig of the outfit with authority sufficient and determination aplenty to make his association with matters filmatic a genuine and a real thing. It has been anything but that up to this point. . . .

▼

It was as far back as July 29 that this space, bragging now, passed on the word that the Odlum negotiations were taking on temperature. It was on that same day and also in this column, furthermore, that there appeared the information that RKO's reorganization was rapidly assuming shape sufficient for presentation to the Federal courts. Friday's statement on the formal Odlum entrance into RKO comes as the authoritative verification. Then a month later—August 28 to you sticklers for detail—it was declared that "hot, like griddle cakes, is Floyd B. Odlum's interest in RKO and from it all something may develop." Then Friday, this column and this:

". . .; signs are pointing up now to that long-delayed deal between Floyd Odlum and his Atlas Investment Trust and David Sarnoff". . . .

▼

When word of the Atlas deal gets about, the speculation hounds will be chafing at the bit. They will talk, at once, about a merger between Paramount and Radio since Odlum is interested substantially in the company of which John E. Otterson is the head and has two directors on that board on whom he can count for cooperation. One is Odlum and the other is John Hertz, a partner in Lehman Bros. who, we remind you, are now revealed as associates in the RKO transaction. Such a consolidation may or may not be, but, merely to prove something which requires no proof, this is how Hollywood, that far distant land, views the matter:

That Paramount would produce the average product.

That RKO would make the specials.

That Harry Sherman would make the westerns and the Class C product.

That this would bring into some sort of focus the idea of a General Motors to which Otterson, by the rumor boys, is supposed to subscribe. . . .

▼ ▼

To those who read between and through events and like to think they are getting somewhere, the resignation of David L. Loew is no surprise. His new affiliation, as vice-president of Hal E. Roach, Inc., carrying with it implifications financial, is. And yet, on further pondering, the step lends itself to logical analysis. Henry Ginsberg, for some time now has been vice-president and general manager of the Roach company. For years a buddy of Loew's who had played not a small part in cementing the original arrangement by which Roach annexed Ginsberg, it becomes a normal deduction to draw that it was the latter who now figures in bringing about this new and potentially extremely important association. . . .

▼

Because they are the kind of brothers they are, the buzz which followed swirled largely around Brother Arthur. What will he do, now that the one son of the founder of Loew's had determined to officially cut the knot that tied? The answer to that is yet to be written. Already apparent, however, is the desire of Nick Schenck, in whom the glow of an organization held intact shines warmly, to maintain Arthur in his present valuable position. And so a contract has been offered him, although it is ten months now since his last agreement expired. Those who seem to know a thing or two of Arthur and his reactions, without attempting, of course, to speak for him, privately insist he will continue with Metro; that there could be no more important job for him than his present post as foreign sales head; that his record, always aided by the calibre of product which is M-G-M's, is tops in the field overseas; that, because Dave has left, is no indication conclusive that Arthur must follow. . . .

▼ ▼

Anent reports Al Lichtman will join Leo, Schenck says:

"The gentleman has not approached me on the subject and I know nothing about it."

▼ ▼

What was Roxy doing in Otterson's Paramount office the other day? Or is it none of our business? . . .

Metro Talks New Arthur Loew Pact

(*Continued from page* 1)

him because "I first would have to see what it provided and what it had to say."

While no word was forthcoming from Loew's as to David M.'s successor as chief film buyer for the circuit, a post which the retiring executive assumed only a few months back, reports indicated Eugene Picker, his assistant, will be named for the post. Picker, son of the late David Picker, whose local theatres were purchased by the circuit some years ago, long has been identified with film buying for the chain.

Roach-Loew Partnership

HOLLYWOOD, Oct. 13.—The agreement between Hal Roach and David Loew is a partnership arrangement, it was learned here Friday. The future release of features other than those scheduled will depend on production plans of M-G-M and on market needs. Since this selling season is past, all new commitments will wait until after Jan. 1, it was learned. Loew left Hollywood by plane for the east yesterday, planning to stop over at Kansas City.

Street Closed Saturday

Wall Street and the stock exchanges were closed Saturday in observance of Columbus Day.

MUSSOLINI AND SELASSIE WOULD AGREE THAT



"A THOUSAND DOLLARS A MINUTE"

IS ONE OF THE FUNNIEST FEATURE COMEDIES EVER MADE



YOU CAN'T STAY MAD AFTER SEEING THIS LAUGH TORNADO!

with

ROGER PRYOR
LEILA HYAMS

EDGAR KENNEDY
STERLING HOLLOWAY
EDWARD BROPHY
WILLIAM AUSTIN
HERMAN BING
FRANKLYN PANGBORN
ARTHUR HOYT
PURNELL PRATT
MORGAN WALLACE

REPUBLIC PICTURES

A NAT LEVINE Production

Directed by Aubrey Scotto · Adaptation by Jack Natteford · Screenplay by Joseph Fields

The FIRST WIRE

JAMES R GRAINER
UNIVERSAL PICTURES CORP
ROCKEFELLER CENTER NY

JUST SAW FIRST CUT OF THREE KIDS AND A QUEEN=THIS WITHOUT DOUBT A GREAT PICTURE FOR BEST THEATRES EVERYWHERE=TIMELY AND FULL OF COMEDY AND PATHOS=ROBSON HAS NEVER APPEARED TO BETTER ADVANTAGE= SUPPORTING CAST ALL OUTSTANDING=AM CONFIDENT THAT THIS WILL BE A SMASH HIT=YOU CAN GO LIMIT

CARL LAEMMLE..

3 KIDS and a

The SECOND

with MAY ROBSON CHARLOTTE HENR

Directed by EDWARD LUDWIG

CARL LAEMMLE PRESENTS UNIVERSAL'S

QUEEN

N15 62 DL=WUX UNIVERSALCITY CALIF OCT 3 1935
JAMES R GRAINGER=UNIVERSAL PICTURES CORP
ROCKEFELLER CENTER NY

WIRE

PREVIEWED THREE KIDS AND A QUEEN TONIGHT=UNQUESTIONABLY
BEST PICTURE CURRENT PROGRAM AND ONE OF FINEST RELEASES
IN YEARS=BEST AUDIENCE REACTION IN HISTORY OF THEATRE
EXCELLENT CAST PLENTY COMEDY PATHOS SUSPENSE AND WELL
DIRECTED=THREE KIDS AND A QUEEN DEFINITELY A QUALITY
PRODUCT FAR SUPERIOR TO ALL EXPECTATIONS=YOU ARE
ABSOLUTELY SAFE IN PROMISING EXHIBITORS SUREFIRE
ENTERTAINMENT AND BOX OFFICE SMASH

CARL LAEMMLE..

BILLY BURRUD FRANKIE DARRO • HENRY ARMETTA
John Miljan • Ferdinand Gottschalk
William Benedict • Henry Kolker • Tom Dugan

Produced by BEN VERSCHLEISER

IGGEST SOUL-WALLOP FOR ALL HUMANITY!

THE BIGGEST SHOW IN 2000 YEARS

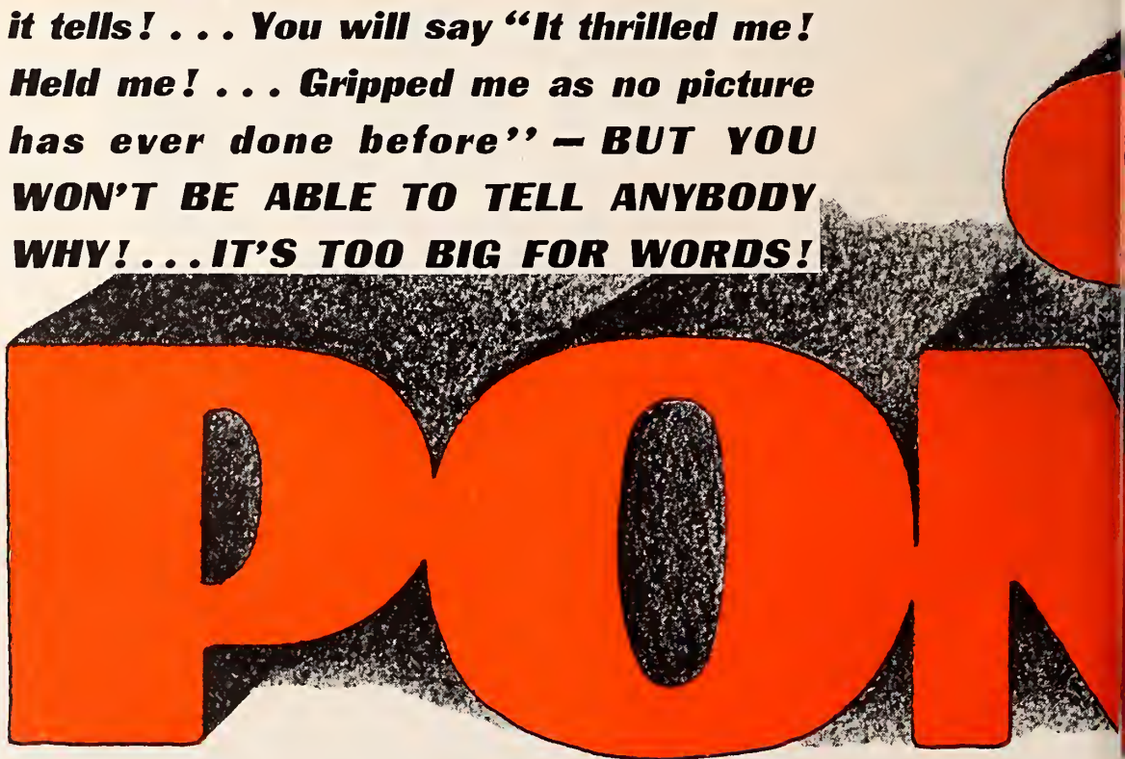
begins an extended run engagement at RADIO CITY CENTER THEATRE

[LONG RUN COMPANION HOUSE TO THE MUSIC HALL]

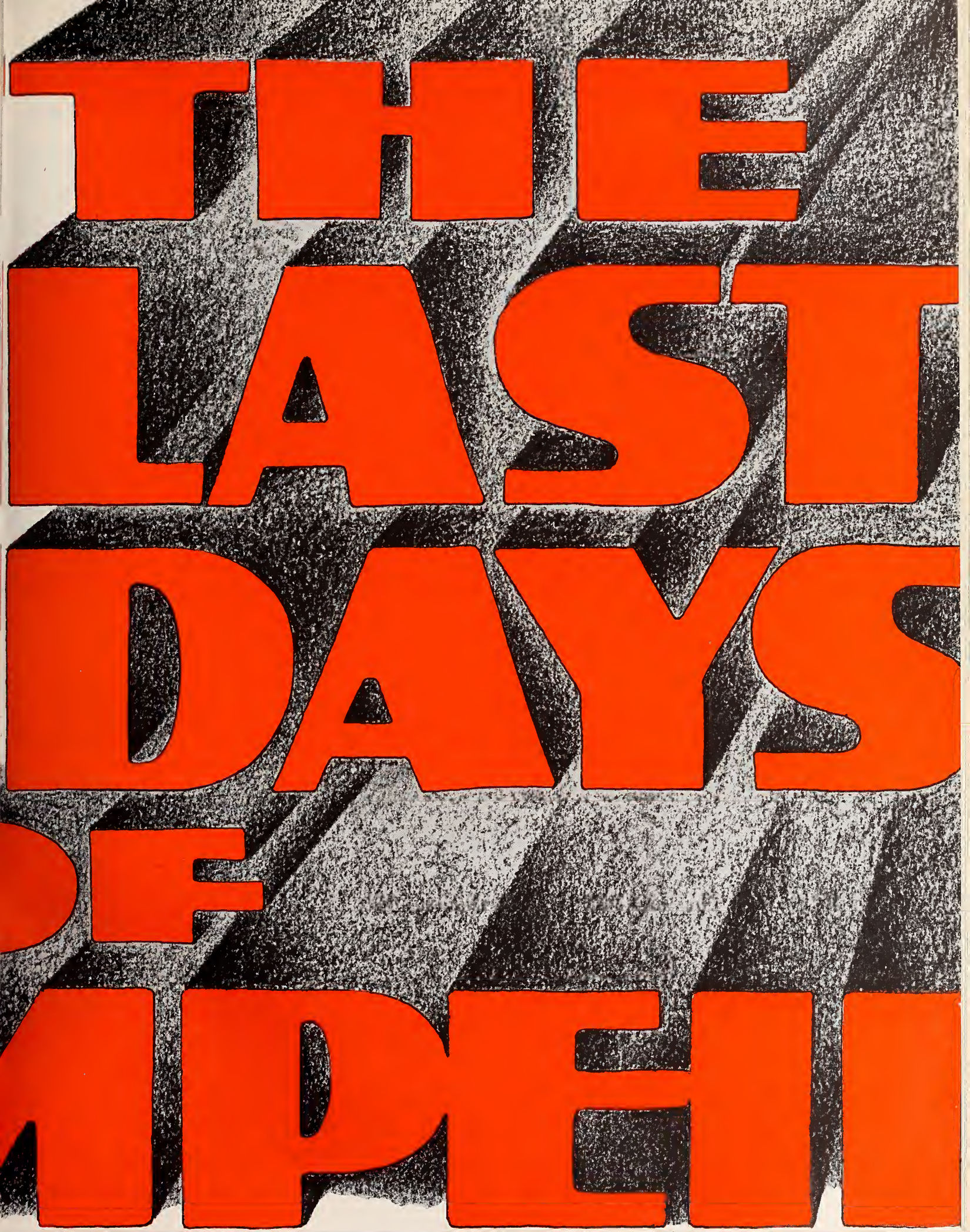
WEDNESDAY, OCTOBER 16

In it is all there is of life and love . . . hope and despair . . . terror and triumph! . . . Empires fall . . . the earth crumbles . . . but nothing can dwarf the mighty story it tells! . . . You will say "It thrilled me! Held me! . . . Gripped me as no picture has ever done before" — BUT YOU WON'T BE ABLE TO TELL ANYBODY WHY! . . . IT'S TOO BIG FOR WORDS!

Directed by ERNEST B. SCHOEDSACK . . . with PRESTON FOSTER . . . ALAN HALE . . . BASIL RATHBONE . . . JOHN WOOD . . . LOUIS CALHERN . . . DAVID HOLT . . . DOROTHY WILSON . . . WYRLEY BIRCH IN A CAST OF THOUSANDS . . .



MERIAN C. COOPER'S HEROIC



PRODUCTION . . . An RKO-RADIO PICTURE

U. S. Expects Trust Suit to Go 5 Months

(Continued from page 1)

at 3:45 P.M. after a total of 10 hours. William R. Gentry, local legal counsel for Paramount, was about to start his transverse questioning when he got tied up in a technical knot, which will be argued Monday when the case resumes.

So far 40 hours were devoted to the trial in the first two weeks. In the first six days, most of the 25 hours were spent on objections by defense counsel to the indictments being tried ahead of the civil suit and to opening addresses. Only three hours were given over to Hardy for his direct examination of the F. & M. head.

"One Little Episode"

Arthur, who has yet to undergo a cross-examination by George Leisure of RKO counsel, has developed for the Government "a very small part of its case." It is "one little episode," it was stated. About 40 other Government witnesses have yet to take the stand, Department of Justice men state. Hardy is very anxious to have the out-of-town witnesses from Los Angeles, Chicago and New York go on as soon as possible so as to obviate business inconveniences. Although Thomas K. Dysart, head of the bondholders' committee for the Ambassador, Missouri and Grand Central, was scheduled to be second, Milton B. Arthur or Jules Levy may follow the F. & M. executive. All 40 witnesses will be interrogated as it looks now unless the Government gets into evidence the testimony it seeks without bringing them to the stand.

Fees Reported at $1,000,000

Up to this point, the trial has cost the Government less than $10,000. Defense counsel fees are reported to total $1,000,000, exclusive of other expenses. Several executives have made two trips East at their companies' expense. During the first week, Neil F. Angew and Irving Lesser made the round trip. William T. Powers, Skouras attorney, went to New York and hasn't returned since. Agnew, accompanied by George J. Schaefer, Austin C. Keough, Louis Phillips, Irving Cohen and William Schneider, again made the New York trek, this time by train. The Paramount group will be in court again Monday. Ned E. Depinet, Jules Levy, William Mallard, Spyros Skouras, Jack Partington and Irving Lesser left here by plane Thursday night and, after being grounded in Indianapolis for eight hours, landed safely in New York. They returned via the air route tonight. E. J. Hessberg, Warner attorney subpoenaed by the Government, left for Manhattan Saturday afternoon by plane to rush to his wife who is ill. He has been temporarily excused, but will be on call.

This is not the only item of additional costs facing RKO, Paramount and Warner executives. Each company has set up offices at local hotels where executives transact business over long distance telephone and with their local and district managers who come to the hostelries. Telephone calls are made to all parts of the country, but the greatest number go to headquarters in New York.

Paramount's suite on the 14th floor at the Coronado is the most expensive in the hotel. Queen Marie of Rumania occupied it on her last visit here. Paramount uses the rooms for living and business purposes.

May Appeal Case

The civil case, which goes on immediately following the criminal suit, is expected to be a prolonged affair in that the Government will submit more evidence than in the current trial. Rulings have been handed down that no testimony may be taken from witnesses on events after Jan. 11, 1935, the day the indictments were handed down. The temporary injunction action followed about six months later, thereby permitting introduction of incidents and conversations up to the time the Government filed the second action. The cost of bringing witnesses here will be paid by the defendants only in the event they lose the final decision.

If Warners, RKO and Paramount and their executives are convicted, they may appeal to the Court of Appeals, 6th District, which includes this state, Arkansas, Wisconsin, Illinois, Iowa and Indiana. If the defendants are given a favorable verdict by the jury, the Government may not appeal. However, if the defendants are found guilty and are reversed by the Circuit Court of Appeals, the Government counsel may appeal to the U. S. Supreme Court, a right also enjoyed by the defendants in addition to the Circuit Court of Appeals action.

Gentry will probably take two days on his cross-examination of Arthur. Leisure for RKO is expected to take the same amount of time, indicating that the Government's second witness may go on before the week is out.

Monday starts the third week of the trial. It is expected to be replete with the same display of temperament certain lawyers displayed during the first two weeks. The courtroom has its daily fill of witnesses, spectators and lawyers, some to watch ex-Senator James A. Reed in action and others to look in and see what is going on for their own private interest or enjoyment.

Industry's Greatest Show

William R. Benham, assistant to Hardy and who has been active in the investigation of the two cases, has been forced to spend most of his time in his hotel room during the last few days of the trial. He suffered a nasal hemorrhage which was aggravated by high-blood pressure. He is up and about again and expected to attend the court sessions more frequently this week.

It's the greatest show the industry has ever put on, according to many of the witnesses here, and undoubtedly will have a long, long run at the rate things are going, they say. Judge Moore and Hardy have both made statements to that effect in the record.

Optimism?

St. Louis, Oct. 13.—One of the best cracks made here came from an important sales head of one of the three companies indicted. He said: "We have a new drive on. Out of court by Christmas!"

Para. Paid Out $50,000,000, States Zukor

(Continued from page 1)

tion of all charges. He pointed out that at the time the contract was drawn neither he nor the company had known that profits would be as large as they were, and that when business went bad after 1931 he voluntarily reduced his contract terms.

Zukor told the committee that his present salary is $80,000 per year, and that he has no participation in bonuses. In reply to a question put by a member of the committee as to the present condition of the company he said that Paramount is in "better and better shape every day."

"You're to be congratulated on the way the Paramount bondholders and creditors fared under that plan," the committee member remarked to Zukor.

Zukor "Had No Quarrel"

Zukor said in reply to another question that he "had no quarrel" with the 'financial crowd" identified with Paramount's history as a result of his executive experiences.

"I believe that everything they did was done for the best interests of the company," Zukor said.

Sir William Wiseman, partner in Kuhn, Loeb & Co., bankers for Paramount for many years, who followed Zukor on the stand, estimated that his firm had marketed $100,000,000 in securities for Paramount and had earned in commissions about $1,300,000, "or less than one and one-half per cent."

Questioned by counsel for the committee about the election of John E. Otterson as president of Paramount, Sir William said that he had advised the reorganization groups against Otterson's election. Pressed for a reason, Sir William replied, "Because this is show business and should be run by showmen."

He added that there was "nothing personal" in his stand, that he had the "highest regard" for Otterson.

Thomas D. Thacher, special counsel for Paramount, who opposed the applications for $3,000,000 in reorganization fees last June, was another witness, as was Alfred Cook, of Cook, Nathan & Lehman, attorneys in the reorganization for the Paramount stockholders' protective committee.

B. & K. Turns Down New Clearance Move

CHICAGO, Oct. 13.—November booking clearances set up Thursday at a meeting of independents have been turned down by B. & K. The big circuit insists upon seven days' clearance between C week and first week of release, and asserts the fact that Columbia, Paramount, Warner, M-G-M and Fox product is being played shows agreements have been reached with exchanges.

Exchange managers say clearance has not been promised and point to the fact that more than 300 deals have already been signed on the old basis.

Notice was served on B. & K. Friday by the Film Board of Trade that the extra week would not be allowed. Another meeting is scheduled.

Quick Revamp Of RKO Seen In Bond Deal

(Continued from page 1)

proposed by or under the direction of the two. Atlas, either alone, or in conjunction with Lehman Bros., also will undoubtedly underwrite whatever new security issue is provided for under the reorganization plan.

The Atlas-RCA negotiations have been conducted throughout on the basis that, if consummated, Aylesworth would become the active management head of reorganized RKO. Nothing has been reported in the meantime to indicate that this understanding has been upset in any particular. It is believed likely that this would impel Aylesworth to withdraw as president of NBC. Also, with or without the exercise of the Atlas-Lehman Bros. option to purchase the remainder of RCA's holdings in RKO, it is believed that the substantially reduced investment of the Radio company will result in the replacement of Sarnoff by Odlum as chairman of the board of the new RKO company.

Atlas Dominant Factor

Atlas, by this move, becomes a dominant factor in industry financing and influence, having, in addition to its new RKO holdings, appreciable investments in both Paramount and Fox. Odlum is a member of the Paramount board, as is John D. Hertz of Lehman Bros., which also has an appreciable investment in Paramount. The investments of both were made during the reorganization of that company. Lehman Bros., however, were bankers for RKO for several years prior to the company's receivership in Jan., 1932, and had two representatives on the old RKO board. Indications are that they would also be represented on the board of a reorganized RKO.

The negotiations for the sale of the RCA interest were temporarily suspended last July, after having been in progress for almost five months, due to the departure of Sarnoff on his annual European business and vacation trip. Talks were resumed immediately upon Sarnoff's return less than two weeks ago, ending with the agreement of last Friday.

McDonough Here for Talks

J. R. McDonough, president of Radio Pictures, arrived from the coast Friday for conferences with M. H. Aylesworth and other home office executives pertaining to the sale of a large part of RCA's interest in RKO to Lehman Bros. and Atlas Corp. Ned E. Depinet, president of RKO Distributing Corp., and William Mallard, RKO general counsel, also came on from St. Louis for the conferences. It is understood that reorganization plans for RKO were also discussed at the meetings.

McDonough will return to the coast in about a week. Depinet and Mallard are due back in St. Louis today.

SMPE to Hear Wolf

S. K. Wolf, director of the acoustic division of Erpi, will be one of the speakers at the fall meeting of the S.M.P.E., to be held at the Hotel Pennsylvania Thursday. His topic is "Recent Advances in Acoustics."

Two Hands— YOU CAN BET YOUR SHIRT ON



FOUR ACES in "*Rhythm of Paree*"

Music and lyrics by Marcy Klauber and Charlie Williams

TWO MUSICAL COMEDY FEATURETTES PRODUCED BY AL CHRISTIE, EACH WITH FOUR STARS, AND PACKED WITH CATCHY SONGS, DANCES, LAUGHS AND FOUR-ACE ENTERTAINMENT.

Presented by
E.W. HAMMONS





FOUR ACES in "*Moonlight and Melody*"

Story by William Watson and Arthur Jarrett

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by
20th Century-Fox Film Corporation

Purely Personal

ALICE DUER MILLER, writer, has been added to the cast of "Soak the Rich," the new BEN HECHT and CHARLES MACARTHUR production for Paramount, for her first time as an actress. JOHN HOWARD will also join the cast on completion of "Millions in the Air" at the Paramount west coast studios.

•

FRANK LOVEJOY, president of Eastman Kodak, sailed on the *Santa Rosa* Saturday on a Central American cruise. HARVEY D. OTT of Paramount International also sailed on that boat with his family to inspect Paramount offices in the territory.

•

HELEN WESTLEY, whose favorite stage organization continues to be the Theatre Guild, is back from Hollywood and has gone into rehearsals of "Love Is Not So Simple," new INA CLAIRE show.

•

SAM DEMBOW, M. B. ("Shan") SHANBERG, HERB YATES, "DEAC" AYLESWORTH, HOWARD DIETZ, BOB COCHRANE, CHARLIE PAINE, BOB GOLDSTEIN, WILLARD MCKAY, JACK COHN and NATE SPINGOLD at "21."

•

MABEL DREW, who formerly handled radio publicity for U. A. and Columbia, has joined HAL HORNE and is doing radio publicity for the *Mickey Mouse Magazine*.

•

BERNARD GOODMAN of the Warner publicity department has become engaged to MILDRED SCHLANGER of the American Display Corp. They will be wed on New Year's Day.

•

ROSCOE KARNS ended a six weeks' vacation here yesterday and left for the coast to resume work at Paramount.

•

SAM MARX, by the time this appears, will be sneaking up on Hollywood after two weeks in New York interviewing budding playwrights.

•

A. O. DILLENBECK, long with Hanff-Metzger, Inc., advertising agency, is now executive vice-president of the concern.

•

MAX REINHARDT, who returned from Europe for the premiere of "A Midsummer Night's Dream," left for the coast over the week-end.

•

ARIANE BORG, who was signed by JESSE L. LASKY in Paris, is on board the *Ile de France*. She will arrive here some time tomorrow.

•

WALT DISNEY has been awarded the 1935 medal of the International Committee for the Diffusion of Artistic Literature by Motion Pictures.

•

CHARLIE CHAPLIN will be host to H. G. WELLS when he arrives in this country at the end of the month.

•

DAVID BURTON, director but onetime stage director, is in town from Hollywood.

•

MORRIS GEST arrived from Europe, via Quebec, Friday.

•

CLARK and MCCULLOUGH, those comics, may do a musical for EARL CARROLL.

•

THOMAS MEIGHAN is due to leave on Oct. 15 for Chicago where he will board the *Chief* for California.

•

JOSEPH SCHILDKRAUT and JOHN GOLDEN will go stage producing jointly. "Tomorrow Is a Holiday" is first.

•

JOHN F. WHARTON, vice-president of Pioneer, has arrived here from the coast.

•

ANITA LOUISE flew back to the coast over the weekend to resume work at the Warner studios.

•

ALBERTINA RASCH has arrived at the Lombardy from the coast.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Melody Lingers On"

(Reliance-United Artists)

POMONA, Calif., Oct. 13.—Edward Small here has produced a first rate attraction with acting honors shared by Josephine Hutchinson in her most exacting role to date and Small's baritone find, George Houston.

An exceptionally good supporting cast helps them make Lowell Brentano's gripping novel, written into a screen play by Ralph Block and Philip Dunne, into a natural. John Halliday, Helen Westley, William Harrigan, Walter Kingsford, Mona Barrie, Laura Hope Crews, David Scott and Ferdinand Gottschalk carry important roles splendidly with a hand to director David Burton for keeping the proper tempo throughout.

Miss Hutchinson's ability at the piano and Houston's singing, either of which would make the production click, together bid to make the picture talked about.

The story is powerful. An American girl, studying the piano abroad, meets Italy's opera public hero number one. He dies in the World War. Their baby loses its identity in a convent. The girl spends 18 years seeking the boy, meanwhile achieving fame as a pianist. A rich Italian couple has adopted the baby. Conflict over his career brings the most potent scenes with the mother finally triumphant, although the young baritone never learns of his foster parents.

The opening and closing scenes from the opera "Carmen" with father and son in the toreador role are splendid.

No production code seal. Running time, 150 minutes. "G."

Looking 'Em Over

"The Guv'nor"

(GB)

LONDON, Oct. 3.—In his second British picture, George Arliss gets well away from the type of part usually associated with his name. His role is that of an unworldly tramp-idealist and its costume angle is the lack of it. Humor predominates in the story development.

From a French story, previously filmed in that country, the plot satirizes modern finance and the financial charlatan who floats companies on pie crust and promises. Arliss is an old down-and-out who, because his name happens to be Rothschild, is corralled by one of these gentry and made president of a bank, in the justified belief that his name will pull the public.

The financier is planning to do his dirty work on a widow and daughter owning a mine which he kids them is worthless. "Rothschild," in his tramp capacity, has been befriended by the daughter and puts a spoke in the crook's wheel by buying the property over his head. Presenting it to the girl, he takes to the road again.

Arliss is no camera hog this time. He leaves a good deal of the picture to others; his portrayal of the whimsical old tramp is a finished and appealing piece of work. That fine actor, Frank Cellier, is excellent as the banker. The satire will appeal most to big town audiences, but the sentiment has good general audience value.

Running time, 86 minutes. "G." ALLAN.

Clark in Hollywood

HOLLYWOOD, Oct. 13.—John D. Clark, general sales manager of Fox, arrived from New York Friday to spend a week at the studio. Following production conferences with Darryl Zanuck, Clark will make a four-week tour of exchanges.

During a short stop in Pittsburgh on Friday morning, Clark conferred briefly with Spyros Skouras at the airport. Skouras was eastbound from St. Louis.

"Shipmates" to Strand

"Shipmates Forever" will go into the Strand Wednesday. This is a Naval Academy film starring Dick Powell and Ruby Keeler.

Pitt Vaude Dropped For Triple Features

PITTSBURGH, Oct. 13.—Because of differences with the stagehands' union, the Pitt, which has just been taken over by Morse and Rothenberg, has dropped vaudeville after a single week and reverted to a straight picture policy.

But this is a policy the like of which Pittsburgh has never seen before—triple features at the lowest scale in town, 10 and 15 cents in the afternoon and 15 and 25 cents at night. The management figured it could not operate with its inaugural policy of double feature and five sets of vaudeville under union regulations, due to the necessity of having seven musicians in the pit and as many stagehands backstage.

In the three weekly pictures at the Pitt there are one revival and two first run independents.

Kuykendall Sees Theatres Losing

KANSAS CITY, Oct. 13.—Ed Kuykendall, M. P. T. O. A. president, stressed the increasing difficulty of both chain and independent theatres to make a profit, since all the money is going to producers, in an address on Friday before the Kansas-Missouri Theatre Association here. The directors expressed accord with the Kuykendall views.

Theatres cannot survive, said Kuykendall, if the situation continues. He expressed no opposition to percentage pictures, but said he regards the percentage amount as exorbitant. He urged exhibitors to organize a defense now against the increasing threat of regulatory and taxation measures, state and national. The directors elected John Stapel M. P. T. O. A. director from this district.

Tax Hearings Begun Early in Bay State

BOSTON, Oct. 13.—Despite the fact that the legislature will not reconvene until Jan. 2, public hearings and other confabs on taxes are being held regularly. Joseph Brennan, secretary of the local M. P. T. O. A. unit, Allied Theatres of Massachusetts, has been representing the industry at many of these.

Sales taxes are a particular threat. One of these, directed toward theatre admissions and carrying a 10 per cent levy with a five-cent minimum, was shunted off last year.

Files Suit on "Love Me"

James Whittaker has filed suit in N. Y. Supreme Court against Columbia charging "Love Me Forever" is based on a scenario written by him under the title, "The Dove." Victor Schertzinger is also named as a defendant. Damages of $50,000 are alleged.

GB to Celebrate

GB will observe its first anniversary with release of "Transatlantic Tunnel" which the company admits at the outset is its most ambitious production to date.

The company's lineup has been placed with the Sparks theatres in Jacksonville.

'Broadway' Is $24,000 Wow In Pittsburgh

PITTSBURGH, Oct. 13.—It was all "Broadway Melody" here last week, with the musical rolling up a sensational gross of $24,000 at the Penn, the best this house has had in some time. Normal is $10,000. Only a flood of product which has been piling up on the Penn kept "Broadway Melody" from a second week. However, it was moved to the Warner to continue the downtown first run engagement.

Only "Diamond Jim," among the other attractions, managed to make a satisfactory showing. It took $6,500 at the Alvin. "Here's to Romance" took a nose dive at the Fulton and was pulled after five days to a weak $2,800, while "Red Salute" and a stage show never got started at the Stanley, winding up disappointingly at $14,000. In its first week under a policy of two pictures and five acts of vaudeville, the Pitt did around $2,800, which was considered favorable under the cheap setup, and the Warner found the going pretty rough with "I Live For Love" and "Wanderer of the Wastelands," getting barely $4,400 in seven days. The bill was held over, since "Melody" couldn't open until the end of its Penn week.

Total first run houses were $51,700. Average is $41,000.

Estimated takings for the week ending Oct. 10:

"DIAMOND JIM" (Univ.)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $6,500. (Average, $5,500)

"HERE'S TO ROMANCE" (Fox)
FULTON—(1,700), 15c-40c, 5 days. **Gross:** $2,800. (Average, for 6 days, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $24,000. (Average, $10,000)

"THE FRONT PAGE" (U. A.)
"SHE HAD TO CHOOSE" (First Div.)
PITT—(1,600), 10c-25c, 6 days. Stage: Jack Osterman, Lucille Watson, Five Blue Eagles, Billy Branch & Co., Roy, Kent and Tiny, Wally and Frances. **Gross:** $2,800.

"RED SALUTE" (U. A.)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Benny Rubin, Prosper and Maret, Al Norman, Joaquin Garay, Libonati Trio, David Bines Girls. **Gross:** $14,600. (Average, $16,500)

"I LIVE FOR LOVE" (W. B.)
"WANDERER OF THE WASTELANDS" (Para.)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $4,400. (Average, for 6 days, $5,000)

Skirboll Back on Job

PITTSBURGH, Oct. 13.—Following a relapse from injuries he received in an automobile accident that killed his mother during the summer, Joseph Skirboll, manager of the First Division exchange, has returned to active duty again. A minor operation caused the setback.

Both of Skirboll's sisters, who were seriously hurt in the mishap, have left the Valley Heights Hospital in nearby Sewickley, Pa., and are now convalescing at their home in Cleveland.

Noones Made a Censor

BOSTON, Oct. 13.—Joseph Noones has been named to the Department of Public Safety Sunday censor division. He used to be a motorcycle policeman and was injured while escorting Governor Curley.

"Solomon," Armetta High in Providence

PROVIDENCE, Oct. 13.—Henry Armetta, screen comedian, pulled $9,800 at the RKO Albee, coupled with "King Solomon of Broadway," for the highest take of the week.

Fay's was next in line with "The Case of the Lucky Legs" and a radio revue, which clicked for $7,200. Both of these grosses bettered par.

Loew's was down $700 from its $12,000 average with "She Married Her Boss" and "The Bishop Misbehaves" and the Majestic likewise fell $700 below its usual $7,000 with "Diamond Jim" and "Champagne for Breakfast." "The Virginia Judge" and "Streamline Express" caught $3,800 for five days at the Strand and were replaced by "The Big Broadcast."

Total first run business was $39,550. Average is $40,500.

Estimated takings for the week ending Oct. 10:

"KING SOLOMON OF BROADWAY" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Henry Armetta with revue. **Gross:** $9,800. (Average, $7,000)

"CASE OF THE LUCKY LEGS" (W. B.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Radio Amateurs' Revue." **Gross:** $7,200. (Average, $7,000)

"DIAMOND JIM" (Univ.)
"CHAMPAGNE FOR BREAKFAST" (Col.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,300. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)
"THE BISHOP MISBEHAVES" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $11,300. (Average, $12,000)

"THE VIRGINIA JUDGE" (Para.)
"STREAMLINE EXPRESS" (Mascot)
STRAND—(2,300), 15c-40c, 5 days. **Gross:** $3,800. (Average, $6,500)

"$20 A WEEK" (Ajax)
"ARIZONA BAD MAN" (St. Rights)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,150. (Average, $1,000)

"Dark Angel" Best Draw in Portland

PORTLAND, Oct. 13.—"Dark Angel" was the week's big grosser here. It ran $2,000 ahead of par on a take of $7,000 at the United Artists.

There was little excitement elsewhere among the first runs, but none of them went below normal.

Total first run business was $27,700. Average is $24,700.

Estimated takings for the week ending Oct. 5:

"O'SHAUGHNESSY'S BOY" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LET 'EM HAVE IT" (U. A.)
"GIRL FROM 10TH AVE" (F. N.) (2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"WITHOUT REGRET" (Para.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"SHE MARRIED HER BOSS" (Col.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"GAY DECEPTION" (Fox)
"CHARLIE CHAN IN SHANGHAI" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"DARK ANGEL" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

File Suit on "Top Hat"

CLEVELAND, Oct. 13. — Common Pleas Court has set Monday at 2:30 for a hearing on a petition of the Doan, Broadvue, Ridge and Cedar Lee theatres for an order to compel RKO to deliver "Top Hat" on the 1934-35 contracts. Jerome Friedlander represents the theatres.

"Diamond" Is Coast's High With $7,400

LOS ANGELES, Oct. 13.—"Diamond Jim" was outstanding here last week. It ran up to $7,400, over normal by $4,200, at the Pantages. Its downtown showing at the Hillstreet was not so good, $7,200, but the Hollywood take copped anything among the first runs.

"Here's to Romance" was in the money at the 4 Star where it was on the profit side of the line by $1,750, the take being $5,000.

Total first run business was $86,574. Average is $88,450.

Estimated takings for the week ending Oct. 9:

"BARBARY COAST" (U. A.)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $12,600. (Average, $12,500)

"HERE'S TO ROMANCE" (Fox)
4 STAR—(900), 30c-55c, 6 days. **Gross:** $5,000. (Average, $3,250)

"DIAMOND JIM" (Univ.)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $7,200. (Average, $8,000)

"BARBARY COAST" (U. A.)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $11,974. (Average, $14,000)

"TWO FOR TONIGHT" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf. **Gross:** $18,600. (Average, $18,000)

"THUNDER IN THE NIGHT" (Fox)
"BONNIE SCOTLAND" (M-G-M)
UNITED ARTISTS—(2,100), 25c-40c, 5 days. **Gross:** $4,700. (Average, $3,500)

"SPECIAL AGENT" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c40c, 7 days, 2nd week. **Gross:** $9,200. (Average, $14,000)

"SPECIAL AGENT" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days, 2nd week. **Gross:** $9,900. (Average, $12,000)

"DIAMOND JIM" (Univ.)
PANTAGES—(3,000), 25c-40c, 6 days. **Gross:** $7,400. (Average, $3,200)

Wall Street

Eastman Gains on Big Board

	High	Low	Close	Net Change
Columbia	68¼	67	67	+ ¼
Consolidated	5	4¾	4¾	— ¼
Consolidated, pfd.	17¾	17½	17½	.....
Eastman Kodak	156	154¾	155⅝	+1¾
Eastman, pfd	158½	158	158	—1
Loew's, Inc.	45	44⅝	44⅞	+ ⅛
Loew's, pfd	107⅝	107⅝	107⅝	— ⅝
Paramount	10⅞	10½	10½	— ¼
Paramount, 1 pfd.	96⅝	96	96	— ½
Paramount, 2 pfd.	13¾	13	13	— ¼
Pathe Film	6⅛	5¾	5¾	— ⅜
RKO	4¾	4½	4½	.....
20th Century-Fox	16½	16⅜	16⅜	— ⅜
20th Century, pfd.	26⅞	26¼	26¼	+ ⅛
Universal, pfd	33½	33½	33½	.....
Warner Bros.	7¾	7½	7½	— ¼
Warner, pfd	44¼	43½	43½	+ ¼

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2⅞	2⅝	2⅞	+ ⅛
Technicolor	20½	19⅛	19⅛	—1⅜
Trans-Lux	3⅛	3	3⅛	+ ⅛

RKO Bonds Jump 10

	High	Low	Close	Net Change
General Theatre 6s '40	15	14½	15	+ ⅜
General Theatre 6s '40, ctf.	14½	14	14½	+ ½
Loew's 6s '41 ww deb rights	105	105	105	.....
Paramount B'way 3s '55	60¾	60¾	60¾	— ¼
Paramount Pict. 6s '55	96¾	96½	96¾	.....
RKO 6s '41 pp	80	69½	80	+10
Warner Bros. 6s '39 wd	83	82½	82½	— ½

(Quotations at close of Oct. 11)

Photophone Points to Profits

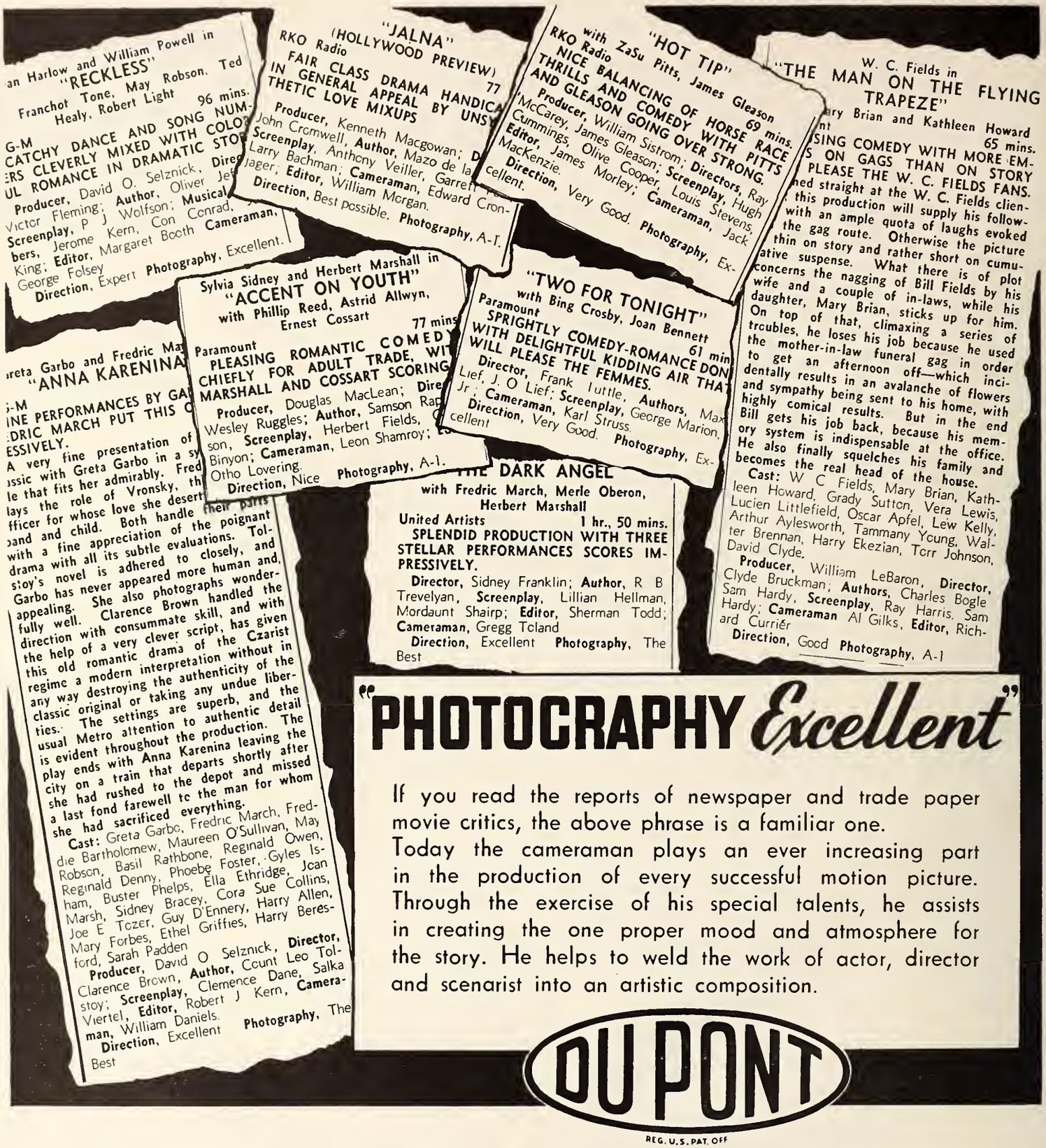
SERVICE AS YOU WANT IT

Effective October 1, we offer service and maintenance for the full period of the deferred payments. This offering is made in response to the demand from exhibitors. They have found by experience that RCA Photophone service is not only the most effective but also the least expensive form of protection they can buy. It is an assurance that the show will go on with the minimum interruption.

●

★ Quick to get on the job, swift to finish the job, and expert to do it absolutely right, RCA Photophone service and maintenance men set service standards for the industry.

RCA PHOTOPHONE
RCA TRANS LUX · RCA SONOTONE
RCA MANUFACTURING CO., INC.
CAMDEN · NEW JERSEY
A Radio Corporation of America Subsidiary



DU PONT FILM MANUFACTURING CORPORATION

35 WEST 45TH STREET
NEW YORK CITY

SMITH & ALLER LTD.
6656 •• SANTA MONICA BLVD.
HOLLYWOOD, CAL.

PLANT . . . PARLIN, N. J.

THE DU PONT TRADEMARK HAS NEVER BEEN PLACED ON AN INFERIOR PRODUCT

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 89 NEW YORK, TUESDAY, OCTOBER 15, 1935 TEN CENTS

Talk 10-Year Operator Pact For Arbiters

Circuits-Union Studying Three-Man Board Idea

The establishment of an arbitration board of three members appointed for 10-year terms to settle wage scale controversies between the city circuits and Local 306 has been proposed, according to report, and is said to have met with considerable support from both circuit and union representatives.

The designation of such a committee is being considered, it is understood, as a result of a virtual abandonment by both the circuits and union of moves for a 10-year contract. Under the arbitration committee plan, according to report, wage scales would be submitted to negotiation by the customary circuit and union representatives every two years. If such negotiations failed to end in an agreement, the subject would go to an arbitration board of three members, one of whom would be designated by the circuits, one by the union and the third by mutual agreement of the two. The same three would continue as arbitrators for a full 10-year period.

The proposal, it is reported, is favorably regarded by both sides. Final action on its acceptance or rejection is expected within a few days.

Building Unions in Move to End Dispute

Avoidance of a jurisdictional fight involving all construction—studio sets and theatres—in the industry was reached late yesterday when a fight within the American Federation of Labor threatening to split building unions into two camps was adjusted.

The peace plan calls for the naming of a committee of six members representing each of the two building union groups with George M. Harrison, president of the Railway Clerks, as neutral chairman. In case of a tie vote he would vote. The committee will meet within 30 days if the plan goes through.

ITO Hires Counsel On K. C. Protection

KANSAS CITY, Oct. 14.—The local I. T. O. has empowered its executive committee immediately to employ counsel and take whatever legal steps may be deemed necessary in the local zoning controversy. The independents contend the city has been zoned by Fox Midwest without their having a

(*Continued on page* 5)

RKO Attorney In New Move For Dismissal

Dysart Follows Arthur On Stand at St. Louis

By BILL ORNSTEIN

ST. LOUIS. Oct. 14.—Plenty of action marked the opening day of the third week of the criminal trial under way here. Harry C. Arthur, first important Government witness, finished testifying just before the luncheon recess; George S. Leisure, representing RKO, again moved for dismissal of the indictments against the company; Thomas M. Dysart, president of the local Chamber of Commerce and chairman of the bondholders' committees for the Ambassador, Missouri and New Grand Central, succeeded Arthur on the stand; and the Government was denied its move to have only one of the Warner attorneys instead of both ex-Senator James A. Reed and Frederick H. Wood argue on objections.

Again the sessions were marked by a continued stream of objections by both defense counsel and by Russell Hardy, prosecuting attorney. As a

(*Continued on page* 4)

Mexico's Theatres Import Own Films

By JAMES LOCKHART

MEXICO CITY, Oct. 14.—The picture shortage has become so acute here that some theatres are closed and the Finance Ministry has decided to allow theatres to import directly films other than those handled by distribution companies here.

The strike is still confined to employes of American distributors in spite of efforts of labor organizations to stir up sympathetic walkouts.

Exhibitors' imports are subject to a minimum duty of 35 pesos, about $9.70 per kilogram.

Foreign Political Censoring Gaining

Political film censorship in foreign countries to prevent public demonstrations has begun with the Vienna police prohibiting the showing of pictures dealing with the Ethiopian conflict.

In Panama, "Thunder In the East" has been withdrawn because the Japanese Consul protested in behalf of his country calling the film "quite offensive to the nationalist feeling of the Japanese Empire."

Woman President



CHICAGO, Oct. 14.—Mary Pickford reached here from Hollywood today en route to New York, where she will arrive Tuesday, and verified to MOTION PICTURE DAILY her election as president of United Artists. She thereby becomes the first woman to head a major distributing corporation.

Miss Pickford further declared Arthur W. Kelly and Harry D. Buckley will handle the business in the east with coast member-owners in charge of formulating policy.

She left for New York this afternoon to discuss plans with Kelly and Buckley. Jesse L. Lasky met her in Albuquerque, traveled east as far as Chicago and left again this morning for the coast. The first Pickford Lasky production probably will be a romantic comedy which the latter purchased on his recent visit to Paris. Francis Lederer will star and production will start in December.

Production Slips; 39 Features Going

HOLLYWOOD, Oct. 14.—Studios continued to hum last week, although production showed a slight decline. Thirty-seven features and two shorts were in work compared with 39 features and four shorts the week before.

Columbia had four features shooting, three in preparation and five being edited. Fox had five, two and three; Goldwyn, two, zero and zero; M-G-M, five, zero and 12; Paramount, nine, two and five; Radio, four, four and four; Universal, four two and one; Warners, four, zero and 11; independents, zero, one and two.

Short subject production also dropped off. Columbia had one working, two preparing and two in the cutting room. M-G-M had one, two and two; Radio, zero, one and seven; Roach, zero, two and three; Universal, zero, one and zero; Warners, zero, zero and one; independents, zero, one, one.

Attorneys in Doubt on Erpi And Para. Pact

Ballantine, Harlan Give Views in Sabath Probe

An opinion that part of the Erpi contract is illegal was voiced yesterday before the Sabath Congressional Committee investigating Paramount and other realty bond reorganizations by Arthur A. Ballantine and John M. Harlan, both members of the law firm of Root, Clark, Buckner & Ballantine, which served as counsel to the Paramount receivers and trustees for the two and one-half-year period of the company's financial rehabilitation.

The opinion was given during questioning of the two attorneys on details of the settlement of Erpi's $1,800,000 claim against Paramount in the reorganization proceedings. The settlement involved the issuance to Erpi of approximately $1,200,000 of securities of the new Paramount company and the execution of a new 10-year recording license agreement.

Ballantine and Harlan stated that a study of the Erpi contracts had been made by their firm in the course of the negotiations for settlement of the Erpi claim and that as a result of these studies it was believed that a part of the Erpi contract was illegal. The attorneys added, however, that this view did not alter the claim settlement terms because the part of the

(*Continued on page* 5)

Patent Probe Gets Started Here Today

The Congressional committee investigating patent pooling in connection with House Bill No. 4523, to ascertain whether such patent pools are in the public interest, begins its hearings today at 11 A. M. in the committee's headquarters in the Fifth Avenue Hotel. The public hearings on the inquiry, which may require two weeks, are under the chairmanship of Representative William I. Sirovich, committee chairman. Committee accountants have made a de-

(*Continued on page* 5)

Vanderlip Resigns As Para. Director

Frank A. Vanderlip, chairman of the Paramount bondholders' protective committee during the reorganization of the company, has tendered his resignation as a member of the Paramount board of directors, it was learned yesterday.

Vanderlip was elected to the board

(*Continued on page* 5)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 15, 1935 No. 89

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Schenck Again Denies

Asked for comment on persistent reports Al Lichtman, former president of United Artists, would join M-G-M, Nicholas M. Schenck, for the second time in the last few days, denied any such plan yesterday. He said:

"Up to the present moment, I have not been approached by Mr. Lichtman and I have not talked to him. I have not seen Mr. Lichtman and I have not given the matter a single thought."

The current angle on the rumor had Schenck offering Lichtman the post of vice-president and assistant to the Loew and M-G-M president.

Loew West Soon

David L. Loew, who last week resigned as a vice-president of Loew's, to assume a like post with Hal E. Roach, is back from a quick trip to Hollywood preparatory to a final cleanup of duties at the company his father founded.

Probably he will be clear of his desk in three or four weeks, at which time he is expected to return to the coast to further his new association and his new plans.

Penn. MPTO to Meet

PHILADELPHIA, Oct. 14.—The first fall meeting of the M.P.T.O. of Eastern Pennsylvania, Southern Jersey and Delaware, will be held Friday morning.

Contact, official publication of the organization, is to be issued every two weeks instead of monthly.

Purely Personal

AD SCHULBERG and her daughter are aboard the *Berengaria,* bound for England where MISS S. will be placed in a finishing school. B. P. is due here in December in connection with the stage play he and MARION GERING will jointly produce. ELISSA LANDI will be starred.

•

A. ROSS SMITH and MRS. SMITH, parents of ROSS ALEXANDER, were in town from Rochester yesterday to see their son in the role of Demetrius in "A Midsummer Night's Dream."

•

PAUL YAWITZ has been signed by Celebrated to do a series of shorts. JAMES BARTON of the "Tobacco Road" cast will appear in one of them doing a scene from the play.

•

NINO MARTINI, whose shadow self may be seen at the Center, has been re-signed for the Metropolitan. This will mark his third season there.

•

ANN WEISS, secretary to H. M. WARNER, returned to her desk yesterday after an absence of 10 days because of the death of her father.

•

WALTER CONNOLLY will endeavor to expose the workings of the HECHT-MACARTHUR system of production over the air tonight at 7:30.

Quip of the Day

Radio Pictures don't know what to do with Hepburn, any more than Goldwyn knew what to do with Anna Sten, or Paramount with Marlene Dietrich.—Campbell Dixon.

He could have extended the list almost indefinitely.

—The Era, London.

MRS. MARK OSTRER leaves England's shores on the *Majestic* Oct. 16 en route here for the opening of "Transatlantic Tunnel."

•

ARIANE BORG, 19-year-old French girl signed by JESSE L. LASKY for Pickford-Lasky Prod., arrives today on the *Ile de France.*

•

LESLIE HOWARD in "Hamlet" will reach New York about mid-January. The play will have its usual out-of-town pains first.

•

NATE BLUMBERG, vice-president and general manager of the RKO circuit, back from a quick business trip to Chicago.

•

HOWARD DIETZ is in Hollywood. He flew west on Sunday with HOWARD STRICKLING to scan a few new Metro pictures.

•

FRANK M. BOUCHER of the Dominion Theatres, Lynchburg, Va., is the latest addition to Laffoon's colonels.

•

FRANCOIS DOUBLIER will lecture on the motion picture at the New Film Alliance on Friday night.

•

EDWARD G. ROBINSON, who has been in town two weeks, leaves today for the coast.

•

STEPIN FETCHIT will appear in person on the Roxy stage next Friday.

•

MRS. ROY DEL RUTH is at the Waldorf-Astoria.

JOAN CRAWFORD and FRANCHOT TONE have ended the suspense current in some newspaper quarters. They were married at Harrison, N. J., on Friday with NICHOLAS M. SCHENCK and LEOPOLD FRIEDMAN as witnesses.

•

MARY BOLAND and JUNE KNIGHT are back on Broadway as leads in "Jubilee." JOHN WRAY, also familiar with Hollywood, is in the supporting cast of WALTER HAMPDEN'S "Achilles Had a Heel."

•

PAUL PARRY has been signed for another Vitaphone short. He recently completed a part in "Not a Chance," produced for A. T. and T. at Astoria

•

MERLE OBERON, vacationing in England, will return to Hollywood Nov. 1 to start in "The Children's Hour" for SAMUEL GOLDWYN.

•

AUSTIN KEOUGH, Paramount general counsel, is in town for a few days subject to call from the St. Louis courtroom.

•

ILKA CHASE and MARY TAYLOR have been signed by BEN HECHT and CHARLES MACARTHUR for "Soak the Rich."

•

WALTER FORDE, GB director, and GENE MARKEY arrive today on the *Aquitania.*

•

JOAN BENNETT will arrive in New York tomorrow morning on the Century.

•

MRS. MAX REINHARDT arrives on the *Ile de France* this afternoon.

•

. . . Washington

WILLIAM F. RODGERS and W. A. SCULLY dropped in on the M-G-M branch head, RUDY BERGER, for one of their peridioc visits.

EDDIE MELCHER, *Star* drama critic, back from his month sojourn in Hollywood and from the train rushing to be the best man at the wedding of Warner publicist DAN TERRELL.

CARTER BARRON and his Loew-cals hosted a merry fete at the Wardman Park in honor of IRENE WEBER, BARRON'S secretary, whom this week became MRS. DAVIL SADEL.

ED WARN, Erpi's district superintendent here for the last few years, spent a full day bidding his many friends adieu before taking off for New York and his new and bigger job. D. L. TURNER succeeds to the WARN vacancy here.

HUNTER PERRY, diminutive Virginia exhibitor, in for a flying buying trip and back to Charlottesville, where he has just taken over two houses.

Claim "Barbary" Mark

United Artists claimed a record for the year on "Barbary Coast" at the Rivoli yesterday. At 5 o'clock, it was said, the attendance had totaled 32,984 and the gross $20,131 since its Saturday opening.

Arthur Evans Injured

MIAMI, Oct. 14. — Arthur Evans, 50, father of Madge Evans, is in the Jackson Memorial Hospital recovering from injuries received when he fell from the third floor of his residence.

Johnston Optimistic On Republic Changes

ST. LOUIS, Oct. 14.—Optimistic over a new production setup whereby Trem Carr has been elected president and financial manager of Republic Prod., Inc., and Nat Levine vice-president and production manager, W. Ray Johnston stopped over briefly Sunday night while his plane refueled and told MOTION PICTURE DAILY all production will be centered in the former Mascot studio in two weeks. The M. H. Hoffman and Carr units already are there.

Seven of 32 features, and five of 16 westerns on the new schedule are completed and the first serial, "Darkest Africa," starts in 30 days.

Traveling with Johnston was Meyer H. Lavenstein, attorney for Consolidated. Both had been in Hollywood for two weeks.

Zeidman on His Own; Schlaifer on Sales

B. F. ("Bennie") Zeidman has formed the Zeidman Film Corp. with himself as president and L. J. Schlaifer as vice-president as well as general sales manager. The company plans to produce 16 features in its first year and already states it has purchased 10 novels as part of the material to be used. Distribution will be handled via franchises to independent exchanges and offices maintained in New York. William Fitelson of Fitelson and Mayers is the organizing lawyer.

New General Theatre Hearing Set Oct. 31

WILMINGTON, Oct. 14.—Hearing on a supplemental petition filed by Daniel O. Hastings, receiver for General Theatres Equipment Corp., has been set for Oct. 31 by Chief Justice Layton in Chancery Court.

The receiver seeks authority to make agreements with Chase National Bank and its subsidiary, Amerex Holding Corp., in connection with their claims.

Await Court Ruling For "Top Hat" Suit

CLEVELAND, Oct. 14.—An announcement is expected from the Federal court some time this week whether it or the State Common Pleas Court will hear a petition in a suit of local exhibitors against RKO to restrain the distributor from selling "Top Hat" on the 1935-36 program.

Exhibitors contend it should be delivered as part of last year's list.

Sam Marx Signs Writers

Sam Marx, in town on a hunt for writing talent for M-G-M, has signed Emmet Lavery, author of "The First Legion"; Gladys Hurlbut, author of "By Your Leave"; Richard Maibum, co-author of "Sweet Mystery of Life," and Allen Boretz. Miss Hurlbut and avery will report at the studios immediately.

Hunnia Open Thursday

The Hunnia Playhouse, 3rd Ave. and 81st St., will open Thursday with Hungarian films. The first attraction will be "Csunya Lany" (Homely Girl), a Danubia release.

"'HANDS ACROSS THE TABLE' IS SWELL ENTERTAINMENT!"

—HOLLYWOOD REPORTER



"One of the best comedies of the season." —*Daily Variety*

"All the elements indicate the picture is headed for high grosses." —*Motion Picture Daily*

CAROLE LOMBARD
FRED MacMURRAY
in
"Hands Across The Table"

A Paramount Picture • Directed by MITCHELL LEISEN

Paramount Pictures

RKO Attorney In New Move For Dismissal

(Continued from page 1)

result of the intense humidity, witnesses, spectators, defendants and attorneys were very uncomfortable. At the start of the afternoon session Federal Judge George H. Moore permitted the removal of jackets, although he and Dysart, who testified for three hours, did not join the others.

Leisure has the right to move for dismissal any time during the trial or when the Government closes its case. He intends to submit a memorandum to the judge, who will then decide whether or not to hear arguments on the subject matter or deny or uphold the motion. The RKO attorney had been cross-examining Arthur for about an hour this morning and when he finished he entered his dismissal plea on the ground that RKO couldn't sell its pictures as the witness had entered into a deal with the Fox receivers, who had the right to take them all. The memorandum for Judge Moore may be submitted either Tuesday or Wednesday.

Did Not Sign Pact

After Leisure finished quizzing Arthur on a contract alleged to have been signed by the F. & M. head for RKO films at the St. Louis, it was revealed that Arthur had never personally signed a pact, although he accepted an assignment from the previous operators, which was later switched to the Fox with RKO's consent. Arthur was then questioned further by Hardy on redirect examination but the Government attorney didn't get very far due to the many objections raised by Reed and Wood, virtually all of which were upheld by the judge.

Although William R. Gentry, representing Paramount, had finished with Arthur last Thursday with a question to be settled this morning as to the admissibility of a conversation the witness had with George J. Schaefer, the Paramount attorney did not press the matter further this morning and rested his case where he abruptly ended on Oct. 10. He said that after looking over the testimony there was nothing he wanted to ask. His cross examination of the first witness was the shortest of the three defense counsel, lasting 23 minutes.

Joseph Grand Next Witness

With Warner counsel expected to complete its interrogation of Dysart tomorrow RKO and Paramount legal representatives in all probability will not cross examine him. During Dysart's direct examination by the Government and cross questioning by Warner lawyers, every time mention has been made of a meeting with Warner executives, RKO and Paramount counsel objected to inclusion of any inferences that these companies had any part in the sessions. The judge has so instructed the jury.

Joseph Grand, local counsel for the first mortgage bondholders of the Ambassador, Missouri and Grand Central, is scheduled to be the third witness, while Clarence M. Turley, real estate man here, and manager of the real estate for the reorganized company of the three theatres, is slated to follow Grand. The Government apparently has changed its plan to call most of the out of town witnesses first. Hardy feels he has set a certain procedure for presenting his case and to disrupt it at this time may throw him off balance.

Ned E. Depinet, Jules Levy, Colonel William Mallard, Spyros Skouras, William T. Powers, Louis Phillips and Irving Cohen returned from New York yesterday by plane. Schaefer and his secretary, William Schneider, are due Wednesday. Jack Partington and Irving Lesser will arrive by plane tomorrow. Austin C. Keough doesn't plan to return from the east while Neil Agnew may stay in New York until he is called.

Arthur Denies Payment

After Leisure had established the fact that Harry Koplar had assigned the RKO product to Arthur for the St. Louis when the former gave it up, the F. & M. head said he had received permission from the exchange to transfer the product to the Fox, which brought forth this from Leisure: "Do you want to be the prosecuting attorney?" Arthur said, "No."

Arthur denied he had been paid for switching the product when the RKO attorney bluntly asked him, "How much did the Fox receivers pay you to stifle the competition between the three houses?"

Leisure developed the fact that of the six first runs here at the time, Arthur controlled five with Loew's the other. The RKO attorney again brought up the question of "sluffs," asking Arthur that by his playing them at the Ambassador, Missouri and New Grand Central, "Were you trying to build up damages?"

Wood then submitted a number of papers, records and film contracts which Arthur had given him last week. Wood also wanted to have the F. & M. head clarify certain parts of the transcript which he asserted were not clear after reading. Hardy raised a loud objection and even after Wood showed Hardy the question he refused to have it asked. Judge Moore upheld the prosecuting attorney, following which Hardy started to examine Arthur on redirect. He tried to show that the ad in the *Post Dispatch* on "Caravan" came from the press book but was stopped in short order. When the Government counsel tried to get in some testimony about a meeting at the attorney general's office defense attorneys objected and again this line of questioning was discontinued.

After Arthur had left the stand, Hardy asked that all records of Skouras Super Theatres subpoenaed by the Government be brought in. Samuel B. Jeffries, secretary of the company, happened to be absent at the time and so Isadore Levinson, Warner home office attorney, was put on the stand. When Hardy began interrogating Levinson as to where and how he got the records, Wood objected, following which it was agreed that Hardy and the Warner counsel get together on the particular records sought. Of the 13 listed in the subpoenas seven were not available when Levinson was asked for them.

Dysart Examined

Dysart was examined by the prosecuting attorney on the part he and the bondholders' committee had played in turning over the three theatres in question to Allen L. Snyder.

He said the committee had received six different bids, three of which were by Warners, in addition to a plan of reorganization proposed by Lawrence Stern, Chicago, who represented Skouras Brothers. Stern was also the first to make a bid for the houses. Two of the Warner bids were for all three houses while the third did not include the Missouri. W. F. Brasch & Co., of Chicago, entered a bid Feb. 21, 1934, and the second mortgage bondholders also presented a reorganization plan which, it was pointed out, was not a bid. Hardy tried to show that when Dysart said Snyder's bid was accepted it was the best and the successful bidder had at least five other offers to better.

Upon direct examination Dysart went into a review of some of the meetings held in connection with the bids. At meetings with Warner officials he testified that they berated Arthur and F. & M., declaring that the only ones who could successfully operate the houses were Warners. Hardy asked Dysart to recollect from memoranda facts and circumstances about the meetings. One was dated approximately three months from the time the session was held and this was disallowed upon objection by Reed. The ex-Senator wanted to have stricken out all of the testimony, contending it had nothing to do with the indictment and that all of it related to a bondholders' reorganization plan. The udge would not uphold him on this.

With his coat off and making a colorful picture in his light blue shirt and white hair, the 72-year-old former Senator asked for permission to remain seated while he cross-examined Dysart.

For 20 minutes Reed queried the head of the St. Louis Chamber of Commerce in connection with the reorganization plan offered by Warners. Dysart said the plan had been turned down with three exceptions. One, that both parties were not fully agreed upon the annual interest to be accumulated; two, who would have ownership control of the new company; three, the amount of expenses to be paid for reorganizing. Tired of sitting, Reed took the floor for five minutes and then resumed his seated method of cross-interrogation. The ex-Senator went into considerable detail on the various Warner propositions made to the bondholders. Some of the doubtful points were cleared up by Dysart. Three times Reed asked to strike out questions, admitting he was ahead of himself.

Small Attendance

The day's session ended shortly after Hardy objected to Reed and Wood presenting arguments on a disputed issue. The Government counsel said both represented the same mind and only one should make the arguments. Judge Moore said he wouldn't make a limitation at this stage, following which Reed continued his cross-questioning of Dysart.

A number of those present noticed the small attendance today, with the result: "If the attendance doesn't pick up tomorrow we'll either have to give away dishes or stage a Bank Night on Wednesday," a local theatre manager said. Hearing was unusually bad today while the windows were open. Many times during the session the judge had to ask the court stenographer and attorneys to repeat questions. The bad acoustics also worked a hardship on the witnesses, spectators and reporters.

Newman at St. Louis

ST. LOUIS, Oct. 14.—Frank L. Newman, Sr., president of Evergreen States, arrived from Seattle this morning to confer with Spyros Skouras. After preliminary talks here both will head for Manhattan at the end of the week for meetings with other Skouras associates.

Newman said the Hamrick pool was working out well. He is attending the court sessions.

On the Lighter Side

ST. LOUIS, Oct. 14.—U. S. Marshal WILLIAM B. FAHY says that during the year and a half he has held this post he has never been offered, or accepted, an "Annie Oaakley" for any kind of local amusement.

He is regarded as one of the strictest marshals in the country and the free ducat ruling also goes for his deputies—or else.

✚

When the bailiff announced all those other than attorneys and defendants were to sit outside of the gates, someone cracked:

"They're putting the witnesses in the bull pen."

✚

Anent the remark HARRY C. ARTHUR said JULES LEVY made when he asked what would you do if they put a gun to your head, a local wag said: "I'd pull the trigger."

✚

While there's no actual proof, it sounds good without salt and pepper.

The colored waiter of the York Hotel interrogated by SAMUEL FORDYCE, local Paramount counsel, on the day the jury was being selected, was asked if he knew what the Sherman anti-trust act was all about.

"Sure," the negro is supposed to have said. "I voted for it."

You takes it or you leaves it.

✚

RUSSELL HARDY and the four assistants he brought from Washington are stopping at the Jefferson. The only reason this hotel is mentioned at this time is that the three Skourases—SPYROS, CHARLIE and GEORGE—got their start here when they were bus boys there eking out a parsimonious existence.

It's Contagious

St. Louis, Oct. 14.—Gradwell Sears to Spyros Skouras before the session started: "Did you see 'Shipmates Forever'?"

"Yes, I did and several other Warner pictures," answered Skouras.

"Then state the times and the places!"

Attorneys in Doubt on Erpi And Para. Pact

(Continued from page 1)

contract believed illegal had never been invoked against Paramount by Erpi and had nothing to do with the money owed to Erpi by Paramount.

Coached by Ralph Vatner, an attorney identified in the past with legal actions against Erpi, and who appeared in Federal court last spring to oppose the Erpi claim settlement in the Paramount proceedings, Meyer Kraushaar, counsel for the Sabath committee, inquired into the amount of revenue for Erpi involved in the new 10-year contract. Harlan estimated that, on the basis of Paramount's past production schedules, the contract would probably involve something under $3,000,000.

Harlan stated in reply to a question that the Paramount trustees had solicited bids from RCA before making the new Erpi agreement but none had been submitted. They were later advised by David Sarnoff, RCA head, that RCA did not want to submit a bid. Harlan said that, lacking definite information, he assumed that RCA did not feel that it had a chance to have a bid accepted in view of the expensive replacement of sound equipment it would be necessary for Paramount to make in order to effect a deal with RCA.

Frank A. Vanderlip, former chairman of the Paramount bondholders' committee, another witness, stated that he had voted against John E. Otterson for president of Paramount because of his Erpi association.

Names "Background" Men

"While Otterson is an extremely able business man," Vanderlip said, "this (meaning the film industry) isn't a business. It takes peculiar ability to run it successfully."

Vanderlip identified John Hertz of Lehman Bros. and H. A. Fortington as the men who "worked in the background" during the reorganization of Paramount to elect Otterson.

Sir William Wiseman, partner in Kuhn, Loeb & Co., former Paramount bankers, testifying before the committee for the second time, was asked by Kraushaar if the effect of the Paramount reorganization wasn't to make Paramount "an adjunct of A. T. & T. with Otterson at the head?"

Sir William replied that he didn't know. He was then asked if the Fortington group was not "an A. T. & T. committee?" and made the same reply.

The hearing is scheduled to resume today with both Otterson and Fortington appearing as witnesses.

Otterson Confers

John E. Otterson, president of Paramount, yesterday conferred with ranking company executives at a home office meeting when, it is understood, he expounded his policy and views. This is reported to have been the first general meeting held by him since Otterson assumed the presidency.

George J. Schaefer leaves for St. Louis and the scene of the Government's anti-trust trial tonight, accompanied by his secretary, William Schneider. Austin C. Keough will remain in New York indefinitely.

Patent Probe Gets Started Here Today

(Continued from page 1)

tailed study of the books of various film companies during the past several weeks.

Among film executives subpoenaed are Al Lichtman, Will H. Hays, John E. Otterson, Adolph Zukor, R. H. Cochrane, George Quigley, Jack Cohn, George McL. Baynes of Eastern Service Studios, and Joseph H. Moskowitz of 20th Century-Fox. David Harrison Berger is attorney for the committee.

Washington Open-Minded

WASHINGTON, Oct. 14.—Observers in Washington are maintaining an open-mind attitude with respect to the patent investigation which has been initiated by Representative Sirovich of New York.

Little is known here of Sirovich's plans, which he has developed largely in New York, and Administration officials today declined to comment upon the matter for that reason.

The New York Congressman for years has been seeking an intensive investigation of the industry and it is believed sees in his patent probe an opportunity to put leading picture men "on the spot." While he has conducted a number of investigations, none of them has been productive of any legislation to remedy conditions which he has highlighted, his activities usually bringing about such controversy between members of his own committee as to nullify his efforts to secure favorable action on his bills.

No predictions are being hazarded at this time as to whether the patent inquiry will result in legislation, although it is safe to bet that Sirovich will come back to Washington in January with a bill in his pocket. It all depends, it is pointed out by observers, whether he uncovers anything important which has not already been developed by other investigations.

Patent Suit Dismissed

WILMINGTON, Oct. 14.—The patent infringement suit of Frank L. Dyer, an Atlantic City attorney, against Sound Studios of New York was dismissed by Judge John P. Nields in the U. S. District Court here today. The suit was defended by Erpi.

Dyer had charged Sound Studios with infringement of three patents for long - playing phonograph records. Judge Nields in his opinion declared that one of Dyer's patents in the suit was "for practical purposes" only, a paper patent, and that the other two patents were paper patents. Dismissing the bill of complaint, Judge Nields further stated that the first patent was not infringed upon by the defendant and that the other two were invalid for want of invention.

B. & K. Club to Elect

CHICAGO, Oct. 14.—Election of officers of the B. & K. Employes Club is set for Oct. 29. Delegates are now being chosen to represent theatres at the election.

"Science" in Cinecolor

The "Popular Science" series of shorts to be released by Paramount will be produced in Cinecolor and not Technicolor, as stated in MOTION PICTURE DAILY.

Wall Street

K. A. O. Best Gain on Big Board

	High	Low	Close	Net Change
Columbia	68	67	67	.....
Consolidated	4⅞	4¾	4¾	.....
Consolidated, pfd.	17½	17¼	17¼	— ¼
Eastman Kodak	155½	155	155½	— ⅛
K-A-O, pfd	75	75	75	+5
Loew's, Inc.	46½	44⅝	46½	+1⅝
Paramount	11	10½	10⅞	+ ⅜
Paramount, 1 pfd.	96¾	95¾	96⅝	+ ⅝
Paramount, 2 pfd.	13⅜	13	13⅜	+ ⅜
Pathe Film	5⅞	5½	5½	— ¼
RKO	5⅞	4⅞	5⅞	+1⅜
20th Century-Fox	16¾	16¼	16¾	+ ⅝
20th Century, pfd.	26⅝	26¼	26⅝	+ ⅜
Warner Bros.	8	7½	8	+ ½
Warner Bros., pfd	45	43½	44½	+1

Little Curb Change

	High	Low	Close	Net Change
Sentry Safety	5/16	5/16	5/16	—1/16
Sonotone	2⅞	2¾	2⅞	.....
Technicolor	20	19¼	20	+ ⅞
Trans-Lux	3⅛	3⅛	3⅛	.....

RKO Bonds Continue Rise

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	15⅝	15	15⅝	+1⅛
Keith B. F. 6s '46	89½	89	89½	+1
Loew's 6s '41 ww deb rights	105¼	105	105	+ ½
Paramount B'way 3s '55	61	60⅞	61	+ ¼
Paramount Pict. 6s '55	96¾	96⅝	96⅝	— ⅛
RKO 6s '41 pp	88¾	83	84	+4
Warner Bros. 6s '39 wd	83	82¼	83	+ ½

(Quotations at close of Oct. 14)

ITO Hires Counsel On K. C. Protection

(Continued from page 1)

voice in the matter. This I. T. O. action followed a reorganization last week.

Elmer C. Rhoden, Fox Midwest head, said the company is not buying, nor is it attempting to set up a system of protection. The circuit is simply making separate deals with each distributor on whatever basis it can, he said. He asserted nothing in the way he is buying is new, and that all Fox Midwest is trying to do is get away from "so much day and date playing of pictures."

At the reorganization meeting of the I. T. O., Emanuel Rolsky was elected president; E. S. Young, first vice-president; Mrs. Abe Baier, second vice-president; Ed Hartman, secretary, and Charles H. Porter, treasurer.

Hecht's Mother Dies

LOS ANGELES, Oct. 14.—Ben Hecht's mother, Mrs. Joseph Hecht, 56 years old, died today as a result of injuries sustained last Saturday when she was struck by an automobile driven by Dr. Herman H. Berman.

It is said that Mrs. Hecht stepped out between two parked cars into the path of Dr. Berman's car. He drove her to a hospital.

Tone's Grandmother Dies

WASHINGTON, Oct. 14.—Mrs. Annie Powers Franchot, 83, grandmother of Franchot Tone, died here Sunday at the home of her son, Richard Franchot, a patent attorney.

Selznick Signs Cromwell

HOLLYWOOD, Oct. 14.—David O. Selznick has signed John Cromwell to direct "Little Lord Fauntleroy," first for Selznick International Pictures.

Lightman Is Named MPTO President

MEMPHIS, Tenn., Oct. 14.—M. A. Lightman was elected president of the Tri-State M. P. T. O. today, succeeding W. L. Landers. Other officers elected were: R. X. Williams, secretary-treasurer; W. E. Elkins, vice-president for Mississippi; W. F. Ruffin, vice-president for Tennessee; H. D. Wharton, vice-president for Arkansas; Emma Cox, board chairman.

Board members for Arkansas are: Henry Sanders, Cecil Cupp, J. F. Norman, M. S. McCord, Sidney Nutt, O. E. McCutcheon; for Mississippi: W. A. Rush, J. A. West, W. S. Tyson, H. W. Evans; for Tennessee: F. D. Moore, Tom Ballas, Col. Cecil E. Vogel, W. L. Hendricks.

"I find a consistent demand on the part of exhibitors for some kind of a regulatory body to replace the code boards," Ed Kuykendall, M. P. T. O. A. president, told the meeting at the Chicsa Hotel.

"I don't believe there could ever be a voluntary code that would work. There is no such thing as voluntary compliance," he said. Kuykendall revealed he has been conferring with Washington authorities regarding this problem. "We cannot revert to the old film boards of trade," he said, "but must have fair and equitable reprcsentation on a new board." He also attacked non-theatrical competition.

Vanderlip Resigns As Para. Director

(Continued from page 1)

of the new company as a bondholders' representative. His resignation was tendered by letter last Friday. Vanderlip disclosed this development yesterday while testifying before the Sabath Congressional committee investigating real estate reorganizations. His successor will probably be elected at the next meeting of the Paramount board.

Vanderlip told the Sabath committee that he was the only director who voted against John E. Otterson for president of Paramount. He gave as his reason the belief that Otterson's former connections with Erpi, with which Paramount had contracts, might give rise to controversy.

Change in Columbia Stock Is Authorized

Issuance of 75,000 shares of new $2.75 preferred convertible stock without par value was authorized yesterday at a special meeting of voting trust certificate holders and common stockholders of Columbia Pictures Corp. The proceeds will be used to retire present outstanding $3 preference stock and for other purposes.

The meeting was adjourned to a later date to take care of necessary formalities.

Ampa Seeks Critics At Weekly Luncheon

Film critics of the New York dailies are being lined up to appear en masse at the regular Thursday luncheon of the Ampa at Jack Dempsey's Restaurant. Gordon S. White, the organization's president, declared yesterday they will be asked to talk on subjects of their own selection.

I GUARANTEE

No. 834 Straight-from-the-Shoulder Talk by Carl Laemmle, President of the Universal Pictures Corporation

I have just seen "Three Kids and a Queen" with the lovable May Robson as the "queen."

I've got a lump in my throat as big as an ostrich egg.

Moreover, my throat is sore from laughter.

In all the years I have been in this business, I have never experienced more profound emotions than I enjoyed in seeing "Three Kids and a Queen."

I thought I was sophisticated. Maybe you think you, too, are hard to get—but I guarantee that you cannot sit through this picture of terribly human emotions without wanting to laugh one minute and cry the next.

This picture has already been pre-viewed by the most cynical movie-goers of Hollywood, including the toughest critics.

It has been okayed 100 percent.

No critic dares to monkey with it—because it deals with the most intensely human qualities in any human being—and deals with them tenderly, deftly, surely and entertainingly.

A KNOCKOUT!

You ought to smash all of your routine in advertising this production.

You ought to get right down to earth and guarantee your fans that you've got something they will love—just as I guarantee it to you.

I guarantee that if you give this picture half a chance, it will simply be a knockout. It will build by mouth to mouth advertising, and it will leave a soft spot in the heart of everyone who has paid his money at your box office.

I call your special attention not only to the amazing May Robson herself, but to Henry Armetta and Herman Bing—and also to a very young lad named William Burrud.

They will cleanse your soul. They will give you more fun and showmanship than you ever got from any off-color picture ever made.

They will make you laugh and they will make your throat swell with a magnificent showmanship ache, if you know what I mean.

Cut loose! Beg your people to come! Don't hold back! Tell them you guarantee one of the richest entertainments they have ever had—and take my guarantee that every such promise will be met by the picture just a little bit more than one hundred percent.

Carl Laemmle

"Melody" Gets $4,650 in 4th Seattle Week

SEATTLE, Oct. 14. — "Broadway Melody of 1936" was still breezing along with a $4,650 take at the Music Box on the second week of an extended run from the Fifth Avenue, and it was held for another week.

"Special Agent" took $6,100 at the Orpheum and was moved to the Blue Mouse for an extended run. "Top Hat" held up to $4,100 at the Blue Mouse in the fourth week of an extended run from the Orpheum.

Total first run business was $33,950. Average is $32,500.

Estimated takings for the week ending Oct. 7:

"TOP HAT" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 4th week, extended run from Orpheum. **Gross:** $4,100. (Average, $4,000)

"THE DARK ANGEL" (U. A.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,800. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 3rd week. **Gross:** $4,950. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $4,650. (Average, $4,000)

"SPECIAL AGENT" (W. B.)
ORPHEUM—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,100. (Average, $6,000)

"ANNAPOLIS FAREWELL" (Para.)
"LITTLE BIG SHOT" (W. B.)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"MANHATTAN MOON" (Univ.)
REX—(1,500), 15c-20c, 7 days. Vaudeville headed by Bobby "Uke" Henshaw. **Gross:** $2,450. (Average, $2,500)

"Dream" Premiere Sellout in Phila.

PHILADELPHIA, Oct. 14.—"A Midsummer Night's Dream," Warner film, had a premiere at the historic Chestnut Street Opera House here tonight which was unequaled in the theatrical history of this city. The house was a complete sellout as persons prominent in social, intellectual and professional circles attended.

For the first time in years, searchlights flooded a theatre and radio announcers and news photographers were present. Special cordons of police were necessary to keep under control a crowd of thousands who gathered in front of the theatre. Present in the brilliant audience were Dr. William Rosenback, president of the Shakespearean Society of America; George Horace Lorimer, noted publisher; the socially prominent Mrs. Bessie Dobson Altemus and Mayor and Mrs. J. Hampton Moore. Albert Sidney Howson, noted scenario director and censor, officiated at ceremonies prior to the picture.

Clark Confers on Coast

HOLLYWOOD, Oct. 14. — John D. Clark, executive in charge of sales for 20th Century-Fox, arrived here yesterday for a week of conferences with studio heads. Herman Wobber, west coast sales head, is in from San Francisco to join the conference.

McKay on Coast

HOLLYWOOD, Oct. 14.—Willard S. McKay, secretary of Universal, arrived here today by plane from New York to confer with Carl Laemmle.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Three Kids and a Queen"

(Universal)

HOLLYWOOD, Oct. 14.—"Three Kids and a Queen" indicates a full house of patrons forgetting their poker faces after the first reel.

May Robson plays the richest woman with the meanest manner and the softest heart in the world. All of her love is lavished on her dog, to the despair of her heir, Hale Hamilton, who attempts to have her declared incompetent when she razes a half-built skyscraper to make a playground for the dog.

During a drive in the park, Miss Robson is thrown from her carriage. William Barrud, Frankie Darro and William Benedict, foundlings adopted by Barber Henry Armetta, take her home for first aid. Newspapers carry headlines that she is kidnaped. Terrified by the fear that she will be confined to an asylum if found, Miss Robson scolds, threatens and argues the anguished Armetta and his delighted family into keeping her. Gangsters John Miljan, Tom Dugan and Noel Madison kidnap her in earnest for the reward. A chase with plenty of shooting ends in the routing of the greedy heir and the adoption of the three kids by Miss Robson.

Armetta scores a huge individual success for comic despairs. Miss Robson gives her expected energetic crusty-shell-heart-of-gold performance. Herman Bing gets a full measure of laughs as Armetta's pal. E. E. Clive makes a small part notable. The excellent cast is completed by Charlotte Henry, Lillian Harmer, Lawrence Grant, Hedda Hopper, Henry Kolker and Ferdinand Gottschalk.

Barry Trivers and Sam Ornitz wrote the screenplay from the story by Harry Poppe and Chester Beecroft. Edward Ludwig directed under supervision of Ben Verschleiser.

Comedy, snatch angle and a Robson performance all exploitation bets for this one.

Production Code Seal No. 1,467. Running time, 83 minutes. "G."

"Charlie Chan's Secret"

(Twentieth Century-Fox)

HOLLYWOOD, Oct. 14.—Relying on spiritualism for most of its effects, this latest in the Chan series succeeds in becoming more spooky than its predecessors, although less gripping as a mystery to be solved.

Warner Oland, as Chan again, is called upon to determine whether the missing heir to a large fortune is alive or dead. The fortunes of several people hinge upon this heir's death and Henrietta Crosman, the family head, has summoned them all to a seance in the hope of gaining help from the world beyond. As Arthur Edmund Carewe, a spiritualist professor, and Gloria Roy, a medium, conduct their seance the murdered body of the missing man falls into the room. Oland, with the assistance of Herbert Mundin, who, as a butler, furnishes the only comic relief, then proceeds to pick things to pieces, first establishing the mediums as fakes, and later uncovering Edward Trevor, the heir's brother-in-law, as the murderer who has committed the crime to cover up the fact he has stolen estate funds.

Unlike previous Chan films, many false clues are introduced and the players frequently overplay their roles. Individual performances are good for the most part, however, and Charles Quigley and Rosina Lawrence teamed as lovers show future promise. The direction of Gordon Wiles stresses eeriness, making the picture most suitable for adults. The production of John Stone is workmanlike and the photography by Rudolph Mate offers some tricky novelties. Robert Ellis and Helen Logan wrote the screen play in collaboration with Joseph Hoffman.

Production Code Seal No. 1,587. Running time, 70 minutes. "G."

"A Night at the Opera"

(M-G-M)

HOLLYWOOD, Oct. 14.—Great ground swells of laughter rippled by windy gusts of giggles at the idiotic buffoonery of the Marx Brothers roll through this musical farce. A more elaborate plot than usual and emphasis upon the score are the distinguishing features although the rabid rompings and nitwit capers of this terrific trio are in no way hampered by the close-knit story.

The tale, based on the tribulations of Groucho, as an opera scout, weaves its mad way from Italy, where he signs Walter King and Kitty Carlisle, to New York, where the Marx menagerie goes berserk at a performance of "Il Trovatore." Harpo and Chico, loyal to the death to

[*Reviews continued on page* 10]

"Hot Tip" and "Folies" High In Cleveland

CLEVELAND, Oct. 14.—"Hot Tip," with the "Folies Bergere" revue, wa the outstanding attraction of the week It went to $34,000 at the RKO Palac where $15,000 is average. The show was held a second week. Last year' "Folies" holds the house record with $36,000.

"She Married Her Boss" more than doubled the Allen $3,000 average in its second week, grossing $7,500.

"Doctor Socrates" went $2,000 above par at Warners' Hippodrome with a gross of $10,000. "O'Shaughnessy's Boy" had a fair week a Loew's State against heavy competition, taking $8,000, or $2,000 shy o par. "Broadway Melody of 1936," in its second week downtown, bettered the Loew's Stillman average o $4,000 by $2,700 to a $6,700 take thereby winning a third week.

Total first run business was $66,200. Average is $40,000.

Estimated takings for the week ending Oct. 11:

"SHE MARRIED HER BOSS" (Col.)
ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $7,500. (Average, $3,000)

"DR. SOCRATES" (W. B.)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $10,000. (Average $8,000)

"HOT TIP" (Radio)
RKO PALACE—(3,100), 30c-42c-66c, 7 days Stage: "Folies Bergere" Revue. **Gross:** $34,000. (Average, $15,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,000. (Average, $10,000)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days. **Gross:** $6,700. (Average, $4,000)

"39 Steps" on Dual $8,500 in Buffalo

BUFFALO, Oct. 14.—Business was quiet here, the Lafayette's dual, "39 Steps" and "In Spite of Danger," doing the best business. It drew $8,500, cracking par by $2,800.

In its second week, "Broadway Melody" was $800 to the good at $8,100, as the legit, "Tobacco Road," played a six-day stand to packed houses.

Total first run business was $41,900. Average is $37,900.

Estimated takings for the week ending Oct. 15:

"DARK ANGEL" (U. A.)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $11,800. (Average, $12,000)

"BROADWAY MELODY" (M-G-M)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $8,100. (Average, $7,300)

"SPECIAL AGENT" (W. B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,300)

"TWO FISTED" (Para.)
"THE BISHOP MISBEHAVES" (M-G-M)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,500. (Average, $5,600)

"THE 39 STEPS" (G. B.)
"IN SPITE OF DANGER" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $8,500. (Average, $5,700)

Cub's Booking Dropped

CHICAGO, Oct. 14.—Booking of the Chicago Cubs at the Chicago has fallen through. The failure of the team to win the World Series was the reason for the change in plans. Five stars of the Cubs had been working on a vaude skit for several weeks.

TRADE PAPER

VERBATIM REVIEWS

"LITTLE AMERICA"

Motion Picture Daily

September 25, 1935

"Little America"

(PARAMOUNT)

Hollywood, Sept. 25.—Adventurous souls, exponents of courage and youth reaching for the unattainable will find a good deal of thrill and education in Byrd's second Antarctic expedition with sound.

As a pictorial record of one of the world's great feats of exploration, its newsreel quality and "March of Time" flavor, serve to maintain interest that assumes bigness by virtue of its modesty.

Well publicized via newspapers and pictures before, during and after the expedition, audiences should be ready for this film which so admirably depicts valor and guts in so simple a manner.

The film is complete from the start of the trip to the return from the Pole. It shows intimate human interest incidents revealing daring, danger and humor, bringing in men, airplanes, huskies, penguins, whales and seals. A marching song in torchlight against the snow of men going to the rescue of Byrd is a highlight of the film.

Admiral Byrd is a good screen personality, at moments resembling John Barrymore. His lonely vigil of seven months at the Pole brings patrons close to his immortal deed.

The narration written by Charles J. V. Murphy, radio man on the trip, is tense, factual and novel. The photography conveying peril with beauty is by John L. Herrmann and Carl O. Peterson. Gayne Whitman is the narrator. The production supervised by Dario Faralla and edited by Ewing Scott, who himself once filmed a North Pole production, "Igloo," is a noteworthy achievement. Properly publicized, the picture should be self-selling with foreign appeal particularly good.

Production Code Seal No. 1,270. Running time, 57 minutes. "G."

FILM DAILY

September 25, 1935

Rear-Admiral Richard E. Byrd in

"LITTLE AMERICA"

(HOLLYWOOD PREVIEW)

Paramount 50 mins.

Fine adventure film on Antarctic Expedition with thrills and human interest of popular appeal.

Full of thrills and dealt with humanly, this should please all types of audiences. The drama of Admrial Byrd and his men reaching their goal in the Antarctic holds the interest from the start. From the moment the expedition embarks at Newport News, Va., until the rescue of Admiral Byrd at Advance Base just a mere 10,000 miles from New York, there is no let-up in the interest. And much of the credit is due Ewing Scott, who edited thousands of feet of film and condensed the screen record of the trip to 50 minutes. No attempt is made to burden the audience with scores of charts and heavy scientific matter, but, instead, the trials and tribulations of the explorers are depicted, with some lighter moments also injected. The flight over Marie Byrd Land, a crack-up of one of the planes and a blizzard are among the many thrills. John L. Herrmann and Carl O. Peterson deserve a bow for their camera work.

Cast: Rear-Admiral Richard E. Byrd and members of his Second Antarctic Expedition:

Cameramen: John L. Herrmann, Carl O. Peterson; Narration written by Charles J. V. Murphy and delivered by Gayne Whitman; Film Editor, Frances Marsh; Editor, Ewing Scott; Supervisor, Dario Faralla.

Direction, Natural. Photography, fine.

HOLLYWOOD REPORTER

"Little America"

(PARAMOUNT)

Edited by.....Ewing Scott
Narration written by Charles J. V. Murphy.
Photography: John L. Herrmann and Carl O. Peterson.
Narrator.....Gayne Whitman
Film Editor.....Frances Marsh
Supervision.....Dario Faralla

This screen story of the second Byrd expedition to the Antarctic is not only a superb record of one of the great adventures of modern times but is deeply-moving drama and grand entertainment. It greatly surpasses the film of the first expedition in effectiveness, because of more thorough preparation and the fuller and wiser use of sound.

The bulk of the scenes were made on the expedition, but these have been welded into a dramatic whole by an extension of the technique used in "The March of Time." The added links in the chain of narrative are so carefully made that the authentic note is strengthened rather than diminished. For example, the story of Rear Admiral Byrd's long vigil at Advance Base is ingeniously presented by reproductions of radio conversations between Little America and the United States.

There is a wealth of incidents covering the main events of the trip, including the historic flight over Marie Byrd Land, the crack-up of one of the planes and the rescue of Byrd's old plane after its four years under the snow.

Here is a picture that everyone will want to see and should see. It will disappoint none and it will earn money for all concerned.

The first expedition film was shot silent. This one brings authentic sound from the wastes of the Antarctic. In addition there is an excellent accompanying narrative written by Charles J. V. Murphy, a member of the expedition, and well delivered by Gayne Whitman. The photography of John L. Herrmann, A. S. C., and Carl O. Peterson is thrilling. A blizzard sequence at Little America, shots of exploring a titanic pressure ridge with flares in the Antarctic night and scenes of the approach by ship to the great ice barrier stand out.

Throughout the whole the human, personal note is kept to the front with tact and good taste. The production reflects high credit on its editor, Ewing Scott.

DAILY VARIETY DAILY

"Little America"

Paramount release of Rear Admiral Richard E. Byrd's film record of second Antarctic expedition. Narration written by Charles J. V. Murphy. Photographed in Antarctica by John L. Herrmann and Carl O. Peterson. Film editor, Frances Marsh. Narrator, Gayne Whitman. Edited by Ewing Scott. Under supervision of Dario Faralla. Previewed at the Ritz, Sept. 24. Running time, 57 mins.

Highlights and twilights of the second Byrd Antarctic expedition have been given absorbing dramatic continuity in this feature length record of one of the world's great adventures. Material, an almost day-to-day screen account of what Rear Admiral Richard E. Byrd and his company went through in the polar wilderness in the name of science, is fascinating. Its presentation has been well calculated for box office entertainment. It is pictured and narrated with dignity, modesty and humor, in terms of human struggle and achievement in the face of constant perils and discouragements, rather than from the scientific standpoint. Latter has been handled without confusion to the lay mind, but the whole has been kept on a note compatible with the personnel and purpose of the expedition.

Excellent narration by Gayne Whitman, from the script by Charles J. V. Murphy, ties incident, adventure and scenic revelation together with spellbinding effect. Story seems to unfold itself naturally with mounting suspense, peaked in the rescue of Admiral Byrd from the meteorological outpost, a little warren in the farthermost ice.

Homely detail of the male housekeeping in the sub-snow hutch is pictured with humor. Conquest of extremely low temperatures with plane, tractor and husky team in charting the terrain and scientific mopping up carries tense excitement. Gallantry in face of danger brings an occasional gulp. A real thrill is first air view of the gaunt ridges of newly discovered Antarctic territory lifting above the snows. Incorporation of the radio communication between Little America and New York helps build sense of excitement and magnitude of adventure.

Byrd, who compares to many of the best picture stars as a screen personality, makes a handsome hero of the feature, and the others are themselves no mean thespians.

Photographically the assembly is superb, John L. Herrmann and Carl O. Peterson having wielded the cameras for a swell job of entertainment as well as picturesque beauty. Frances Marsh and Ewing Scott have done a corking job of cutting and editing, under competent supervision of Dario Faralla.

Picture leaves a vivid impression of an historic achievement and of the lonely land where Byrd and his men ran up a tiny American flag above the white wilderness.

DARIO FARALLA

SUPERVISOR

A PARAMOUNT PICTURE

"Melody" Hits $8,500, Leads Denver Takes

DENVER, Oct. 14. — "Broadway Melody of 1936" turned in a handsome gross of $8,500 at the Orpheum, topping par by $3,500, and was given three extra days.

The World Series broadcasts hurt matinee business, but the general showing was good in spite of this. "Dark Angel," in its fourth first run week, a record here, was still over the Broadway's first week average at $1,500. "Little America" was pulled after six days and the Denham was given a Thursday opening.

"Barbary Coast" was in the hit class with a take of $8,000 at the Denver.

Total first run business was $25,500. Average is $19,500.

Estimated takings for the week ending Oct. 10:

"GOOSE AND THE GANDER" (W. B.)
ALADDIN—(1,500), 25c-35c-50c-60c), 7 days. **Gross:** $2,000. (Average, $2,000)

"DARK ANGEL" (U. A.)
BROADWAY—(1,500), 25c-40c, 7 days, following three weeks at the Aladdin. **Gross:** $1,500. (Average, $1,000)

"LITTLE AMERICA" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $3,500. (Average, $4,000).

"BARBARY COAST" (U. A.)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $8,000. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)

"FIGHTING YOUTH" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

"Steamboat" a Hit, $12,600, Houston

HOUSTON, Oct. 14.—With "Steamboat 'Round the Bend" setting the pace with $12,600, or $5,600 above par, at the Majestic, three first runs rated above average.

"Broadway Melody of 1936" rang up $11,000 at Loew's State, which is $4,000 to the good, and "She Gets Her Man," in three days at the Kirby in mid-week grossed $2,000, or $500 over normal.

"Annapolis Farewell," at the Metropolitan, took the rap, grossing $5,600.

Total first run business was $34,700. Average is $26,000.

Estimated takings for the week ending Oct. 3:

"HERE COMES COOKIE" (Para.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,500. (Average, $3,500)

"SHE GETS HER MAN" (Univ.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $2,000. (Average, $1,500)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $11,000. (Average, $7,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $12,600. (Average, $7,000)

"ANNAPOLIS FAREWELL" (Para.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $5,600. (Average, $7,000)

Meyer to London

A. E. Meyer, export manager for International Projector Corp., has sailed for London, planning to continue from there to visit Simplex representatives throughout Europe.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

[*Continued from page* 8]

Allan Jones, an undiscovered tenor, stow away on Groucho's boat, determined to get their protege into opera.

Skullduggery backstage loses Miss Carlisle her leading role with the Marxes to the rescue and eventual co-starring of Miss Carlisle and Jones while the kidnaped star is gagged and hoisted into the flies. The big moments audiences will repeat around the fireside are scenes in a two-by-four cabin bulging with almost half of the passenger list before a gag ends a maniacal duel of Harpo and a moth which flutters from the flowing beard of an air hero; the masquerade of the Marxes in those same beards ravished from sleeping air heroes and Chico's utterly nutty explanation to a welcoming committee of why the fliers took a boat; a harp specialty by Harpo and piano nonsense by Chico; a rip roaring finale at an opera performance with Groucho pursuing a rich widow all over the house, and Harpo going Tarzan trapezing in the flies as the backdrops change behind baffled singers.

Miss Carlisle scores as an opera star. Walter King does good work as the villainous tenor. Jones, replacing Zeppo, looms as a new romantic opera discovery. Robert Emmett O'Connor is a hilarious foil for the comics as a baffled cop. Siegfried Rumann, Margaret Dumont and Edward Keene are important in supporting roles. The music score by Herbert Strothart captures the spirit of wild foolery as do the dances by Chester Hale. The songs, "Alone," by Nacio Herb Brown, and "Cosi Cosa," by Kaper and Jurman and Ned Washington will be played often. George S. Kaufman and Morris Ryskind provided the screen play from the story by James Kelvin McGuinness. Sam Wood directed for speed and laughs. Irving Thalberg produced handsomely.

Tie the roof on tight when this one opens.

Production Code Seal No. 1,613. Running time, 94 minutes. "G."

"Moonlight on the Prairie"

(*Warners*)

HOLLYWOOD, Oct. 14.—Marked by good photography and the presence of the personable Dick Foran, Warners' new singing western star, this one will please the western clientele. Foran should build a good following in small towns.

The film has the usual quota of gun and fist fights, cattle rustling and other melodramatic formulae. Foran makes himself a hero when he risks his life to obtain the rightful ranch property of Sheila Manners and her youngster, Dickie Jones, from villain foreman Joseph Sawyer. Foran further gains hero spotlight by rounding up the rustlers and returning the stolen cattle to Miss Manners. There is a softening haze of gunsmoke throughout the film. Effective comedy relief is supplied by George E. Stone, Foran's diminutive assistant. A light romantic note is sounded between Foran and Miss Manners with little Dickie always propelling the romance toward fruition.

Foran will henceforth be recalled as the hardest-hitting cowboy in films. When he hits 'em they stay smacked. Two songs rendered by him embellish the entertainment value of the film. D. Ross Lederman directed adequately with cast performances in harmony with the adaptation and screen play by William Jacobs. Fred Jackman's photography is fine.

Production Code Seal No. 1,155. Running time, 55 minutes. "G."

Sue on Terre Haute Pact

TERRE HAUTE, Ind., Oct. 14.—A suit filed in Superior Court, No. 2, here, asks judgment of $2,000 for alleged violation of a lease on the Rex. Morton Turner, former operator, says Ola Bennett, owner, "unlawfully" took possession of equipment.

Turner says he leased the house Feb. 11, 1933, and fulfilled contract terms until the defendant took possession, June 14, 1933. The Rex was recently opened by Mrs. C. Harstead.

G. B. Men See "Tunnel"

"Transatlantic Tunnel" was previewed at the G.B. office over the week-end to a group of the company's salesmen and exchange managers from nearby cities. The picture will open at the Roxy Oct. 25.

"Pompeii" to Center

"The Last Days of Pompeii" will will be the second attraction at the reopened Center, Radio City, starting Wednesday. B. A. Rolfe will put on another program, with Walter Cassel, NBC artist, heading it.

"Metropolitan," Darryl Zanuck's first for Twentieth Century-Fox, with Lawrence Tibbett starred, will open at the Music Hall Thursday.

"King Solomon of Broadway" will open at the Roxy Friday.

William Dworski Hurt

MANSFIELD, O., Oct. 14.—William Dworski, managing Warners Madison, is navigating via crutches, having severely sprained his ankle when jumping from the stage to the orchestra pit.

"Money" with Show $18,500 Chicago High

CHICAGO, Oct. 14.—The big money of the week went to "We're in the Money," with Sophie Tucker and Mark Fisher's vaudeville revue on the stage, at the Oriental. The $18,500 take left par behind by $3,500.

The World Series cut into matinee business, but evenings were good. "Top Hat," in its fifth week at the Palace, with Eddie Peabody on the stage, was still $2,100 over normal, on a take of $21,100.

"Bright Lights" was good at $12,000 in the Roosevelt.

Total first run business was $114,000. Average is $117,000.

Estimated takings:

Week Ending Oct. 10:

"GAY DECEPTION" (Fox)
CHICAGO—(4,000), 35c-50c-68c, 7 days, 2nd week. Stage: "Villa Venice" Revue. **Gross:** $26,200. (Average, $32,000)

"WE'RE IN THE MONEY" (W. B.)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: Sophie Tucker and Mark Fisher's vaudeville Revue. **Gross:** $18,500. (Average, $15,000)

"TOP HAT" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days, 5th week. Stage: Eddie Peabody and Revue. **Gross:** $21,100. (Average, $19,000)

"RED SALUTE" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $14,000. (Average, $17,000)

"SHE MARRIED HER BOSS" (Col.)
GARRICK—(900), 25c-35c-50c, 7 days, 2nd week. **Gross:** $4,200. (Average, $5,500)

"THE PUBLIC MENACE" (Col.)
APOLLO — (1,400), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

Week Ending Oct. 11:

"BRIGHT LIGHTS" (W. B.)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $12,000. (Average, $11,000)

"THE GIRL FRIEND" (Col.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Cohen and Revue. **Gross:** $14,000. (Average, $13,600)

"Murder" and Show Milwaukee Leaders

MILWAUKEE, Oct. 14.—"The Murder Man," helped by the personal appearances of Frank and Milt Britton's "Crazy Revue," was the star combination of the week here. The take at the Palace was $7,000, over par by $2,000.

"Dark Angel" was $1,500 to the good on a take of $6,500 at the Warner, and a dual, "Sanders of the River" and "Going Highbrow," at the Strand was on the profit side of the line at $1,500.

A convention of the American Public Health Ass'n. helped.

Total first run business was $23,500. Average is $24,250.

Estimated takings for the week ending Oct. 10:

"THE MURDER MAN" (M-G-M)
PALACE — (2,800), 25c-35c-55c, 7 days. Stage: Frank and Milt Britton "Crazy Revue." **Gross:** $7,000. (Average, $5,000)

"CHEERS OF THE CROWD" (Monogram)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Blue Venus Revue, Frank Libuse, Joe May, Florine Manners, Roger S. Hille, Rio & West, Margo Brander, Blue Haire Rhythmettes, Betty & Louis Stately, June Earle. **Gross:** $4,300. (Average, $5,000)

"SANDERS OF THE RIVER" (U. A.)
"GOING HIGHBROW" (W. B.)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,250)

"DARK ANGEL" (U. A.)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,000)

"HERE'S TO ROMANCE" (Fox)
WISCONSIN — (3,200), 25c-40c, 5 days. **Gross:** $4,200. (Average, $8,000)

TONIGHT! *A Real Event!*

★

New JEROME KERN
MUSIC FILLS THE AIR!

★

WABC and COLUMBIA NETWORK, Coast to Coast . . . 9:30 to 10:30 P. M. (E. S. T.) . . .

★

FRED WARING
and his PENNSYLVANIANS

on the Ford Motor Program, introduce JEROME KERN'S complete musical score from the forthcoming RKO-RADIO sensation—

"I DREAM TOO MUCH"

the picture which marks the screen debut of the darling of Opera . . . . . .

LILY PONS



Hear these new hit tunes by the gifted composer of "Roberta": "I DREAM TOO MUCH"—"LITTLE JOCKEY ON THE CARROUSEL"—"I'M THE ECHO"—"I GOT LOVE" ★

THIS IS JUST OUR PERSONAL OPINION!

M-G-M is releasing this week a picture entitled **"IT'S IN THE AIR."**

This is positively no Super-Special. It didn't take a year to produce and it didn't cost a million.

But from start to finish it is one of the funniest of entertainments. It reminds us of "Caught Short." Especially because that one also was a "sleeper" that suddenly set the box-office world aflame!

In this picture **JACK BENNY** is his real radio self, truly America's No. 1 Kidder and the cast has M-G-M's top fun-makers like **TED HEALY, UNA MERKEL, NAT PENDLETON** and others.

We believe your audiences will get a great kick out of **"IT'S IN THE AIR"** and we urge you to spread the good word so that you can properly profit.

This is just our personal opinion but we have a hunch it's going to be *yours* too!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 90 NEW YORK, WEDNESDAY, OCTOBER 16, 1935 TEN CENTS

Claims Group At Fault on Theatre Deal

Reed Attempts to Prove Bondholders Reneged

By BILL ORNSTEIN

St. Louis, Oct. 15.—Three new witnesses were put on the stand today by Prosecuting Attorney Russell Hardy, in addition to Thomas N. Dysart, chairman of the bondholders' committee for the Ambassador, Missouri and New Grand Central, who resumed where he left off yesterday. The three government witnesses were M. A. Rosenthal of the Securities Service Co., Chicago; David Levinson, Chicago attorney, and Frederick H. Kreissman, who was mayor of St. Louis from 1909-13.

Kreissman was the last to take the stand and was the fifth witness to finish his testimony in the anti-trust trial here. Although it was expected Joseph Grand and Clarence M. Turley, local men, would be called today, the Government decided to call in the Chicago witnesses first and tomorrow will give first consideration to New York men who have been spending the last

(*Continued on page 4*)

May Take the Stand In Their Own Cause

St. Louis, Oct. 15.—Harry M. Warner, Gradwell L. Sears, Herman Starr, George J. Schaefer and Ned E. Depinet, indicted on criminal charges of allegedly conspiring to withhold product from F. & M.'s Ambassador, Missouri and New Grand Central, may be put on the stand by their own counsel after the government completes its case, it is learned by Motion Picture Daily.

Under constitutional rights, no defendant in a criminal action may be

(*Continued on page 7*)

Shy on Snap

Cincinnati, Oct. 15.—A local highlight of frankness is found in a review of Herman J. Bernfeld, picture editor *Cincinnati Enquirer*, who uses the following as indicating his views on a picture playing here currently:

"Truly the plot creaks, and the early part of the film lags. The dialogue of the first half isn't as snappy as the rubber in the stamp which contributed it."

Sirovich Begins Patents Fishing Expedition Here

The Sirovich Congressional Committee opened its fishing expedition yesterday at the Fifth Avenue Hotel with free style interrogations on communication and electrical patents. The film industry comes next. The committee is making a study of the functioning of patent pools and cross-licensing agreements to determine whether or not they operate in the public interest.

Conspicuous official figures in the committee room as the hearing got under way were Robert Robins, creator of the American Society for the Protection of the M. P. Theatre, and David G. Berger, colleague of Robins and counsel in numerous actions for huge damage sums against A. T. & T. and its subsidiaries. An interested spectator at the hearing was Ralph Vatner, also an associate of Robins and attorney of record in most of the lawsuits in which Berger is counsel.

Robins, for the past several years the author of much vituperative literature directed against the "big electrics," is an investigator for the Sirovich committee. Berger is one of its attorneys. Vatner, who occupies the same business office with Robins, in addition to being the legal associate of Berger, appears to be serving in the capacity of voluntary coach and informant to officers of the committee.

Officials of A. T. & T., Western Electric and Erpi have been subpoenaed for the committee's hearings. Among these are Dr. Frank B. Jewett, vice-president of A. T. & T., who was on the stand yesterday, and Edgar S. Bloom, president of Western Electric and Erpi, who may be called to testify today.

Among the suits, trial of which is now pending in the Federal court here, in which Berger, of counsel for the Sirovich committee, and Vatner are counsel and attorney, respectively, are the following:

Biophone Corp. vs. A. T. & T., Western Electric and Erpi. Damages of $15,000,000 are being sought in this action.

Audio Equipment Maintenance, Inc., vs. A. T. & T., Western Electric and Erpi. Damages sought, $1,500,000.

Service on Sound Corp. vs. A. T. & T., Western Electric and Erpi. Damages sought, $4,500,000.

Sound Picture Engineers vs. A. T. & T., Western Electric and Erpi. Damages sought, $1,500,000.

Macy Mfg. Corp. vs. A. T. & T., Western Electric and Erpi. Damages sought, $3,000,000.

Standard Sound Service vs. A. T. & T., Western Electric and

(*Continued on page 7*)

Chicago Row on Bookings Quiets

Chicago, Oct. 15.—After ten days of fireworks the local booking-clearance problem has died down. Perhaps it will flare up again soon but right now it all seems quiet.

B. & K. officials state they had not been notified exchanges were refusing to give them pictures on the seven days' clearance basis they demanded. Exchangemen state they have notified B. & K. they cannot give them this clearance protection, this year at least.

After two weeks delay Allied members got their releases set. The B. & K. representative usually present did not attend the meeting, but that circuit went ahead and set releases anyway. Whether or not the situation

(*Continued on page 2*)

New Hampshire Hearing Up Soon

Boston, Oct. 15.—The litigation in New Hampshire that is expected to determine whether or not Bank Night is a lottery under the laws of that commonwealth is scheduled for hearing in the Supreme Court there beginning the first week in December. It was banned a few weeks ago by orders of Attorney General Johnson. A declaratory judgment is now sought.

In the adjoining state of Maine, Bank Night is also having trouble as the result of a drive on so-called lotteries. The right of newspaper advertising has been withdrawn in some instances as a result of the campaign.

In Massachusetts, it is denied that the finding of a cash giveaway scheme a lottery in a Fall River court will have any effect on Bank Night.

Denies "Deal" With A.T.&T. On Television

No Para. Tieup, Says John E. Otterson

John E. Otterson emphatically denied yesterday that his election to the Paramount presidency had any connection with A.T.&T.'s interest in television experiments and possible future theatre outlets for television pictures.



John E. Otterson

His denial came in reply to questions put at the continued investigation of the Sabath Congressional Committee into the Paramount bankruptcy.

"Television is so far off that it is nothing for Paramount to worry about now," he said.

Practically all of Meyer Kraushaar's questioning in behalf of the

(*Continued on page 7*)

Skouras Discussing Jersey Acquisitions

Preliminary talks have been started by George Skouras for the acquisition of the Park Lane, Palisades, and Leonia, Leonia, N. J. Skouras formerly had the houses when he first took over the New Jersey group of Fox Metropolitan Playhouses. Adams Brothers are now operating them in addition to the U. S. Paterson and Paramount, Newark, in which Paramount has a half interest.

Next Week

Chicago, Oct. 15.—Al Lichtman, in between trains today, said:

"I will announce whom I will be with next week. I have several deals open and will decide which one to take when I get to New York. I am not at liberty to discuss with whom they are."

Joseph M. Schenck and Al Jolson are also in the party, which arrives in New York on the Century Wednesday morning.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 16, 1935 No. 90

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Nash Board Head For Woolf's Unit

LONDON, Oct. 7.—Sir Philip Nash, K.C, M.G., C.B., a well-known financier who is chairman of Great Universal Stores, Ltd., and associated with British "fixed trusts," is chairman of the board of General Film Distributors, Ltd., C. M. Woolf's recently formed company. Woolf is managing director and the directors include J. Arthur Rank, D. L., chairman of British National Films, Ltd.; L. W. Farrow, an accountant representing City interests; Paul Lindenberg, banker; L. A. Neel, managing director of Capitol Prod., Ltd.; and Maurice Woolf, brother of C. M. and his associate in W. & F. Film Service many years ago.

Production companies for which G. F. D. will distribute are Herbert Wilcox Prod.; Garrett, Klement; Capitol Prod.; Denham Prod.; Radius Films; Cecil Films; Hammer Prod. and City Film Corp.

G. F. D.'s first two will probably be "Moscow Nights" and "Life of a Cossack," made at the London Films studio by Denham Prod. During the next 12 months, it is stated, Herbert Wilcox Prod. will make 10 films and the G. F. D. minimum output will be 20.

Grainger on Coast

HOLLYWOOD, Oct. 15.—James R. Grainger arrived here yesterday from San Francisco. He will remain a week, then go to New Orleans en route to New York.

Insiders' Outlook

By RED KANN

THIS department looked itself over the other day with shuddering results and made a mental note to set up a self-imposed manual of regulations, probably to be promulgated under the general heading of "Things and Such to Skip in Order to Avoid Annoyance." Hardly had the decision a fighting chance to assert itself when along came word from Sam Goldwyn which set matters back where they were at the beginning. For Goldwyn from Hollywood announced all of his future pictures with the exception of "The Dark Angel" and "Barbary Coast" would be sold to independents, describing the reason as an aftermath of his disagreement with Al Lichtman on the handling, and the results, no doubt, of the two attractions listed a couple of lines earlier. To make it complete and by no means ignoring the publicity value therein contained, Goldwyn then proceeded to list the films to be so sold. Demonstrating our desire to cooperate, we list them: "Splendor," "Navy Born," an untitled Merle Oberon and "Shoot the Chutes.". . .

▼

When the producer talks about the independents, he at once ignores the circuits even if he does not specifically mention them. Goldwyn really ought to know better and, moreover, we think he does. He should know, whether he regards the situation as a good or a bad one, that the big money comes from the chains at which he now directly takes a poke. This business of selling to independents will not permit him to come out on the expensive negatives he manufactures. If he is set upon establishing the point, he has it within his power to try out his theory. It will be expensive. Goldwyn must realize it. Because it is obvious to this space that he must, his latest statement ends up as a considerable slice of hooey no doubt engendered to get a lot of exhibitors excited about something they won't get. . . .

▼ ▼

Dave Loew, still remembering the bumps that marked a goodly portion of his air trip to and from the coast, expects to clear his desk at Loew's, Inc., and leave for Hollywood and his new partnership arrangement with Hal Roach about Nov. 1. The number of features which the studio will make next year has not been fixed, he explained yesterday; it's to be determined following talks with M-G-M which will release whatever the plant turns out. Just how far Roach will go feature and how far on shorts depends on the status of the twin bill market. There will be many around the town who will miss Dave's business fairness and the pleasantness of his personality. He will carry more good wishes and Godspeeds west with him than possibly he could know about. . . .

▼ ▼

We are somewhat tardy about the matter, but what follows is a line or two designed to fasten garlands on and around the pate of Charlie Einfeld for the manner in which he has handled and is handling the campaign on "A Midsummer Night's Dream." It may be news for Einfeld to read here that his confreres in the advertising profession are voluntarily commending this job as one of the finest they have run across in their experience, an experience, it might be pointed out, which collectively totals more years than is man's usual allotment on this or any other hemisphere. It is one thing for a commentator of the celluloid scene to dish out praise, but quite another and considerably more worthwhile, we think, for such orchids to be deposited by other men in the same division of the industry. . . .

▼ ▼

Point and counterpoint, Hollywood style: Irving Thalberg is seen or reported to have been seen talking something or other over with Goldwyn and Mary Pickford. The immediate result is what you suspect and connects Irving with United Artists. Now along comes Sam to say, with emphasis, mind you: "Nothing to it.". . .

▼ ▼

How do they carry on out there? Reports ricocheting from hill to hill yesterday had Sam Katz rejoining Paramount as head of production once again. Along comes Sam to personally quash the yarn with: "I'm not joining Paramount. I am happy where I am.". . .

▼ ▼

Each day a new home for Lichtman. He's been with Fox, Warners, Metro and Universal all in less than one week.

The original ambidextrous kid!

▼ ▼

We like Radio's modesty in advertising "The Last Days of Pompeii." Reads the copy: "The Biggest Show in 2,000 Years."

There was the World War, for instance. . . .

Bond Recuperating

Clayton Bond, chief film buyer of the Warner circuit who has been seriously ill in Philadelphia with the flu, is recovering rapidly.

J. J. Goldburg Joins Excelsior Pictures

HOLLYWOOD, Oct. 15.—Jesse J. Goldburg, formerly with First Division Distributors and from time to time an independent producer, today joined E. B. Derr and Charles E. Sullivan as vice-president in charge of distribution of Excelsior Pictures, formation of which was announced by Derr and Sullivan Monday evening.

The company, which will produce six features and will headquarter at the Talisman studio, declares it will specialize in development of legitimate stage talent evidencing screen promise. The first picture will be "Alcatraz"; the second, "The Hope Diamond Hoodoo"; third, "Daughter of Cleopatra" and fourth, "The Comstock Lode." Excelsior also owns rights to "The Rosary" and "The Lark." The first picture goes into work in two weeks.

Row in Chicago on Bookings Is Quiet

(*Continued from page* 1)

will become entangled when the actual playdates arrive is to be seen.

Some along Film Row are of the opinion that B. & K. plans a surprise move shortly and is lying low until the right moment arrives. So far no one has been able to guess what the surprise will be, if any.

Definite settlement of all troubles over this season's releases is expected to be reached one way or another in the next two weeks. By that time conflicts on the booking schedules, if any, will have appeared.

Sam Hardy Operated On

HOLLYWOOD, Oct. 15.—Sam Hardy, playing in the Goldwyn-Cantor film, "Shoot the Chutes," was rushed to the Hollywood Hospital late today for an emergency operation for an abdominal obstruction. His condition was reported as critical. The necessity of replacing him in the cast will mean the refilming of scenes two weeks in the making.

Mulvey Loses Mother

Mrs. Anna Mulvey, mother of James Mulvey, eastern representative for Samuel Golwyn, died early yesterday morning at her home in Elmhurst, L. I., after a lingering illness. Another son, John, and a daughter, Mary, survive.

The funeral will be held from Mrs. Mulvey's home on Friday.

Critics Ampa Guests

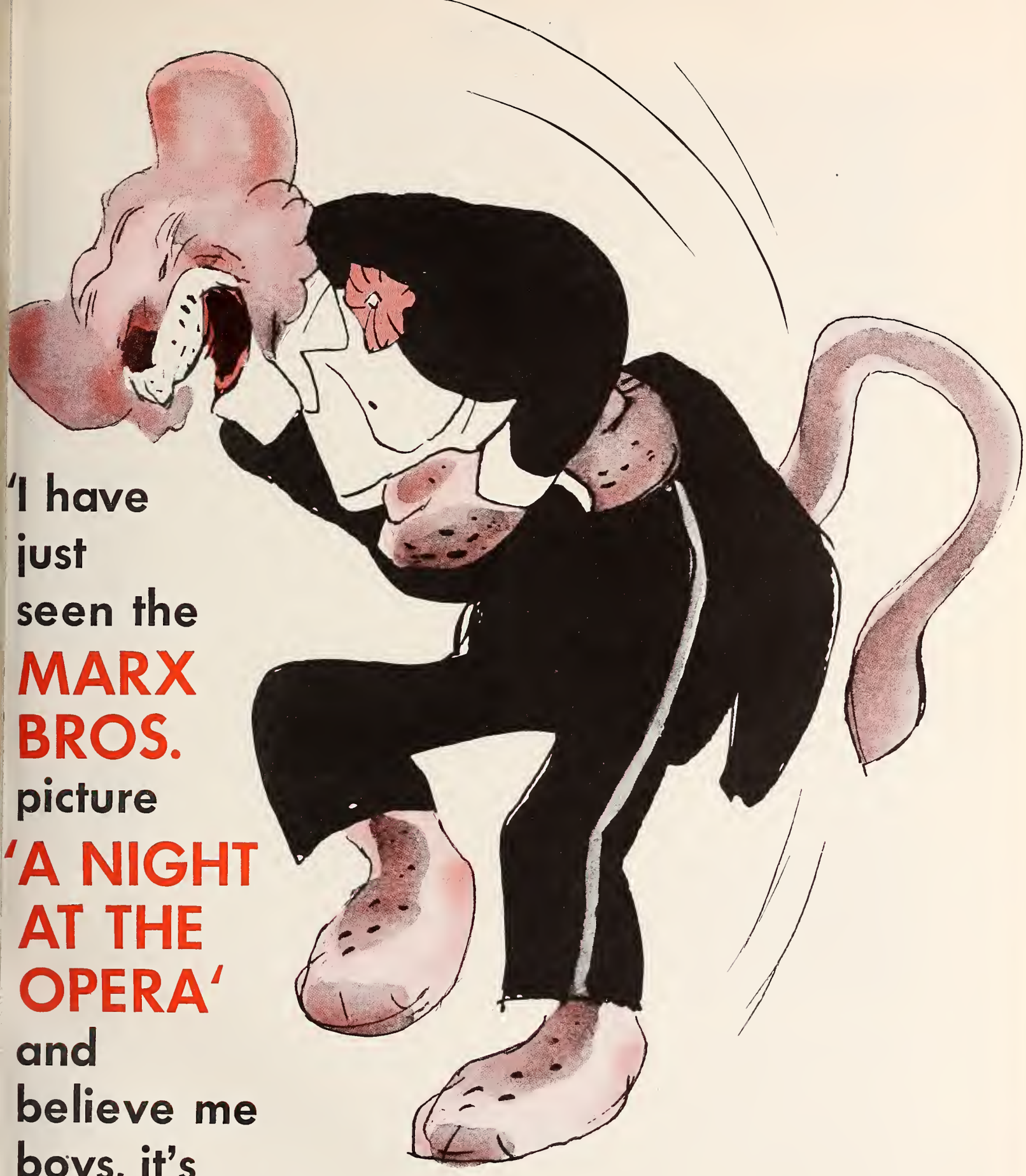
Virtually every New York newspaper motion picture critic will be present at the Ampa luncheon tomorrow at Jack Dempsey's. The principal speaker will be Frank Buck. A guest of honor and speaker will be Louella Parsons, Hearst feature writer, who arrived Tuesday on a vacation.

Zanuck Changes Title

HOLLYWOOD, Oct. 15.—Darryl Zanuck has changed the title of the 20th Century-Fox film, "Snatched," to "Show Them No Mercy," following the ban of the former title by the Hays office.

Whitney to New York

HOLLYWOOD, Oct. 15.—John Hay (Jock) Whitney, head of Pioneer, left here by plane for New York tonight.



'I have just seen the **MARX BROS.** picture **'A NIGHT AT THE OPERA'** and believe me boys, it's the funniest picture in ten years. I haven't stopped laughing yet."

Claims Group At Fault on Theatre Deal

(Continued from page 1)

two and a half weeks in the court room. Hardy is definitely determined to try and get these men out of the way as soon as possible so that they can report back to their headquarters.

Again the sultriness occasioned the removal of jackets in the court room. Ex-Senator James A. Reed was the first to take off his coat.

Frederick H. Wood, one of the Warner attorneys, this afternoon took exception to Hardy scolding him and asked the judge to advise the Government counsel to desist. There were the usual verbal clashes and objections. Before Reed could get started in his cross examination of Dysart this morning Prosecuting Attorney Hardy challenged the former senator on the admissibility of proposals made by Warners and the bondholders' committee in connection with the leasing of the three theatres in question. Hardy dared Reed to state a proposition in law which would justify admittance of a proposal drawn after a meeting between the bondholders' committee and Warners and later rejected by the former.

Allows Documents

Reed, however, didn't try to prove this point as Judge George H. Moore permitted the documents to be introduced. Reed had Dysart on the stand the entire morning and for a part of the afternoon trying to show that the bondholders and not Warners reneged on the plan offered for the Ambassador, Missouri and New Grand Central.

Sitting on the table occupied by the Warner legal staff and with his left foot resting comfortably on a chair, Reed read to the jury the first Warner proposal, Exhibit No. 35, then hurriedly passed over the revised plan, Exhibit No. 36. He then had Dysart point out the changes from Exhibit No. 36 to those in the reorganization plan submitted by Warners and identified as Exhibit No. 34.

During the cross examination, Reed asked Dysart whether he had been negotiating with Lawrence Stern of Chicago, representing Skouras Brothers, and Allen L. Snyder at the same time he was talking over a deal with Warners. The chairman of the bondholders' committee admitted he had. "We invited anyone who was interested in making a bid in the proposition," Dysart answered.

Annual Rental $174,000

"If you had a better proposition from Stern at the time you were negotiating with Warners would you have taken it?" Reed asked, to which Dysart answered, "Certainly."

Dysart denied the committee was playing a game with the various interested parties, stating the only factor he had in mind at the time was to get the best proposal possible. Dysart said he learned who Snyder's associates were on Feb. 16, 1934, and that he did not know Harry Koplar was in the deal until the properties were foreclosed. Asked the annual rental, Dysart replied that it was $174,000 for the three houses, of which the Ambassador paid $2,000 a week, the New Grand Central $350 weekly and the Missouri $1,000.

After the first two years the figure was stepped up and again boosted after five years. He stated also that Snyder put up $35,000 cash for the lease on the Missouri and $75,000 for the lease on the Ambassador and New Grand Central. When asked about the capital of the new company Dysart remarked the committee was not concerned with this and that "cash was the only guarantee."

After Dysart had been cross examined by Reed, Jacob M. Lashly, representing RKO, briefly interrogated the witness on the meeting at Joseph Grand's office here. Dysart told him upon questioning that, "We always preferred to have Warner Brothers as our lessees during the negotiations. We always thought they were the logical operators inasmuch as they previously had the three houses which had been known as Warner theatres.

"If we could have made as good a deal with Warners as we did with Snyder we would have preferred to have Warners take the theatres," he said.

Reed Sustained

Lashly then brought out the fact that neither RKO nor any of its executives took part in the conferences mentioned. A short recess was taken and the trial was forced to wait until two jurors returned. They had taken about 10 minutes extra. Just as Judge Moore called one of the infrequent respites, Reed misunderstood him and after he was straightened out he said, "I'm always for recesses."

Hardy asked Dysart upon redirect examination, "What was done, if anything, by F. & M. or Snyder in their negotiations to prevent Warners from getting the houses?" The witnesses didn't get a chance to answer when Reed objected and was sustained. Hardy then argued that this question was more relevant than the three bids which were submitted by Warners and which were gone over in some detail, but the question was not allowed.

Hardy registered nine objections in the morning session and was only upheld on one. In the afternoon he had better luck and won about six victories. William R. Gentry of Paramount, and Lashly met something of a setback in getting over objections to the inclusion of their clients in conversations or meetings held by Warner executives, certain of the bondholders' committee and others. Judge Moore overruled them every time they objected despite the fact that they rephrased them several times. Even after Dysart, Rosenthal, Levinson and Kreissman got through with their testimony the men arose again to qualify their objections but were denied. Wood now and then objected for Harry M. Warner and the Warner companies on the same grounds and received the same treatment.

Momand at Trial

A. B. Momand, Shawnee, Okla., exhibitor, who says he has a damage suit pending against all distributors, today showed up in court. He asserted he would appear every day for the rest of the week as an observer. David Idzal of the Fox, Detroit, also was in court visiting Sypros Skouras. Idzal said he would stay a few days. Frank Newman, Sr., also is here.

George S. Leisure, representing RKO, today told MOTION PICTURE DAILY he would not press his motion for dismissal of the indictments until the Government completes its case. He said he plans to make a motion then which will be based on the fact that it would be legally impossible for his client to perform a conspiracy inasmuch as the Fox had RKO product tied up and the distributor could not sell it away, and also for other reasons.

Rosenthal took the stand after Dysart and testified for about 15 minutes altogether. He said he and Frederick W. Strauss had gone to New York, where they met Herman Starr and Warner and offered to help in the local situation. Rosenthal said Warner advised him that the company had been badly handled by the bondholders' committee and he was not interested in the proposition.

Levinson on Stand

Warner told him, the witness stated, that the Orpheum and Shubert had been making money for the first time in a long while. Reed then objected to Hardy's questioning but when the prosecutor explained that the meeting had taken place two years ago Judge Moore ordered him to proceed. Wood then asked one question and was through. He queried, "Was the substance of the Warner and Starr answers that they were satisfied with the two theatres they had and weren't interested in another deal?"

"Yes," was the response. Gentry and Lashly didn't cross examine Rosenthal and then Levinson was called. The Chicago attorney was asked by Hardy what Starr had said about the local theatre situation at a meeting in Grand's office in May, 1934.

He said Starr told him Warners had invested a substantial sum in the three houses and were entitled to consideration from the bondholders. Levinson asserted he was general counsel for the Missouri Building Corp.

Starr declared Warners' plan was the best for the bondholders, Levinson said, "although the committee didn't agree with Warners, the company was prepared to expend $1,000,000 to protect their investment," he added. Levinson stated Starr objected to his assuming too much authority at the meeting and demanded that the chairman preside.

Hardy Presses Queries

"What did they say in regard to business at the Ambassador, Missouri and New Grand Central," Hardy asked the witness. Levinson said he didn't recall anything outside of the statement by Starr, who was declared to have said, "Warners had franchises for other companies' films in addition to Warners-First National and without this product the three houses could not operate successfully." The prosecuting attorney at this point tried to press the question, "Anything else?" and even recalled to the witness that he had made a remark to him during lunch hour. Wood objected but was overruled.

"Didn't Mr. Starr tell you at the meeting that the competition to be conducted by Warners at the Shubert and Orpheum would prevent successful operation by the lessees of the three other houses?" Hardy asked Levinson.

"In substance Starr said the three theatres would not be successfully operated without sufficient films and that Warners had Paramount, RKO and Warners for its two houses," the Chicago counselor testified.

After the Government attorney finished with Levinson, Gentry requested that the subject matter developed should not have any bearing on Paramount. He objected and was followed by Lashly and Wood but all three were overruled.

Kreissman, currently an insurance broker, also was queried about a meeting on June 6, 1934, in which Starr acted as spokesman for Warners. Kreissman stated Starr complained of the Snyder deal when he considered the Warner proposition better. The ex-mayor said Starr advised him that, "The lessees of the three houses would find themselves without sufficient product."

"I told Starr for his benefit and in the hearing of all at the meeting that I was tired of listening to such threats and assertions and I was for the consummation of the deal with Snyder." Asked to describe Starr's manner, Kreissman said, "He was rather defiant and assertive of his company's ability to interfere with the profitable operation of those theatres." Reed entered an objection and was sustained.

Before finishing with him Hardy asked Kreissman, "You were mayor of St. Louis, weren't you?"

"Yes, but it was so long ago I had forgotten about it."

Kreissman Cross Examined

Wood then took up his cross examination of the former mayor and after asking him his recollection of the Warner proposal at the June 6 session presented Kreissman with the original document and showed him where he erred in certain instances.

Just as Wood was about to finish with his witness Hardy interjected, waving his hand at the Warner counsel, "Give the witness a chance to finish." It was shortly before this command that Hardy scolded Wood and the latter brought the matter to the court's attention.

With five witnesses of his revised list of 40 already scratched off Hardy spent the greater part of tonight rearranging his program to call tomorrow Spyros Skouras, Jules Levy and other out-of-towners. After the criminal trial is over all witnesses will return for the equity case which goes on immediately following the indictment sessions.

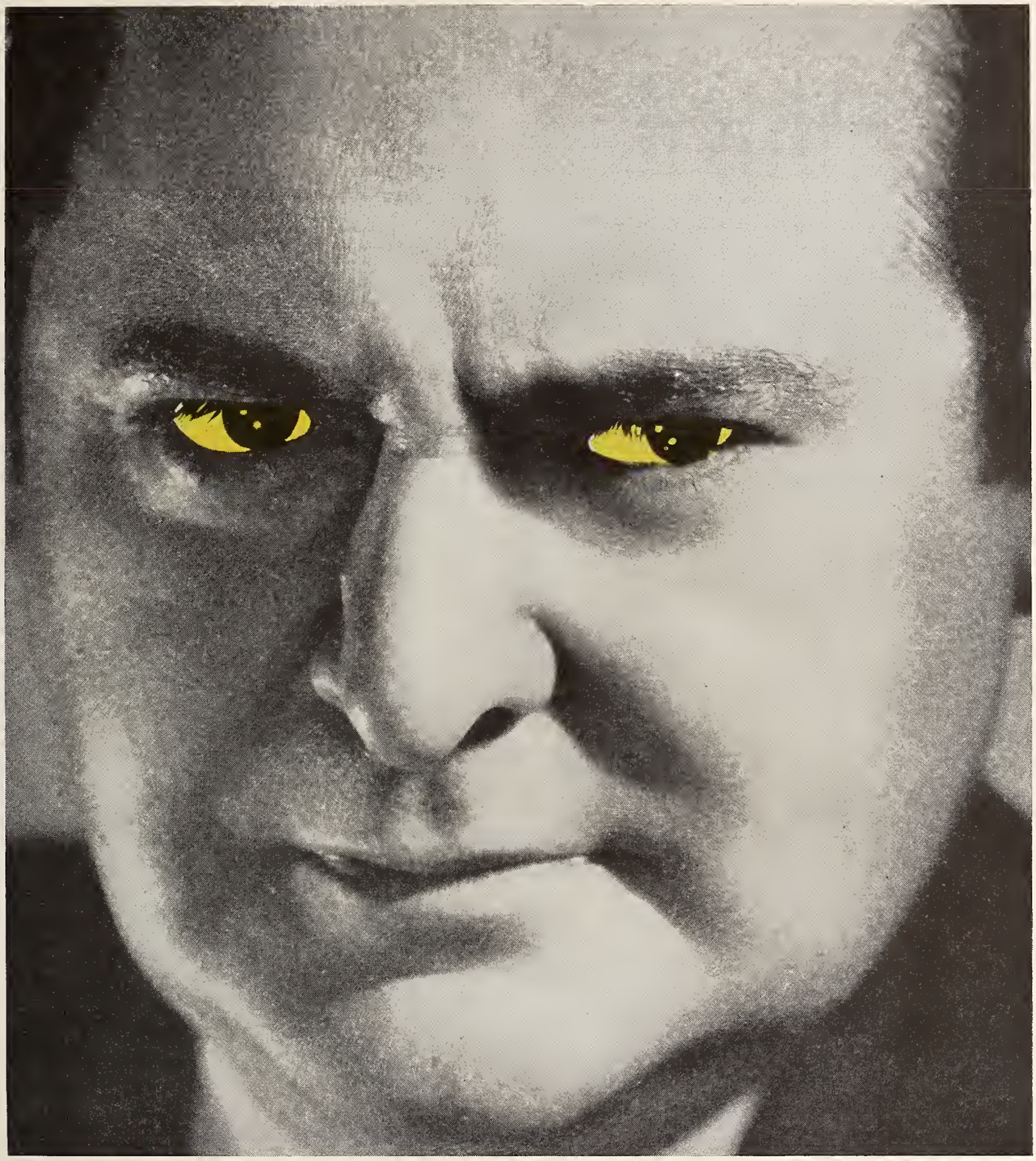
About a half-dozen or more witnesses are expected to testify tomorrow.

Paramount Group Excused

ST. LOUIS, Oct. 15.—The first group of out-of-towners to be excused by the Government until needed in the anti-trust trial is George J. Schaefer, Neil F. Agnew and Austin C. Keough. The latter two are witnesses and the former a defendant.

Pressure of business took the trio east last Thursday with intentions of returning here for resumption of the trial Monday. However, when Louis Phillips, Paramount home office attorney, reported yesterday's developments to Schaefer via long distance telephone, he also notified the group they might remain in New York indefinitely, but subject to a 24 hour call. The only Paramount home office representatives now on the scene are Phillips and Irving Cohen, the latter also of the legal department.

Local exchange managers have tried to be placed on an indefinite-absence-until-needed basis, but have been refused. They are spending mornings and afternoons in court and so are working to all hours of the night in an effort to clear their mail and approve contracts requiring their sanction.



Nothing escapes the penetrating eyes of uncanny Danny Harrison, the most ingenious, most lovable detective the world has ever known! Portrayed by the star of "Diamond Jim" in Universal's startling new production . . . . . .












CARL LAEMMLE
proudly presents a million dollar cast in Universal's picture of a thousand surprises . . . . from the novel by Adam Hobhouse . . . . the story that's making millions talk ! . . . . . .

starring

EDWARD ARNOLD • CONSTANCE CUMMINGS • SALLY EILERS

and **ROBERT YOUNG** *in*

REMEMBER LAST NIGHT?

JAMES WHALE'S GREATEST ACHIEVEMENT

with **ROBERT ARMSTRONG • LOUISE HENRY • GREGORY RATOFF**

REGINALD DENNY • ED BROPHY • MONROE OWSLEY

A CARL LAEMMLE, JR. PRODUCTION

Denies "Deal" With A.T.&T. On Television

(*Continued from page* 1)

committee was designed to show, he said, that Otterson's previous connection with Erpi, "a subsidiary of a subsidiary of A. T. & T.," disqualified him from holding the Paramount presidency, because of Erpi's big stake in the company through its sound equipment sales and of A. T. & T.'s stake because of its growing interest in television.

Otterson denied during the course of a long examination that he had sought the position. It came to him, he said, through the invitation of a committee made up of H. A. Fortington, Floyd B. Odlum and John D. Hertz.

Fortington had previously testified to the same effect.

Salary $3,000 Weekly

His salary, he testified, was $3,000 per week under a five-year contract. He admitted that if the profits of the company increase the stockholders may inaugurate a profit-sharing system for officers under which his salary will be cut to $2,000 per week and a share of the profits substituted for the cut.

Congressman Sabath asked sharply whether he thought this desirable in view of the fact that "millions had been spent in bonuses during prosperous times, with the result that the company had been unable to stand one bad year." Otterson did not answer.

In reply to a direct question as to whether his former connection with Erpi would tend to make him sympathetic to that company's interests, Otterson replied:

"Whether I would lean in favor of Erpi or whether I would lean over backwards to avoid favoring Erpi depends entirely upon your judgment of my character."

Congressman Sabath shifted the line of questioning by saying that he was interested in what had happened to the thousands of bondholders in theatre properties as a result of the cutting of rentals and disavowing of leases during the bankruptcy.

May Question Hertz

Otterson said that during his short tenure of the company's presidency he had devoted practically all his time to production matters. Asked about S. A. Lynch, he said that he was an "advisor, consultant and associate" on theatre matters. He admitted that Lynch had conducted most of the theatre negotiations during the reorganization. Sabath indicated Lynch would be called.

Kraushaar interpolated that the committee also would want to question Hertz. He told the committee Hertz was in Chicago at the moment and suggested the inquiry be kept in session until his testimony has been heard.

Fortington was the first witness of the morning. He detailed his connection with various British insurance company creditors of Paramount and the steps leading up to the association of his group with Floyd B. Odlum's Atlas Corp. and Lehman Bros. in pushing the reorganization, selecting Otterson as president and securing four representatives on the board.

Adolph Zukor was not continued as president, he testified, because the group "did not feel that the man who had been head of the company when it got into all its troubles should be its head when it was getting out."

Zukor, it was testified further, gets $80,000 a year, but has no contract with the company, "because he did not want a contract."

Fortington denied that British influences were attempting to get control of Paramount.

"The question of control was not brought up," he asserted. "It was a creditors' reorganization. It's possible that bankers will get out of the company when they have taken their money out."

Later Fortington said that his association with Odlum came about by accident at lunch. Hertz and Lehman Bros. approached him later, he declared.

Doubt About Claim

"Did you take up with Kuhn, Loeb & Co. or Sir William Wiseman any problems in connection with the company?" asked Congressman Sabath.

"We ran our affairs independently," he replied. "My association with Kuhn, Loeb has never been very close."

Questions were asked about the Odlum-Atlas interest in the RKO organization and its possible connection with Paramount, but Fortington replied that he knew nothing about this, as his only connection with Atlas was as one of the Paramount creditors.

At one time, Fortington admitted, in reply to a line of questions designed to show that Erpi was moved to take control of Paramount because of its heavy claim, that there "had been some doubt about the claim because of the Tri-Ergon patent litigation."

At the close of the morning session Sabath informed Otterson that the committee had had some difficulty in getting information about theatre leases. Otterson expressed surprise. Austin C. Keough leaned toward the committee counsel, and Kraushaar informed the committee that "the information would be forthcoming."

Theatre a "Monument"

Paramount built a $16,000,000 "monument" in Brooklyn that isn't worth $1,000,000 at present, in the opinion of William M. Greve, former president of N. Y. Investors, Inc., and at present one of three trustees in charge of the reorganization of Allied Owners, Inc.

Allied Owners, one of the subsidiaries of N. Y. Investors, floated $9,500,000 in bonds and $2,500,000 in debentures for the erection of this theatre and also floated securities for several other houses erected during the boom period.

Greve's testimony was presented during the afternoon session of the Sabath committee's probe.

Congressman Sabath wanted to know why such large sums had been floated.

"Paramount made a deal with Thompson-Starrett for building the house and put up 15 per cent of the cost. We went into it to make money," Greve replied, and "stood to make $4,000,000 or $5,000,000 over a period of years."

In response to further questions Greve said at the time Paramount built the house it thought it would have enough "big shows" to fill it, and actually made money at the start. "At present it hasn't the shows," Greve continued, "and the cost of maintenance of all that marble and decorations is heavy."

The house was sold recently to Si Fabian for $1,250,000.

Meyer Kraushaar tried to bring out that Greve was in an anomalous position as trustee for Allied Owners, which might have a claim against N. Y. Investors, but Greve insisted U. S. District Judge Inch in Brooklyn had ruled on the propriety of the position. He asserted that in the reorganization the first mortgage bondholders of Allied would get 84 per cent, and that the total loss to bondholders eventually would not be more than five per cent. Trustees have received no expenses or fees during the reorganization, he insisted.

Greve declared that N. Y. Investors, which also had as one of its subsidiaries Prudence Co., which handled the financing of the Paramount building and theatre, had guaranteed mortgages up to $170,000,000. He could not estimate the proportion in default.

Further probing of this and other phases of the company's ramifications will be continued by the committee today.

May Take the Stand In Their Own Cause

(*Continued from page* 1)

called by the prosecuting attorney to testify against himself. However, if defense counsel decides to place the indicted parties on the stand as their own witnesses, the Government then has the right to cross examine, but only on questions brought out in direct examination.

That defense attorneys are considering putting the five indicted film executives on the stand was indicated today. Unless the testimony of the various Government witnesses indicates a conspiracy on the part of Warner, Starr, Sears, Depinet and Schaefer these men will not testify.

So far the Government has been trying to link up conferences in New York between Harry C. Arthur and Schaefer, Depinet, Sears and Starr as tending to bring about concerted action by RKO, Paramount and Warners in refusing to do business with F. & M. here.

Warner's name has not yet been connected with the various sessions held and on Monday while Thomas M. Dysart, chairman of the bondholders' committee for the Ambassador, Missouri and New Grand Central, told of his meetings and conversations with a group of Warnerites, no mention of his being present had been made. Hence, Frederick H. Wood, one of the Warner counsel, joined attorneys for RKO and Paramount, in objecting to inferences that their clients may have been a party to the conversations or developments at the meetings.

"Dream" Coast Opening

HOLLYWOOD, Oct. 15.—"A Midsummer Night's Dream" has its Hollywood opening at the Beverly Wilshire here Wednesday.

Morros to Coast

Boris Morros leaves for Hollywood Friday finally to reorganize the music department at the Paramount studio.

Patent Quiz Opened Here By Sirovich

(*Continued from page* 1)

Erpi. Damages sought, $1,500,000.

In the recent court actions brought by General Talking Pictures Corp. and Duovac Radio Corp., which asked for damages totaling $40,000,000 from the same defendants, Berger appeared as a witness against Erpi.

Congressman William I. Sirovich, New York, chairman of the patents investigating committee, opened the hearing yesterday with the statement that "the committee has no axes to grind; no interests to serve. We are here to find facts and to survey the patent pooling and cross-licensing field for the first time."

Has $15,000 Appropriation

Apprised of Berger's and Vatner's association with the lawsuits pending in the Federal court against the companies whose officials have been subpoenaed by the committee and who will be subject to free interrogation by Berger, as counsel for the committee, Sirovich said: "The committee will avail itself of anyone who can furnish us with information. The existence of these lawsuits is of no concern to the committee. We are just trying to find out facts. These men you refer to will get us facts. The big interests won't help us."

The committee of seven members of Congress is functioning on an appropriation of $15,000. In a statement issued yesterday the committee said that its "limited appropriation made it impossible to do more than conduct a preliminary survey of the effects patent pools and cross-licensing agreements have to H. R. 4523," the Sirovich bill which would require the filing of information on all cross-licensing agreements and patent pools with the Patent Office. It would also empower the Federal Trade Commission to bring action against any such agreements believed to be inimical to the public good.

Swope Testifies

The committee's first study, the statement said, would embrace "the most important single patent pool in existence, that to which A. T. & T., R. C. A., Westinghouse and General Electric are parties."

Dr. Jewett, as the first witness, described the functioning of the Bell Laboratories and the relation of that unit to the A. T. & T., Western Electric and Erpi.

Gerard Swope, president of General Electric, the second and last witness of the day, said that he would have "not the slightest objection" to enactment of the Sirovich bill.

Questioned about the probability of commercial television, Swope indicated that he believed it to be remote and said that G. E. owned no television patents. He also stated that he did not fear a monopoly in commercial television.

Witnesses scheduled to be heard by the committee today include George Quigley of Vitaphone; Edgar S. Bloom, president of Erpi and Western Electric; M. A. Schlesinger, president of General Talking Pictures, and David Hochreich.

Purely Personal

M. A. SCHLESINGER, PHIL REISMAN, BOB GOLDSTEIN, MONROE GREENTHAL, STAN SHUFORD, LOUELLA PARSONS, MORTON DOWNEY, SAM DEMBOW, HERMAN J. ROBBINS, MARTIN QUIGLEY, DICK WATTS, JOHN BYRAM, ARTHUR CAESAR, HEYWOOD BROUN and the F. TONES at "21" yesterday.

•

JOE COOK, RUBE GOLDBERG and SAM TAYLOR have been named judges of a silly invention contest featured in the current issue of *Mickey Mouse Magazine*, for which $5,000 worth of merchandise prizes will be awarded.

•

GANJOU BROTHERS and JUANITA, acrobatic dancing act; CASTLE, ARDEN and FAY, and MURRAY WOOD, comedian, have been added to the cast of the new revue which opens Friday at the Roxy.

•

MORT BLUMENSTOCK is due back from Philadelphia tomorrow night after a week of work there on the opening of "A Midsummer Night's Dream."

•

CON MACSUNDAY, ROBERT WALLSTEN and JOSEPH SWEENEY have been signed by BEN HECHT and CHARLES MACARTHUR for "Soak the Rich."

•

MIRIAM HOPKINS, now at work in "Splendor," on its completion will go to London where she will appear in a play by A. A. MILNE.

•

GEORGE BARNETT, president of Modern Film Sales, leaves Saturday for California where he sets sail on a world business trip.

•

ARTHUR JARRATT, chief film booker for the G. B. circuit, sails for London tomorrow. He visited Hollywood while on this side.

•

HAROLD BAUMSTONE, former editor and actor, has joined Pictorial Film Library, Inc., in an executive capacity.

•

ELISSA LANDI will essay the lead in "Tapestry in Gray," one of many impending stage plays.

•

EDWARD G. ROBINSON left New York by train yesterday, en route to the coast.

Bank Night Sues Again

KANSAS CITY, Oct. 15.—Affiliated Enterprises, Inc., Denver, has filed suit in the U. S. district Court at Topeka, charging Blair Theatre Enterprises, Inc., of Mankato, Belleville, Smith Center and Osborne, Kan., with infringement against Bank Night. The Blair houses have been operating with Cash Night.

The Bank Night patent holders ask for a restraining order and damages.

McDonough West Soon

J. R. McDonough expects to leave for the coast the end of the week. He plans to attend a meeting of the RKO board of directors tomorrow.

Ford for Hepburn Film

HOLLYWOOD, Oct. 15.—John Ford will direct Katharine Hepburn in "Mary of Scotland."

Looking 'Em Over

"Confidential"

(*Mascot*)

An effective effort in the cycle of "G" Man films, "Confidential" contains all that makes for good melodramatic fare. Building up to an exciting climax from a well-composed story it should go well with average audiences.

"G" Man Donald Cook is assigned to track down the chief of a petty racketeering syndicate. In his investigations his assistant is killed. Cook feels that he was responsible for the murder and ponders resigning. Convinced by his chief as to the murderer, he sets out anew, insinuating himself with the aid of talkative Warren Hymer into the mob. A romance with Evalyn Knapp, who bookkeeps for the "numbers" part of the outfit develops. Miss Knapp is deceived by his posing, as is Hymer. As the Government net closes in a college chum of Cook's is killed by J. Carroll Naish, who pins the murder on Cook before the murdered boy's father, Herbert Rawlinson, who is the master mind behind the racketeering. The intrusion of G Men saves the day for Cook and he settles with Naish in an exciting bit of fisticuffs.

Naish grimaces in expert supporting role style. Other bit players include Theodore Von Eltz and Morgan Wallace, who acquit themselves well. Edward L. Cahn's direction is good. The screen play by Wellyn Totman and Olive Cooper is expertly adapted from the story by John Rathmell and Scott Darling.

Production Code Seal No. 1,472. Running time, 65 minutes. "G."

Connecticut Police Drive on Crowding

NEW HAVEN, Oct. 15.—The beginning of what is reported to be a statewide drive against overcrowding has been made in eastern Connecticut towns. State Police have caused operators in Jewett City, Plainfield, Moosup, Baltic and neighboring towns to stop the sale of tickets on Bank Night, Cash Night, Movie Sweepstakes or other special attractions, when the seating capacity has been reached.

Wall Street

Stock Trading Irregular

	High	Low	Close	Net Change
Columbia	68½	66	66¼	— ¾
Consolidated	5	4¾	4¾	.....
Consolidated, pfd..	17½	17	17	— ¼
Eastman	156½	155½	155½	.....
Loew's, Inc.	49	48	48	+1½
Paramount	11	10¾	10¾	— ⅛
Paramount, 1 pfd	96¾	96	96	— ⅝
Paramount, 2 pfd	13½	13¼	13¼	— ⅛
Pathe Film	5⅞	5½	5½	.....
RKO	5⅞	5½	5½	— ⅜
20th Century-Fox.	17¼	16⅞	16⅞	+ ⅛
20th Century, pfd.	26¾	26½	26½	— ⅛
Universal, pfd	35	35	35	+1½
Warner Bros.	8⅛	7¾	7¾	— ¼
Warner, pfd	44¾	44	44	— ½

Little Curb Activity

	High	Low	Close	Net Change
Sonotone	2⅞	2¾	2⅞	.....
Technicolor	19⅞	19½	19½	— ½
Trans-Lux	3	3	3	— ⅛

Bonds Maintain Levels

	High	Low	Close	Net Change
General Theatre 6s '40	16	15½	15½	.....
General Theatre 6s '40 ctf	15⅝	15½	15⅝	.....
Keith B. F. 6s '46	88½	88½	88½	—1
Loew's 6s '41 ww deb rights	105¼	105¼	105¼	+ ¼
Paramount B'way 3s '55	61½	61½	61½	+ ½
Paramount Pict. 6s '55	96¾	96½	96½	— ⅛
RKO 6s '41 pp	83	83	83	—1
Warner Bros. 6s '39 wd	83¼	82⅞	82⅞	— ⅛

(Quotations at close of Oct. 15)

Cooper Flying East; Goes Abroad Shortly

Merian C. Cooper, executive vice-president of Pioneer Pictures, is flying here accompanied by his wife, Dorothy Jordan, to confer with John Hay Whitney on final arrangements for production of the company's program of eight Technicolor features. Later, Cooper sails for Europe.

In England he will meet with British producers to study possibilities of producing Technicolor features there as well as in Hollywood. From there he goes to Vienna on a talent hunt. He also expects to visit Italy to complete negotiations for the purchase of a play.

John Speaks, Pioneer's general manager, takes over Cooper's duties at the studio during his absence.

Martin Assigned

HOLLYWOOD, Oct. 15.—Francis Martin, Paramount writer, returned yesterday by plane from a two-week New York vacation. Prior to his departure east, Martin finished work on the script for Eddie Cantor's picture.

Martin's first Paramount assignment on his return will be "Florida Special," a "Grand Hotel" idea in that all the action of the picture will take place in a train running between New York and the winter resort.

M-G-M Re-Signs Tone

HOLLYWOOD, Oct. 15.—Franchot Tone has been signed to a new long term contract by M-G-M. He is on vacation in New York.

Two other contracts have been awarded by M-G-M, one to Eleanor Stewart, talent contest winner, and the other to Richard Thorpe, who directed "Mala."

Union Loses Stay Plea

The Eltinge is free to employ any operators it chooses until a hearing is given on the Allied M. P. Operators' Union suit against the theatre for alleged violation of contract. N. Y. Supreme Court Justice Dore yesterday refused to grant a stay requested by the union.

S.M.P.E. Fall Meeting Set; 350 Expected

With an attendance of 350 anticipated and approximately 50 technical papers to be read, the four day fall meeting of the Society of M. P. Engineers is set for the Wardman Park Hotel, Washington, Oct. 21-24. New officers are to be named.

Although no particular subject is to be emphasized, four of the seven technical sessions will be devoted to special topics including "Screen Brightness," "Problems of Sound Photography" and "Motion Picture Equipment" in general. A number of papers by government officials describing Federal activities in films will be given.

The Tuesday afternoon session will be held in the auditorium of the U. S. Bureau of Standards at which time K. S. Gibson and D. B. Judd, both of the Bureau of Standards, will deliver important papers. Lyman J. Briggs, Director of the Bureau, will preside.

The growing importance of 16 mm. photography is indicated by the fact that there are seven papers to be devoted to this subject. Educational talking pictures will come in for their share of attention with three papers.

Previews of new pictures will be given on two nights. On Wednesday night the semi-annual banquet will be held in the Continental Room of the hotel at which time presentations of the Society of M. P. Engineers' Journal award and the Progress Medal will be made. The Progress Medal is a new award created to honor any individual member for outstanding work.

Presentation will also be made of a Scroll of Honorary Membership to Thomas Armat of Washington, D. C.

The highlight of the banquet will be the address of Will H. Hays, which will be broadcast over the entire "red" network of NBC, WEAF being the station to broadcast the address in the New York area.

A number of distinguished foreign engineers will be in attendance. One of these is A. F. Chorine, Director of the Central Laboratory of the All-Union Electrical Trust of Leningrad. All technological development in Russia is under the direction of Professor Chorine.

Great States, Alger Pool; End Rivalries

CHICAGO, Oct. 15.—An intense rivalry that lasted for years has ended with the pooling of theatres in La Salle and Peru, Ill., by Great States and the Alger circuits. The Majestic, La Salle and Roxy in La Salle and the Peru and New Star in Peru, will now be handled by a new firm, the La Salle-Peru Theatres, Inc.

E. E. Alger has been named president; Jules Rubens, vice-president; Abner Kline, secretary and E. H. Upton, treasurer.

Berman Heading East

HOLLYWOOD, Oct. 15.—Pandro Berman, associate producer for Radio, leaves for New York Nov. 1 on a vacation. He denies eastern reports the trip will concern a salary adjustment upward.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 91 NEW YORK, THURSDAY, OCTOBER 17, 1935 TEN CENTS

Hardy Attack Hits Starr's Part in Deal

U. S. Airs Sessions With Warner Executive

By BILL ORNSTEIN

St. Louis, Oct. 16.—Concentrating its attack on the part Herman Starr, president of First National and Warner executive, played in the local theatre situation, the Government today put on the stand four witnesses who attended meetings at which Starr was said to have made plain Warners' position in the matter of the Ambassador, Missouri and Grand Central, and what the company would do in the event Allen L. Snyder and F. & M. finally got the theatres.

The four Government witnesses who described conversations by Starr were Jack Partington, president of F. & M.; Jacob Chassnoff, a member of the local legal firm of Taylor, Chassnoff & Wilson; Frederick H. Strauss of Chicago, a member of the bondholders' committee for the three houses, and Joseph H. Grand of Greensfelder & Grand, local attorneys.

In addition to these witnesses, Rus-

(*Continued on page 8*)

Lack of Film Shuts Mexico City House

First result of a stoppage of distributions of films to Mexico which swung into effect with the end of September is the shutdown of the Olympia in Mexico City, one of the two leading first runs in the city. With no new American product being sold, Mexican theatres are depending on American films still in circulation, German and French product and whatever Mexican pictures may be available.

Foreign sales managers resident in New York are of the opinion the tax situation which resulted in the stoppage may be adjusted shortly with benefit in the settlement for all interests concerned.

Flint Men to Talk Dual Ban Extension

Flint, Mich., Oct. 16.—Local exhibitors will meet soon to decide whether they will continue their present agreement to use but one double bill a week.

James M. Minter, owner of the Ritz and Family, said he would ask exhibitors to discuss the matter. It seems certain, however, that the agreement will not be renewed.

Federal Officials Receive 15 Complaints in St. Louis

St. Louis, Oct. 16.—Fifteen new complaints for alleged violation of the Sherman anti-trust act have been received in six days from independent exhibitors by Department of Justice officials here prosecuting the indictments handed down Jan. 11 against Harry M. Warner, Herman Starr, Gradwell L. Sears, Ned E. Depinet and George J. Schaefer, Paramount, Warners and RKO and their subsidiaries. Four protests were made last week alone to Russell Hardy, Government attorney trying the case, in the courtroom. Three exhibitors orally complained of alleged illegal practices and a fourth made his protest in writing, directing the letter to Hardy at the Federal court here.

In addition to the three complainants appearing last week, the Department of Justice official has had a similar number approach him during court recesses to make formal protests. Although Hardy has stated in court that the Justice Department has received well over 100 exhibitor complaints, the first of the grievances to reach here directly was on Oct. 4, two days after the newspapers began to cover the developments at the trial. A brace of complaints arrived on that day.

Additionally, Don Thornburg, who operated two Marshalltown, Ia., theatres which he said he was forced to lease to Mort Singer because product was unavailable, attended the first three days of the sessions. George Wright, a Dallas attorney representing Paramount in that territory, has also been a spectator during the last three days. Ruben Frels, Texas independent, has filed suit against Jefferson Amusement Co., Paramount affiliate, which is being investigated by the Department of Justice. William Youngclaus, Nebraska exhibitor, who has a conspiracy suit pending in the courts, is expected here this week. He has told distribution officials of his plan to return.

Alabama Sales Tax Move Renews Fight

Birmingham, Oct. 16.—A retail sales tax which has been voted down in Alabama more times than can be counted on one hand has bobbed up again, this time sugar coated with a $2,000 homestead exemption. Governor Bibb Graves, who went into office on an anti-sales tax platform, has announced that he will call a special session of the legislature to consider a three per cent sales tax "for the schools" coupled with the homestead exemption.

Should the legislature enact such a dual measure, it will have to be submitted to vote of the people. Retail interests represented by the Alabama Independent Merchants' Ass'n., have called a statewide meeting for this week to launch a fight against the tax no matter what other inducements are offered. Theatre interests are lined up solidly behind them.

Agitate for Special Session in Missouri

Kansas City, Oct. 16.—Agitation for a special session of the Missouri legislature to provide additional old age pension funds has been started by the St. Joseph unit of the National Old Age Pension Society.

A special session was talked some time ago in connection with the one per cent sales tax. A suit will be heard this month at Jefferson City on the issue, and some observers regard a special session as likely if the tax is pronounced unconstitutional.

Report New B. & K. Move on Clearance

Chicago, Oct. 16.—B. & K. today were understood to have commenced pulling dates on product of distributors who have refused to give them the extra clearance that circuit is asking. Film Row is literally holding its breath awaiting the outcome of conferences to be held in New York by Barney Balaban and Walter Immerman on the clearance situation.

Here on Clearance

Barney Balaban and Walter Immerman of B. & K. are here seeking to line up distributors on seven days' extra clearance demanded. Word from Chicago last night had it exchanges there had set and approved November releases on the old clearance plan, thereby indicating B. & K. had lost their battle. Balaban and Immerman could not be reached for a statement.

Philadelphia Jury Ends Lottery Cases

Philadelphia, Oct. 16. — The Grand Jury today dismissed lottery cases against four exhibitors, Allen Lewis, Emanuel Lewis, John Ehrlich and Iz Schwartz, who have been using Bank Night and Lucky.

The action lends strength to the belief that the law will not interfere with prize giveaways which have been sweeping the territory.

Patent Probe In a Stew on Lawyer Status

Committee Confers, and Berger Admits All

The investigation of patent pools and cross-licensing agreements by the Sirovich Congressional Committee, in progress at the Fifth Ave. Hotel, yesterday became almost a secondary concern of the committee in the face of its earnest efforts to explain why David G. Berger, counsel for six plaintiffs in large damage suits against A. T. & T. and subsidiaries, is also counsel for the committee investigating the affairs of those companies.

This dual position of Berger, disclosed in Motion Picture Daily yesterday, caused the committee to convene in executive session at the noon recess of yesterday's hearing and again following adjournment for the day. Newspaper reporters were promised statements by the committee in advance of both sessions and both times were put off without statements being forthcoming.

Confronted by reporters in his hotel room, Berger, however, capitulated and presented his side of the unusual situation after first insisting that he had been instructed by the committee to make no statement and

(*Continued on page 9*)

Lichtman Back, But Is Silent on Plans

Al Lichtman returned from Hollywood yesterday. He refused to discuss his future plans which he indicated had not yet taken definite form. "I'd like to get a couple of fellows and make a trip around the world and forget the picture business for a time," he said last night. Pending completion of plans, Lichtman is contemplating the use of Arthur W. Stebbens' office as temporary headquarters.

Expect Walker Here By End of October

James J. Walker, former mayor of New York, is expected to return to New York the end of this month when he will resume the private practice of law, intimates divulged here yesterday.

It is understood he was approached by Harry Brandt, president of the I.T.O., via transatlantic telephone, to head the independent theatre organization here, but rejected the proposition.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 17, 1935 No. 91

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpuhco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12 Single copies: 10 cents.

Rosenblatt Suggests Industry Peace Road

ATLANTIC CITY, Oct. 16.—Adoption of A. F. of L. standards as the prevailing wage and hour rate in all localities would lead the way to industrial peace, declared Sol A. Rosenblatt here today before the convention of the A. F. of L.

Rosenblatt, who is now impartial chairman of the coat and suit industry of New York, said this would remove the tendency of employers to attempt "to divide and conquer unions." There would be no profit in attempting to divide employes, he said.

Rosenblatt predicted that Congress would enact laws halting interstate transportation of goods not produced under prevailing wage and hour standards.

Charter Zeidman Film

ALBANY, Oct. 16.—Zeidman Film Corp. has been chartered by Eleanor Brook, Travis S. Levy and I. Jack London.

William Crosby, Inc., has been chartered by Julia Weisberg, Irving Bloomberg and Siegfried Cohen.

Warner Meets Dec. 9

Directors of Warner Brothers Pictures, Inc., held a routine meeting on Tuesday at which plans for the annual meeting of the corporation were outlined. It is slated for Dec. 9 at Wilmington, Del.

Purely Personal

M. B. SHANBERG was one of the guests of honor of The Off-the-Record Club yesterday and GREGORY LA CAVA, the other. The latter, giving The-Off-the-Recorders a new sort of experience proved a sort of phantom. He showed up alright, confined his libations to gin rickeys and then disappeared from the scene. He has waiting at "21," therefore, the following whenever his palate desires it:

1.—Blue point cocktail.
2.—Hamburger "21."
3.—Green salad, French dressing.
4.—Demi-tasse.
5.—Brandy (or another gin rickey).

•

PHIL REISMAN, SAM DEMBOW, HERMAN ROBBINS, FRANK BUCK, JACK CONNOLLY, RALPH ROLAN, DOROTHY MACKAILL, and "TOOTSIE" BARTLETT among others at JACK AND CHARLIE'S.

Quip of the Day

DEAR M. P. DAILY:

I never ran a Bank NITE or even a BUNK night. But because my competitor plays all kinds of nights, I get the pains without the pleasure, if any.

From my rival theatre, mind you, a woman won an auto. So she calls me up, mind you, to service it.

So with all my courtesy, because the customer is always right, I told her to go to the garage where she won it.

Another case: A man won a refrigerator. He said it got hot, instead of cold. So Admiral Byrd's telephone I gave him, only opposite.

A sweet lady told me her china she won was chipped. She's now writing to Pottstown, Pennsylvania, for repairs.

Even though you don't run an "advice to heartsick" column, tell me how can I straighten out my customers, who mix up my theatre with an open-air market?

Shall I change my front? Get a new cashier?—or give triple bills?

MOX SHOBBUS.

P. S. I would like an answer from you, or another substantial person—not Ali Gaga.

HELEN HAYES, ROUBEN MAMOULIAN and DAVID SARNOFF are scheduled to partake in the *Herald-Tribuune's* Fifth Annual Forum which is dedicated to the problems of "America Facing a Changing World."

•

LAIRD DOYLE, Warner scenario writer, who has been in Europe for the past two months working on an Italian-Ethiopian story deal, has arrived in New York on his way to Hollywood.

•

CLAYTON BOND made an appearance at his office yesterday, the first since his serious attack of the flu. He reported he felt well, but left early to avoid strain.

•

LOUIS WEISS is in from Hollywood after all those delays. Has three episodes of the "Custer's Last Stand" serial with him.

RALPH RAINGER and LEO ROBIN, song writers under contract to Paramount, are in New York for a month's vacation. The team just completed the operetta score for "Rose of the Rancho" in which GLADYS SWARTHOUT is to make her debut.

•

JOHN HOWARD, Paramount contract player, leaves Hollywood by plane today for New York and the leading male role in the Hecht and MacArthur production, "Soak the Rich."

•

JOHN COSENTINO, special representative for Spectrum Pictures, has returned from a two-week vacation in Canada. He will leave shortly on a three-month tour of exchanges.

•

ANTHONY VEILLER has returned to the coast to resume work for Radio after a three-month vacation in England.

•

WILLARD C. PATTERSON, general manager of United Detroit Theatres, in town again on one of his frequent trips.

•

HAROLD BAUMSTONE has joined Pictorial Film Library, Inc., in an executive capacity.

•

NAT LEVY, eastern central district manager for RKO, is in town from Detroit for home office conferences.

•

ARTHUR JARRATT, G.B. theatre head, accompanied by MRS. JARRATT, leaves today on the *Aquitania.*

•

E. L. McEVOY, eastern and Canadian sales manager for RKO, is back from Boston.

Consider Reel Changes

HOLLYWOOD, Oct. 16.—Recommendations for minor changes in specifications for 2,000-foot reels will be considered Thursday at a special luncheon meeting of the Academy Research Council's reel length sub-committee.

Changes have been recommended by New York distribution executives, says Gordon S. Mitchell. He expects a general agreement by Nov. 1.

Prevents Long Reel Ban

OMAHA, Oct. 16.—Timely arrival of Gordon Mitchell, head of the Research Council of the Academy, staved off a possible city ordinance prohibiting the use of 2,000-foot reels.

Mitchell talked to city fire inspectors and others. The ordinance was scrapped, and Assistant Fire Chief Joe Saitta gave Mitchell a letter recommending the 2,000-foot reel.

Denies 2,000-Foot Reels

BOSTON, Oct. 16.—Recent reports that some operators here are using 2,000-foot reels despite a ban by Thad Barrows, union head, are denied by Barrows. He says he has made an investigation.

Bickford Goes Home

HOLLYWOOD, Oct. 16.—Charles Bickford has so far recovered from the effects of a lion's bite in the back of his neck that he has been allowed to leave the hospital. He is now recuperating at home.

Sam Hardy Succumbs After an Operation

HOLLYWOOD, Oct. 16.—Sam Hardy, veteran actor, died at Hollywood Hospital today following an abdominal operation.

His screen career began in 1917 after he had been on the stage for 23 years. His film roles run into the hundreds. It made no difference to him whether they were big pictures or quickies. He appeared with Shirley Temple in "Little Miss Marker," "Curtain at Eight," "Prince of Tempters," "Bluebeard's Seven Wives," "High Hat," "Orchids and Ermine" and many others.

Hardy was born in New Haven and was a Yale man. He is survived by his widow, Betty Scott.

Melville Church Dead

Melville Church, Washington patent attorney, who was a noted figure in the early litigations of Motion Picture Patents Co., died Oct. 10 at the Massachusetts General Hospital, Boston. He was 78.

His firm, Church & Church, has represented General Electric, National Cash Register and General Motors in recent years.

Mrs. Cobb in Hospital

SANTA MONICA, Oct. 16.—Mrs. Irvin S. Cobb is in Santa Monica Hospital for observation. Her physician said she was suffering from a chronic intestinal disorder.

RKO Story Editor

Lillie Messinger, story and talent representative for RKO in Europe for the past year, yesterday was named eastern story editor to succeed Katherine Brown who has resigned to fill a similar post with Selznick International Pictures.

Selznick Board Meets

HOLLYWOOD, Oct. 16.—Selznick International Prod. held its first board meeting yesterday and elected John Wharton, New York attorney, treasurer, and Lloyd Wright as secretary. Selznick said the first Technicolor feature would start immediately after "Little Lord Fauntleroy." Selznick has not decided to work on the U. A. lot, but is considering bids from RKO-Pathe and General Service studios. He will decide this week.

Joe Shea is actively on the job as the company's press representative. Val Lewton is story editor with headquarters here.

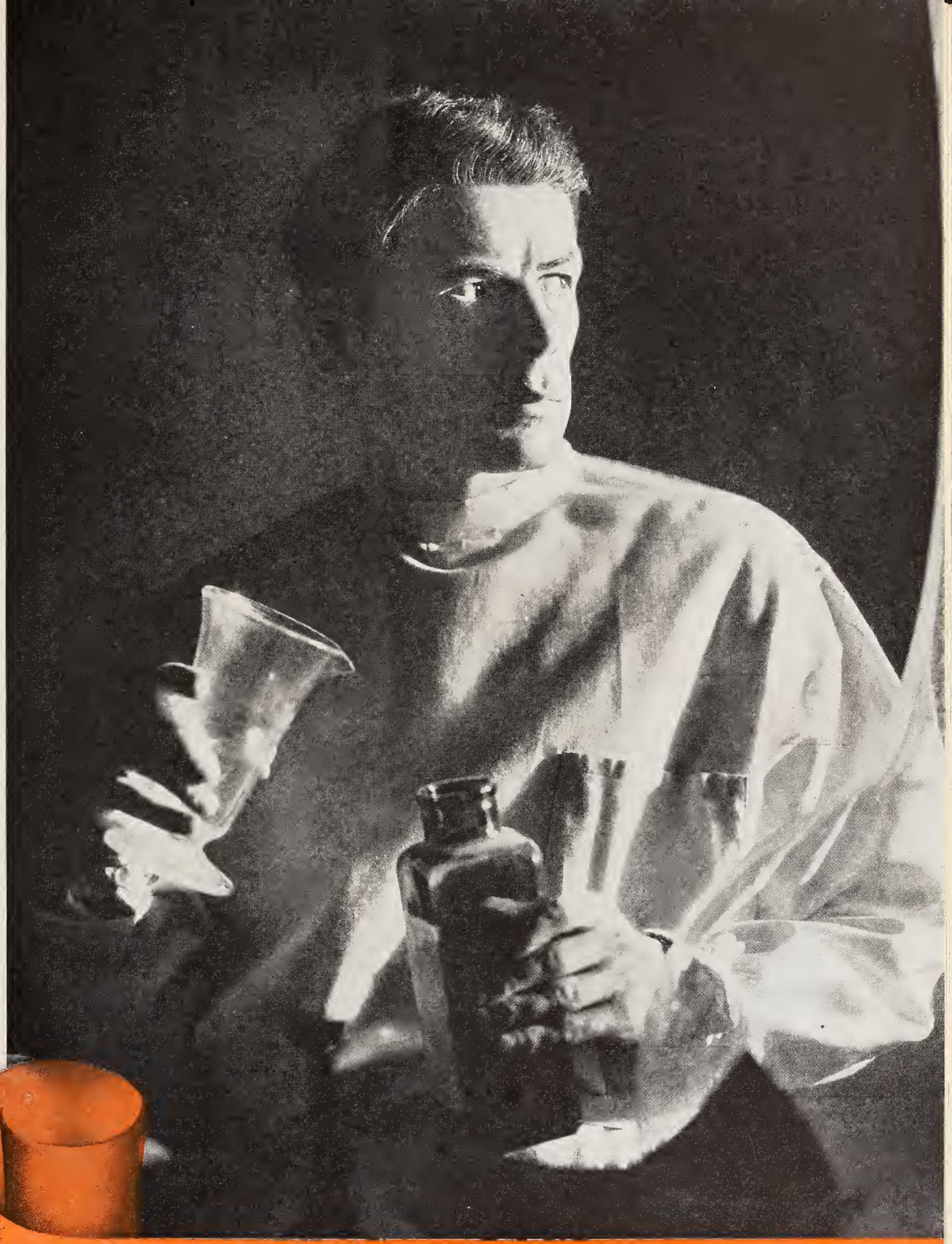
Levy Heads Tent No. 1

PITTSBURGH, Oct. 16.—Art Levy has been named chief barker of Tent No. 1, Variety Club.

Other officers chosen are: First assistant chief barker, George Tyson; second assistant chief barker, Al Barnett; property master, James G. Balmer; dough guy, Harold Lund; canvasmen, Jules Lapidus, C. J. Latta, Frank Smith, Ben Kalmenson, Joe Kaufman and Mark Goldman.

Griffith Tests Dunn

HOLLYWOOD, Oct. 16.—Director Edward H. Griffin is testing James Dunn for the male lead in Universal's "Next Time We Live." He expects to start production with Margaret Sullavan starred within a week.



THE PICTURE OF THE WEEK

Enthusiastic reports from pre-release engagements point to **"DR. SOCRATES"**, adapted by Warner Bros. from W. R. Burnett's great *Collier's* serial, as the most promising item in the week's cinema output. The ever-interesting **PAUL MUNI** revels in his role of a country doctor embroiled with a gang of desperadoes, and is brilliantly assisted by Ann Dvorak, Barton MacLane, Robert Barrat and Director William Dieterle of 'A Midsummer Night's Dream' fame. Released Oct. 19th.

THIS IS PROMOTION!

1



wherever you go throughou

METRO-GOLDWYN-MAYER'S $ 2

MUT ON THE BOU



2



3



whatever famed nationa

plus a Big circulation - new

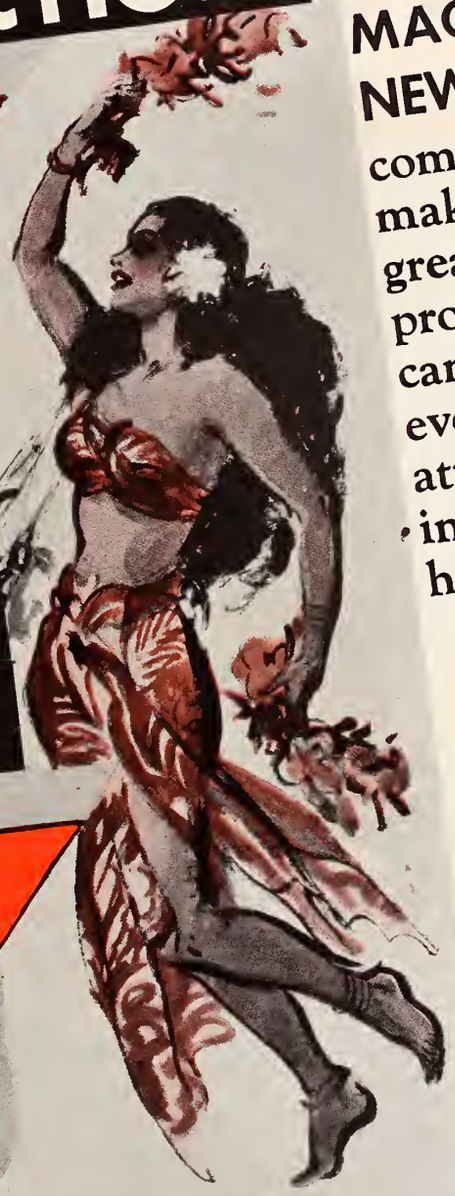
merica you'll see this 24-sheet

00,000 PRODUCTION

NY

LES
UGHTON CLARK GABLE FRANCHOT TONE

NTY

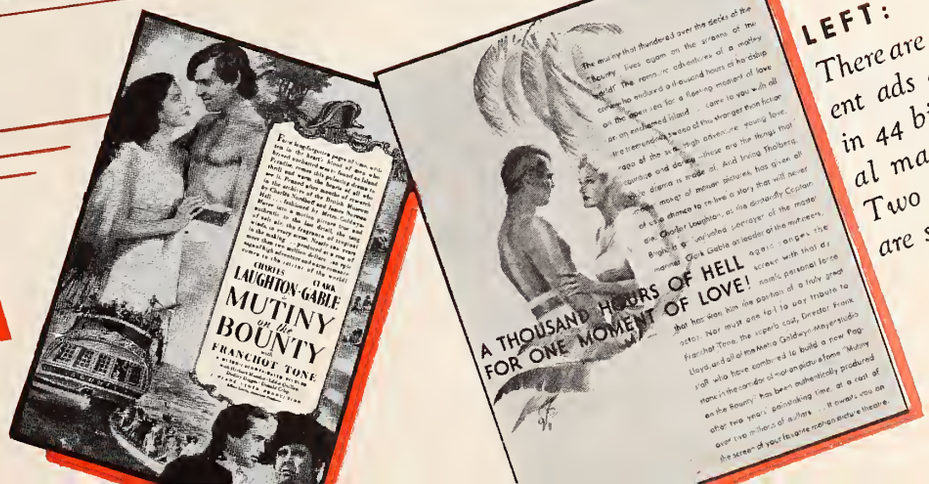


BILLBOARDS!
MAGAZINES!
NEWSPAPERS!
combining to make the greatest promotion campaign ever attempted in picture history—

agazines you read, you'll see the full-page ads

aper campaign

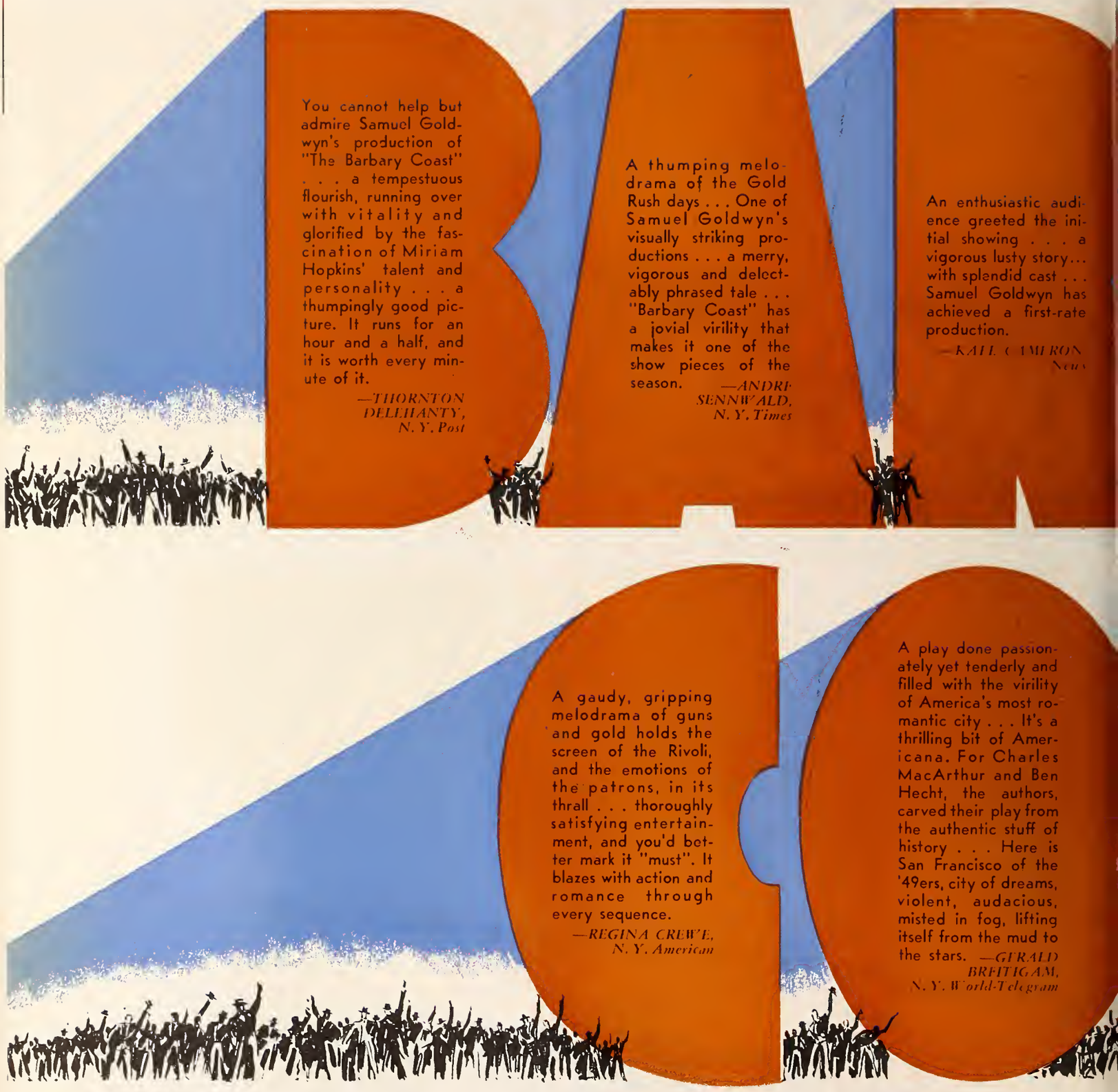
NLY M-G-M DOES IT!

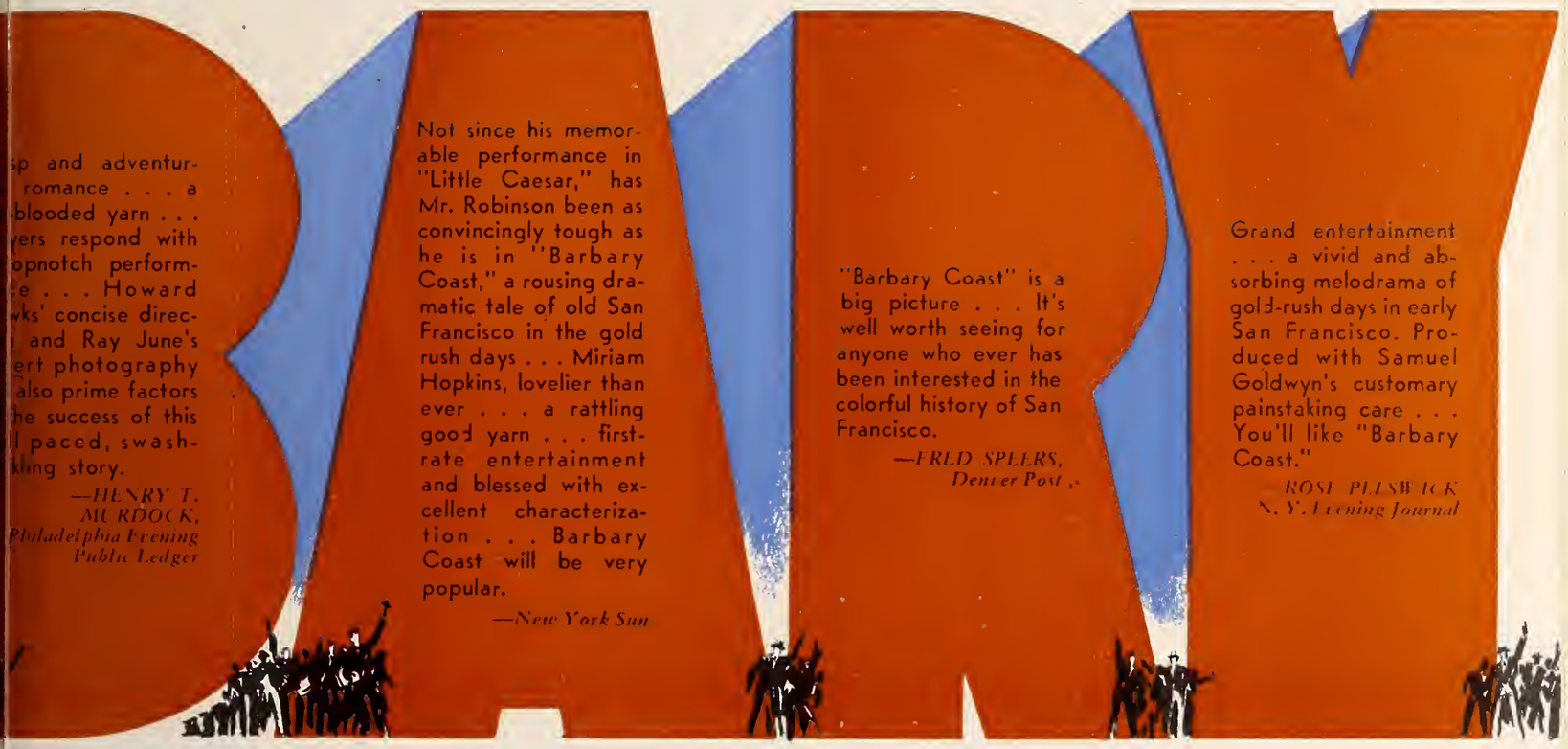


LEFT: *There are 10 different ads appearing in 44 big national magazines. Two samples are shown.*

SAMUEL GOLDWYN TRIUMPHS AGAIN!

Just as "The Dark Angel" drew critical plaudits everywhere . . . now "Barbary Coast" continues the Goldwyn tradition of excellence!



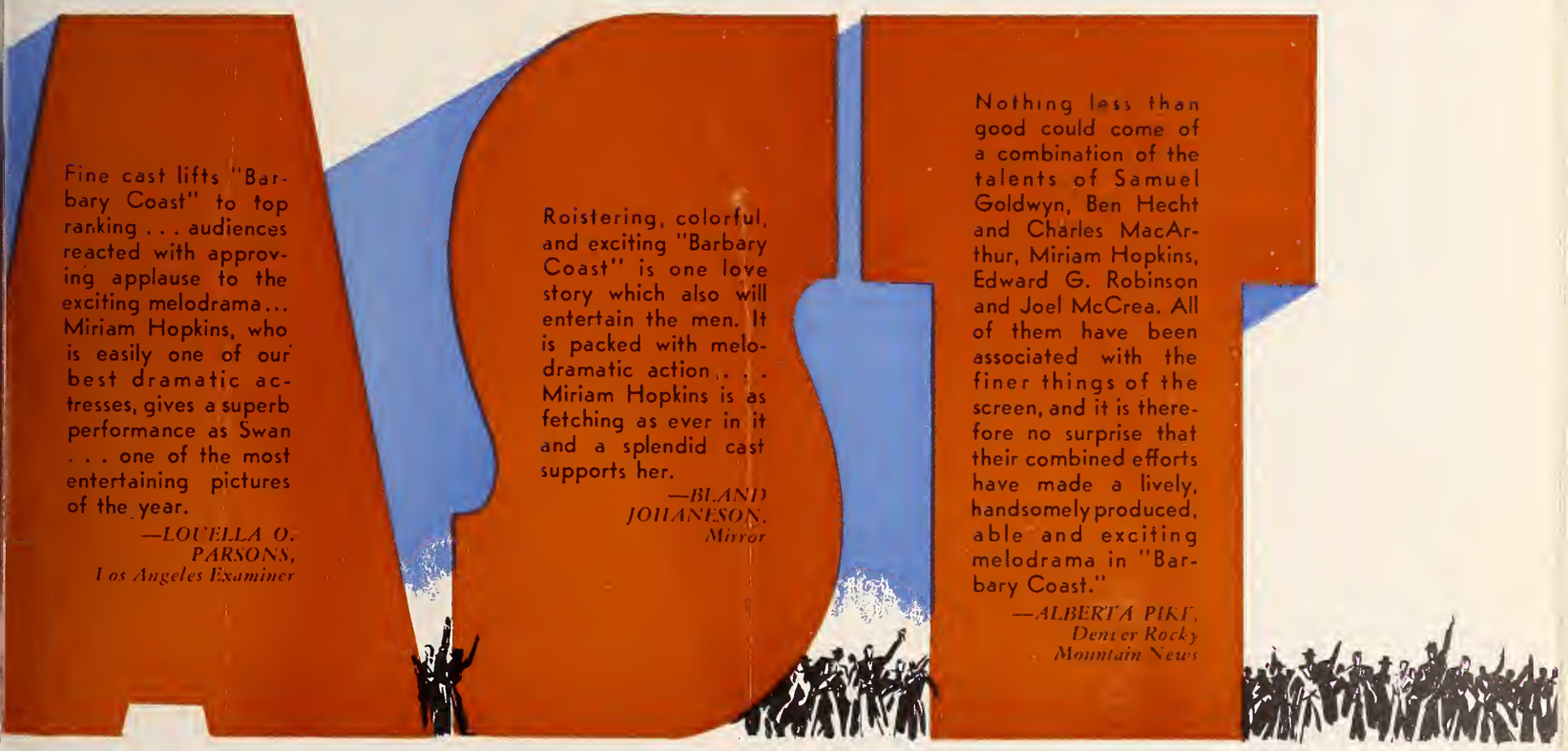


sp and adventur-
romance . . . a
blooded yarn . . .
yers respond with
opnotch perform-
e . . . Howard
wks' concise direc-
and Ray June's
ert photography
also prime factors
he success of this
l paced, swash-
kling story.
—HENRY T. MURDOCK, *Philadelphia Evening Public Ledger*

Not since his memorable performance in "Little Caesar," has Mr. Robinson been as convincingly tough as he is in "Barbary Coast," a rousing dramatic tale of old San Francisco in the gold rush days . . . Miriam Hopkins, lovelier than ever . . . a rattling good yarn . . . first-rate entertainment and blessed with excellent characterization . . . Barbary Coast will be very popular.
—*New York Sun*

"Barbary Coast" is a big picture . . . It's well worth seeing for anyone who ever has been interested in the colorful history of San Francisco.
—*FRED SPEERS, Denver Post*

Grand entertainment . . . a vivid and absorbing melodrama of gold-rush days in early San Francisco. Produced with Samuel Goldwyn's customary painstaking care . . . You'll like "Barbary Coast."
ROSE PELSWICK N. Y. Evening Journal



Fine cast lifts "Barbary Coast" to top ranking . . . audiences reacted with approving applause to the exciting melodrama... Miriam Hopkins, who is easily one of our best dramatic actresses, gives a superb performance as Swan . . . one of the most entertaining pictures of the year.
—*LOUELLA O. PARSONS, Los Angeles Examiner*

Roistering, colorful, and exciting "Barbary Coast" is one love story which also will entertain the men. It is packed with melodramatic action . . . Miriam Hopkins is as fetching as ever in it and a splendid cast supports her.
—*BLAND JOHANESON, Mirror*

Nothing less than good could come of a combination of the talents of Samuel Goldwyn, Ben Hecht and Charles MacArthur, Miriam Hopkins, Edward G. Robinson and Joel McCrea. All of them have been associated with the finer things of the screen, and it is therefore no surprise that their combined efforts have made a lively, handsomely produced, able and exciting melodrama in "Barbary Coast."
—*ALBERTA PIKE, Denver Rocky Mountain News*

with

MIRIAM HOPKINS • EDW. G. ROBINSON • JOEL McCREA

Directed by HOWARD HAWKS • *Screenplay by* Charles MacArthur and Ben Hecht

Released thru **UNITED ARTISTS**

Hardy Attack Hits Starr's Part in Deal

(Continued from page 1)

sell Hardy recalled to the stand this morning Thomas N. Dysart to correct some portions of his testimony. Although David Levinson was to have left for Chicago last night, Hardy held him over so that he could put the lawyer on the stand again this morning. However, Levinson didn't get a chance to do any talking.

Ex-Senator James A. Reed and Frederick H. Wood, Warner legal representatives, objected to Levinson making additional remarks for the record and Judge George H. Moore sustained them.

Jules Levy on Stand

Jules Levy, vice-president and general sales manager of RKO Radio, was the fifth and last to testify today, making a total of 10 Government witnesses to take the stand in the 12 days of the trial. The RKO executive was on the stand about a half-hour when court adjourned for the day. The Government declared it was through with the direct examination.

After going through the perfunctory questions on his title and the sales setup of his organization, Levy stated RKO released 44 features in 1934-35, one less than this figure in 1933-34 and 52 in 1932-33. Hardy sought to bring out that furnishing films was interstate commerce.

Milton B. Arthur, brother of Harry, has been excused subject to call. He left for the coast yesterday by plane to confer with Harry Vinnicoff, his partner in the Strand, Long Beach, on a dissolution of the partnership. Irving Lesser has also been excused.

Ben B. Reingold, Fox exchange manager, who was the only one of the local distributor heads not to be subpoened, was finally served by the Government yesterday and spent his first day in court today. Ralph C. Libeau, Paramount district manager at Kansas City, also dropped in today. He plans to leave for home tomorrow. So does David Idzal of the Fox, Detroit. Frank Newman, Sr., who came on from Seattle for conferences with Spyros Skouras and instead spent two days in court, left for New York today and will meet Skouras there later in the week. Gradwell L. Sears' mother again put in an appearance.

Strauss Tells of Meeting

Continuing his line of procedure adopted yesterday for the first time, Judge Moore refused to sustain objections by William R. Gentry, for Paramount, and Jacob M. Lashly, for RKO, to inferences which may be drawn by the jury that their clients may have participated at the meetings which were described by Partington, Levinson, Chassnoff and Grand. Frederick H. Wood, representing Warners, several times joined the others but to no avail. Gentry and Lashly rose frequently to object while the four witnesses were giving testimony and Judge Moore let them note their reasons on the record after handing down his ruling.

Strauss related briefly the meeting which he attended at the Warner home office with M. A. Rosenthal, also of Chicago, at which they spoke to Harry M. Warner and Starr. Strauss said he asked the two men if they were interested in regaining control of the St. Louis Amusement Co. in exchange for a deal which would give Snyder and his associates Warner product for the Ambassador, Missouri and New Grand Central.

Strauss testified that Starr said Warners were perfectly satisfied with the Orpheum and Shubert and that the theatres were making money in this city for the first time. Gentry, Wood and Lashly passed up the cross examination and the Chicagoan was dismissed.

Partington Grilled

Partington was grilled at some length by Hardy, Gentry and Wood on the meeting he attended with Arthur in Starr's office and later in George J. Schaefer's headquarters. The F. & M. president virtually went over the same ground covered by Arthur on the first day the latter was put on the stand. There was some question of fixing the date of the Schaefer session. Partington said it was within two weeks of the March 6, 1934, conferences with the Warnerites and on cross examination Gentry introduced MOTION PICTURE DAILY and *Film Daily* of Feb. 15, 1934, in which items were printed having Schaefer leaving that day for a two-week vacation at Miami.

The Paramount attorney then read from MOTION PICTURE DAILY of March 12, 1934, another story which stated Schaefer and Sam Dembow were expected back from Miami that day. Partington said that he had talked to Arthur after the latter had testified he had gone to see Schaefer right after the Warner confab to straighten him out on the date, and even telephoned New York at the time to check the trade papers.

Partington was unusually calm as the defense attorneys fired the many questions at him and several times pointed out his desire to answer without coloring the issue or withholding facts. Particularly was this so when Wood queried him on his interest in allegedly suggesting to Arthur to see the Warner men to bring about harmony in the local situation.

Wood also brought up Harry Koplar's name and asked, "Have you seen Koplar in the court room since the trial started?"

"No," Partington replied.

"Has Mr. Koplar brought Arthur down to court from the Congress every morning in his car?"

"I believe he has."

"When did you see Koplar last?"

"This morning at 10."

Partington confessed his lack of knowledge of the film end of F. & M., declaring his business essentially is producing stage shows. He said he had faith in Arthur and whatever the latter did on product deals was all right with him.

Chassnoff was next. He recounted what took place to the best of his recollection at a meeting at which Starr was present on April 6, 1934, in Grand's office here. He went over the same ground covered by previous witnesses as to what the Warner executive said the company's position was and what it intended to do in the event the three theatres were turned over by the bondholders to Snyder and his associates.

Wood Queries Chassnoff

During cross examination, Wood tried to get the witness to test his memory in connection with a session before Federal Judge Davis here. Wood bluntly told Chassnoff he didn't want to remember. Noticing that Hardy did not rise to object the lawyer himself told the judge that as a member of the bar he resented Wood's remarks. Hardy then rose and entered an official objection which was sustained.

In an effort to link Chassnoff with Arthur and his associates, Wood asked him if he didn't represent F. & M. and other Arthur interests in court last week when arguments were presented on motion to quash Warner subpoenas. The witness said he only acted as local counsel. He stated Ernest L. Wilkinson could not sign the applications, because he was a Washington attorney and not registered in St. Louis. Wood then asked him if he didn't organize Eden Theatre Co. for F. & M. Hardy objected to this and although sustained, Chassnoff said he would explain the matter so that there would be no misunderstanding, which the court permitted. Chassnoff asserted he formed the company but had nothing to do with it after that.

Wood then brought up Chassnoff's association with Metro Realty Co., which owns the St. Louis Theatre, under lease to F. & M. Again Hardy was sustained in his objection, but the witness volunteered to clarify the issue, declaring that although he was a member of the bondholders' committee of the three threatres involved he did not represent "adverse interests."

Grand Testifies

Grand succeeded Chassnoff and was on the stand about a half-hour, telling of conversations at meetings he attended and at which Starr and Samuel B. Jeffries, local Warner attorney, explained that the bondholders weren't giving their company fair consideration. Starr and Jeffries at this session were said to have emphasized the growing importance of Warners, which had gone through the depression and had "better managerial ability" than F. & M. Grand said he tried to get Starr to turn in the bonds bought by Warners so that they could be canceled in the interests of the bondholders but was unsuccessful. Grand testified he then asked Starr if he wouldn't turn in the bonds at the price paid, plus a reasonable rate of interest and again he couldn't get anywhere. Reed and Gentry did not cross examine Grand, but Lashly asked him a few questions, particularly about Dysart's reaction to the Warner plan, and about which the chairman of the bondholders' committee is said to have been so elated he held a celebration when he thought he had made a deal.

Leisure will cross examine Levy when the latter resumes the stand tomorrow. It is doubtful whether Paramount or Warner attorneys will join Leisure, but it is certain Hardy will take up redirect examination as soon as Leisure finishes.

It was indicated today that Paramount and Warner counsel also will file demurrers upon the completion of the Government case. This is a common procedure, it is pointed out, in important criminal cases and it is up to the judge either to dismiss the indictments at that time or have the defense start to present its case.

On the Lighter Side

ST. LOUIS, Oct. 16.—Today was gag day. Everyone was in good spirits and it was on the slightest of provocations that one of the boys would slip over a wisecrack.

Some of them heard around the court today have been recorded. Here they go:

"With the attendance as big as this in the court room, do you think it warrants a holdover?"

✚

LOUIS K. SIDNEY of Loew's got his start in this town about 15 years ago when he operated the West End Lyric and put on the stage shows at the Kings.

Those were the days when WILLIAM FOX had the house and there were no first run downtown houses such as this city has today.

✚

CLAYTON LYNCH, local M-G-M manager who took himself a bride about a month ago, yesterday decided to square himself with the local boys and blew them to lunch at the Mayfair Hotel. Among them: JOE GARRISON, LOU ELLMAN, DINTY MOORE, BOB HICKS, HAROLD (Chick) EVENS, HAL WALSH and TOMMY TOBIN.

✚

HAROLD ("Chick") EVENS, pilot of Loew's State, says "The Broadway Melody of 1936" is heading for the biggest second week since "Tugboat Annie." In addition to the musical now current there happens to be a screen record of the Louis-Baer encounter at the Yankee Stadium.

✚

NED E. DEPINET, JULES LEVY and WILLIAM MALLARD, all RKO-ites, did a lot of homework on the plane which carried them back from a three-day holiday in New York. DEPINET brought back a pip of a cold.

✚

HARRY C. ARTHUR'S wife came out over the week-end and plans to stay a while. TOM ARTHUR of the TOM, DICK and HARRY trio, goes to school here.

Milton Arthur May Drop Partnership

LOS ANGELES, Oct. 16.—Milton B. Arthur, brother of Harry C. Arthur and a witness in the St. Louis indictment trial, has arrived here by plane, to confer with Harry Vinnicoff on the Strand, Long Beach, situation.

Vinnicoff is understood anxious to dissolve the partnership arrangement made last summer with Arthur, alleging he cannot buy Paramount product this year for the house because of his affiliation with Arthur. Vinnicoff is reported to have said he has been able to buy the distributors' output heretofore, but because of the Arthur tieup, Paramount will not sell him. However, the distributor, it is said, is willing to make a deal for the Strand provided Arthur is not connected with the theatre. A settlement of his interest is expected by Arthur.

Patent Probe In a Stew on Lawyer Status

(*Continued from page* 1)

asserting that he neither "affirmed nor denied" that he was counsel in six actions seeking an aggregate of $27,000,000 damages from the electric companies whose chief officers must submit to his interrogation at the committee's hearings.

When it was pointed out by reporters that his attitude was aggravating and attaching sinister implications to an unusual but probably explainable situation, Berger first became argumentative, then excited and, finally, apologetic. In the latter mood he admitted his association with the damage actions, trials of which are pending in the Federal district court here, and then asserted that his association with these cases was not only known to the investigating committee's chairman, Congressman William I. Sirovich of New York, but that it was the reason why he was solicited by the committee for its counsel.

Berger Gets $1 a Year

Berger said that he was serving for $1 a year as counsel for the investigating committee. He said that he had been urged for eight days to accept the post before finally agreeing, and that he was wanted because he was the counsel prosecuting the six actions against the electrics. Involved in the untried legal actions are the patent pools and cross-licensing agreements which are the basis for the committee's probings.

Also involved in the suits in which Berger is counsel is Ralph Vatner, attorney of record in the same actions. Vatner makes his office with Robert Robins, identified as a special investigator for the committee, also at a salary of $1 a year. Robins is the originator of the American Society for the Protection of the M. P. Theatre, the principal activity of which has been the issuance of vituperative statements directed at "the big electrics." No explanation of Robins' position on the committee in the face of his other associations was forthcoming yesterday from himself or the committee.

Edgar Bloom Testifies

Berger took a minor part in the interrogation of witnesses at the opening session of the investigating committee's hearings on Tuesday, but yesterday with the appearance on the stand of Edgar S. Bloom, president of Western Electric and Erpi, both of which are defendants in the six actions in which Berger is counsel, he assumed a noticeably more active part in the questioning. This was also true with the appearance on the stand of George E. Quigley, vice-president of Vitaphone.

Bloom was questioned on the origin of Western Electric's entry into the film sound equipment field and its contractual relations with Vitaphone. Despite the fact that he pointed out to the committee that he was not a party to the negotiations or the drawing of those documents and, therefore, not a qualified witness, the interrogation of Bloom was continued on that subject. Later the questioning veered off to the subject of subscriber rates for telephones and remained there for an hour and a half while Congressmen Charles Kramer, Sirovich, Matthew Dunn and Thomas O'Malley endeavored to learn from the witness, who is not an employe of the telephone company, why they were required to pay surcharges for hand set telephones in their respective homes.

When the hearing ultimately returned to the subject of the investigation Bloom said that he saw no objections, other than the expense involved, to enactment of the Sirovich bill requiring the filing of information on patent pools and cross-licensing agreements with the Patent Office.

The afternoon hearing with Quigley on the stand also had its absurd aspects. Testifying of the Western Electric contract of 1926 with Warner Bros.' Vitaphone Corp. for the development and exploitation of sound equipment, Quigley said that he regarded the contract which he had drawn as an attorney for Western Electric at the time, as "unfair" to Warners.

Considers Himself "Authority"

"Then how fair is your testimony here today?" Congressman Randolph Perkins interrupted to inquire.

Further testimony concerning the contract was comprised largely of speeches by Berger and Quigley, which eventually impelled Congressman Perkins to interrupt again to inquire, "What are we doing? Trying a case between Warners and A. T. & T? It sounds like a lawsuit to me."

At another point, in discussing an Erpi contract clause which Quigley said prohibited a film distributor from licensing a theatre unless it was equipped with sound of a quality as good as that made by Western Electric, Perkins inquired whether that wasn't done to protect the public.

"That would be a conclusion," Quigley replied.

"All your testimony has been conclusions so far," Perkins said.

Again, Berger began a lengthy dissertation and was interrupted by Perkins with the inquiry, "Who's the witness here? If you have any speeches to make, make them in private after the sessions. Your personal views shouldn't be in this record."

Berger protested that he had made a study of the subject for four years and considered himself to be the "outstanding authority in the country" on matters pertaining to the electrics' patents and contracts.

"Then we ought to put counsel on the stand under oath," Perkins remarked.

May Excuse William Fox

William Fox, asked to testify at the hearing, was reported seriously ill at Atlantic City. Berger said that U. S. Commissioner Curran had Fox in custody there awaiting instructions from the committee. Indications are that because of Fox's physical condition he will be excused from attending the hearing here, but his testimony may be taken by deposition.

Will H. Hays has also been subpoenaed for the hearing. Witnesses today will probably include C. C. Colby, president of Samson Electric Co., Canton, Mass.; David Hochreich, former president of the now defunct Vocafilm Corp.; M. A. Schlessinger, president of General Talking Pictures, and Alfred Weiss, president of Biophone Co., one of the companies with a suit in which Berger is counsel.

Goldstone Again to Produce as an Indie

HOLLYWOOD, Oct. 16.—Phil Goldstone, whose contract as associate producer with M-G-M expires Oct. 21, will return to independent production as soon as he completes "Tarzan's Escape" and "The Last of the Pagans."

In an interview Goldstone said: "I may produce only one of two a year, but they will be my own productions. I expect to close with a major company for release. When I go into production I will work on a lot away from the company which will release the pictures."

Bank Night Goes in All Midwest Houses

KANSAS CITY, Oct. 16.—Bank Night has been set for every Fox Midwest theatre in Greater Kansas City for the winter season.

After Jan. 1 gift stamps will be redeemed by Fox Midwest theatre tickets only. The circuit offered other gifts in order to introduce the plan.

FWC Starts Bank Night

HOLLYWOOD, Oct. 16.—Fox West Coast has launched Bank Night in 79 theatres in southern California. Circuit heads are to meet with the directors of the I.T.O. this week on the situation. The I.T.O. is asking the circuit to keep Bank Night out of territories where independents are not using giveaways.

Jacksonville Duals Back

JACKSONVILLE, Oct. 16.—The Arcade, a Sparks house, has returned to double features.

Academy Sustained By Court's Ruling

HOLLYWOOD, Oct. 16.—Players in the higher salary brackets do not come within the general meaning of the term "labor," it was indicated in a decision handed down today by Justice Houser of the district court of appeals, at an appeal hearing on the Warren Hymer salary controversy against Universal. The decision reversed an earlier ruling against the Academy conciliation committee, which had refused to sustain Hymer's Universal claim.

Charles Skouras to Confer at St. Louis

ST. LOUIS, Oct. 16. — Charles Skouras, operating head of F. W. C., is due from Los Angeles either Monday or Tuesday for conferences with his brother, Spyros. Spyros expects to complete his testimony in the anti-trust trial in St. Louis by the end of the week.

Frank L. Newman, Sr., who has been spending the last few days with Skouras in St. Louis, will accompany him east.

Lasky Sets Picture

HOLLYWOOD, Oct. 16. — Jesse L. Lasky arrived here today, stating he had signed Ariane Borg, 19, French actress, for the first Pickford-Lasky film, as yet untitled. Francis Lederer will star, with production to start the middle of December. He said he arranged to film a picture at the Korda studios in London. He stated he will take up the Madame Schumann-Heink controversy with the Hays office.

To the Critics!

(God Bless 'Em—Right or Wrong)

they'll all be at

JACK DEMPSEY'S

TODAY

at the

AMPA

LUNCHEON

Come early and avoid *regrets!*

Frank Buck ★ Dr. Igor Hodapp (famed Central European movie expert who will reveal some surprising secrets about this industry), and all the New York newspaper critics including Andre Sennwald, *Times* ★ Regina Crewe, *American* ★ Gerald Breitigam, *World-Telegram* ★ Julius Cohen, *Journal Commerce* ★ Marguerite Tazelaar, Richard Watts, *Herald-Tribune* ★ Kate Cameron, Wanda Hale, *Daily-News* ★ Bland Johaneson, *Mirror* ★ Thornton Delehanty, Irene Thierer, *Post* ★ Martin Dickstein, *Brooklyn Eagle* ★ Leo Mishkin, *Morning Telegraph* ★ Kelcey Allen (who doesn't know Kelcey!) ★ Bide Dudley (he was a newspaper man once himself) ★ Boris Morros (farewell appearance for October) ★ and "Last-Days-Of-Pompeii" Louis Calhern. . . .

AMPA *LUNCHEON* TODAY

"Farmer" Is Twin Cities' Best Grosser

MINNEAPOLIS, Oct. 16. — "The Farmer Takes a Wife" made an excellent showing here on both sides of the river. It garnered $5,000, up by $1,000, at the Century here, and was also over the line $1,000 on a take of $4,500 at the Riveria.

"Redheads on Parade" and "The 39 Steps" were also on the profit side of the line here, and "Anna Karenina" was $1,000 to the good on a take of $6,500 at the St. Paul Paramount.

Total first run business in Minneapolis was $23,000. Average is $21,000. Total first run business in St. Paul was $20,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Oct. 10:

"THE FARMER TAKES A WIFE" (Fox)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"DANTE'S INFERNO" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Oct. 11:

"SHE MARRIED HER BOSS" (Col.)
ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500)

"REDHEADS ON PARADE" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"THE 39 STEPS" (G. B.)
WORLD—(400), 25c-55c, 7 days, 2nd week. **Gross:** $3,500. (Average, $3,000)

St. Paul:

Week Ending Oct. 11:

"ANNA KARENINA" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"THE FARMER TAKES A WIFE" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"LITTLE BIG SHOT" (W. B.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average for week, $1,500)

"WITHOUT REGRET" (Para.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average for week, $1,500)

"SHE MARRIED HER BOSS" (Col.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

"THE 39 STEPS" (G. B.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,500)

"Melody" a $4,000 Wow in Charlotte

CHARLOTTE, Oct. 16.—"Broadway Melody of 1936" proved a sensation in a three-day run at the Carolina with a take of $4,000, which is $2,000 above par. The picture was held over for three days.

"Freckles" and "Smilin' Thru" tied for second place to break average with takes of $1,750 each at the Imperial.

Total first run business was $12,000. Average is $11,000.

Estimated takings for week ending Oct. 12:

"I LIVE FOR LOVE" (W. B.)
BROADWAY—(1,114), 25c-40c, 4 days. **Gross:** $2,000. (Average for 3 days, $2,000.)

"PUBLIC ENEMY" (W. B.)
BROADWAY—(1,114), 25c-40c, 2 days. **Gross:** $1,000. (Average for 3 days, $2,000.)

"ANNAPOLIS FAREWELL" (Para.)
CAROLINA—(1,400), 25c-40c, 3 days. **Gross:** $1,500. (Average, $2,000.)

"BROADWAY MELODY OF 1936" (M-G-M)
CAROLINA—(1,400), 25c-40c, 3 days. **Gross:** $4,000. (Average, $2,000.)

"SMILIN' THRU"
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,750. (Average, $1,500.)

"FRECKLES" (Radio)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,750. (Average, $1,500.)

"Diamond" Is $13,000 Lead In Washington

WASHINGTON, Oct. 16.—"Diamond Jim" topped the town last week, romping away to a gross of $13,000 to exceed par by $2,400 at RKO Keith's. Edward Arnold is well known here for his work with the National Theatre Players for several seasons.

The Earle, with "Special Agent," barely topped par, with $100 over, in a take of $18,500. "Nell Gwyn" bettered par at the Belasco by $1,600, grossing $3,800.

At Loew's Columbia "Steamboat 'Round the Bend" took $4,100 on a return engagement. "O'Shaughnessy's Boy" at Loew's Fox slipped under average, and the second week of "The Call of the Wild" at Loew's Palace" tobogganed to $6,600.

Total first run business was $72,500. Average is $75,900.

Estimated takings, exclusive of tax:

Week Ending Oct. 7:

"SHE MARRIED HER BOSS" (Col.)
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $7,500. (Average, first week, $4,300)

Week Ending Oct. 8:

"DIAMOND JIM" (Univ.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $13,000. (Average, $10,600)

Week Ending Oct. 10:

"SPECIAL AGENT" (W. B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: El Brendel, Kingsley & Chase, Vernon Rathburn & Revue, Clara & Sana Sisters. **Gross:** $18,500. (Average, $18,400)

"STEAMBOAT 'ROUND THE BEND" (Fox)
LOEW'S COLUMBIA—(1,264), 7 days (return engagement). **Gross:** $4,100. (Average, first week, $3,600)

"O'SHAUGHNESSY'S BOY" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Tito Guizar; Mells, Kirk & Howard; Hall & Dennison; Gaylene Sisters Revue. **Gross:** $17,000. (Average, $20,900)

"CALL OF THE WILD" (U. A.)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $6,600. (Average, first week, $15,900)

Week Ending Oct. 11:

"NELL GWYN" (U. A.)
BELASCO — (1,140), 25c-65c, 7 days. **Gross:** $3,800. (Average, $2,200)

Four Days Ending Oct. 11:

"SHE MARRIED HER BOSS" (Col.)
METROPOLITAN—(1,591), 25c-40c, 4 days, 2nd week, return engagement. **Gross:** $2,000. (Average, first week, $4,300)

Get "Gulliver" Film

Oscar Serlin, Arthur L. Mayer and Joseph Burnstyn have acquired the rights to "The New Gulliver," Russian novelty picture based on "Gulliver's Travels." It is said 3,000 puppets and 60 settings are used in the film. It will open at the Cameo Nov. 1.

Claims Cartoon Depth

Max Fleischer claims to have invented a new process which will add 75 per cent to the depth impression of his cartoon creations. It will be used first in "Sinbad," a two-reel color subject. His efforts to secure a third dimension have been extended over a period of years, he says.

Grey Joins Republic

HOLLYWOOD, Oct. 16.—Harry Grey, former recording manager for Brunswick, American and Columbia Recording, has joined Republic in charge of talent and music.

The Mascot studio will change its name to Republic City this week.

"Youth" and Revue Big in Louisville

LOUISVILLE, Oct. 16.—"Fighting Youth," with "Cocoanut Grove Revels" on the stage at the Rialto, went into the hit class here on a take of $6,500, over normal by $3,000.

"Here's to Romance" and "Charlie Chan in Shanghai," a dual, also pulled well at the Strand, the $3,200 gross being over par by $700.

Total first run business was $23,300. Average is $18,500.

Estimated takings for the week ending Oct. 10:

"FIGHTING YOUTH" (Univ.)
RIALTO—(3,000), 15c-25c-40c, 7 days. Stage: "Cocoanut Grove Revels." **Gross:** $6,500. (Average, $3,500)

"SHE MARRIED HER BOSS" (Col.)
"UNKNOWN WOMAN" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,800. (Average, $4,500)

"HERE'S TO ROMANCE" (Fox)
"CHARLIE CHAN IN SHANGHAI" (Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,200. (Average, $2,500)

"LOVE ME FOREVER" (Col.)
"CALM YOURSELF" (M-G-M)
BROWN—(1,400), 15c-25c-40c, 7 days. Stage: Kiva Hoffman Fashion Show, 50-voice choir. **Gross:** $1,900. (Average, $2,000)

"CASE OF THE LUCKY LEGS" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,500)

"CIRCUMSTANTIAL EVIDENCE" (First Div.)
NATIONAL—(2,400), 25c, 7 days. Stage: All-star Stage Frolics, Billy Farrell, Ted & Al Waldman, Louise Miller, Burns, Moriarity & Dell, Dub Taylor, George Libby's Texan Rockets. **Gross:** $2,000. (Average, $3,000)

"JAVA HEAD" (First Div.)
"WESTWARD HO" (Republic)
"THE BLACK ROOM" (Col.)
"LADY TUBBS" (Univ.)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,400)

"Right to Live" Is Montreal's Leader

MONTREAL, Oct. 16.—"The Right to Live," topping a dual bill with "Dinky," made the best showing of the week. The take at Loew's was $12,000, over average by $1,500.

"Diamond Jim" was the principal draw at the Capitol and registered par of $9,500 while "Big Broadcast of 1936," the single attraction at the Palace, was good for $10,500, which was slightly below the house average.

Total first run business was $42,500. Average is $41,500.

Estimated takings for the week ending Oct. 12:

"DIAMOND JIM" (Univ.)
"FRONT PAGE WOMAN" (W.B.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)

"UN OISEAU RARE" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

"THE RIGHT TO LIVE" (W.B.)
"DINKY" (W.B.)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Live, Laugh and Love." **Gross:** $12,000. (Average, $10,500)

"BIG BROADCAST OF 1936" (Para.)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $10,500. (Average, $11,000)

"SHE MARRIED HER BOSS" (Col.)
"AFTER THE DANCE" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $7,000)

Minnevitch Deal Off

Borah Minnevitch and his Harmonica Band will not be seen in the new Eddie Cantor picture. He had been signed by Samuel Goldwyn, but the contract was settled in full before the picture got under way.

Minnevitch, now in New York, was to have sailed last Friday for England on a six weeks' booking, but the booking was canceled because of talent import restrictions under British law.

"Broadcast" $22,000 in Frisco Slump

SAN FRANCISCO, Oct. 16.—"Big Broadcast of 1936" was the only draw of any proportions in a dull week here. It grossed $22,000, over normal by $1,000, at the Warfield.

"I Live for Love" and "Charlie Chan in Shanghai" took a par $11,500 at the Paramount. "Waltz Time in Vienna" was strong at $1,200 at the Clay, but elsewhere business was pretty dull.

Total first run business was $75,950. Average is $76,500.

Estimated takings:

Week Ending Oct. 8:

"RAINMAKERS" (Radio)
LOUIS-BAER FIGHT
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage: Band. **Gross:** $13,300. (Average, $14,500)

Week Ending Oct. 9:

"GIRL FRIEND" (Col.)
"THUNDER MOUNTAIN" (Fox)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,800)

"TOP HAT" (Radio)
EMBASSY—1,400), 25c-35c-40c, 7 days, 2nd week. **Gross:** $3,250. (Average, $3,950)

"I LIVE FOR LOVE" (W. B.)
"CHARLIE CHAN IN SHANGHAI" (Fox)
PARAMOUNT—(2,750), 25c-35c-40c, 7 days. **Gross:** $11,500. (Average, $11,500)

Week Ending Oct. 10:

"STREAMLINE EXPRESS" (Mascot)
"WESTWARD HO" (Republic)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $6,000)

"CHINA SEAS" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days, 2d week. **Gross:** $6,200. (Average, $7,000)

"BIG BROADCAST OF 1936" (Para.)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage band. **Gross:** $22,000. (Average, $21,000)

Week Ending Oct. 11:

"WALTZ TIME IN VIENNA (Ufa)
CLAY—(400), 25c-35c, 7 days. **Gross:** $1,200. (Average, $700)

"DARK ANGEL" (U.A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2d week. **Gross:** $7,500. (Average, $9,000)

"Broadcast" Pulls Indianapolis' Top

INDIANAPOLIS, Oct. 16. — "Big Broadcast of 1936" was the heavy grosser of the week here. It reached $8,000, topping normal by $1,000, at the Indiana.

"The Return of Peter Grimm" was strong with $4,500 at the Circle.

Total first run business was $29,500. Average is $26,500.

Estimated takings for the week ending Oct. 12:

"HERE'S TO ROMANCE" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"RETURN OF PETER GRIMM" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"BIG BROADCAST OF 1936" (Para.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

"I LIVE FOR LOVE" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)

"Melody" Big in Chicago

CHICAGO, Oct. 16. — "Broadway Melody of 1936" is topping all records at the Roosevelt. The picture is doing bigger business than "Steamboat 'Round the Bend" which soared to tremendous business during its stay here.

Polish Commissions To Pass Upon Films

WASHINGTON, Oct. 16.—The Polish Minister of the Interior is authorized to appoint a Film Commission and a Supreme Film Commission under the terms of a decree published in the *Journal of Laws* on Sept. 12, according to a report to the U. S. Department of Commerce from an agent in Poland. The commissions would study films and advertising material.

When films are intended for school children or students, the Ministry of Public Education may delegate a representative to participate in the sittings of the commissions. The Ministry of War may delegate a representative to study films of a military nature or touching military life.

The duties of these commissions will be to decide whether or not a film or part of it may be shown in Poland or in certain parts of Poland, and whether the advertising material is appropriate.

Father Kelly Pays Tribute to "Dream"

In a statement just issued Rev. John Kelly, chaplain of the Catholic Writers' Guild and representative of Cardinal Hayes in film matters, describes "A Midsummer Night's Dream" as "the reaction of producers to the movement seeking higher standards for the screen."

"This is to me," he says, "the climax to date of the screen's comprehensive movement toward the better and finer forms. It is a happy realization to know that the genius of Shakespeare, combined with the ability of Reinhardt and the cooperation of Warner Brothers, has resulted in giving America and all of civilization such a magnificent production."

Wall Street

K-A-O Best Stock Gain

	High	Low	Close	Net Change
Columbia	67	65	67	+ ¾
Consolidated	4¾	4½	4¾	.....
Consolidated, pfd.	17¼	16¾	17¼	+ ¼
Eastman Kodak	157	155½	156¾	+1¼
Eastman, pfd	158	158	158	.....
K-A-O, pfd	79	79	79	+4
Loew's, Inc.	48⅜	47½	47¾	— ¼
Paramount	10⅞	10½	10½	— ¼
Paramount, 1 pfd.	95½	94	94	—2
Paramount, 2 pfd.	13¼	12⅞	12⅞	— ⅜
Pathe Film	5¾	5⅝	5⅝	+ ⅛
RKO	5¾	5¼	5¼	— ¼
20th Century-Fox	16⅞	16⅞	16⅞	.....
20th Century, pfd.	26¾	26½	26½	.....
Universal, pfd	34	34	34	—1
Warner Bros.	7¾	7½	7⅝	— ⅛
Warner, pfd	42¾	42	42	—2

Little Curb Change

	High	Low	Close	Net Change
Sonotone	2¾	2⅝	2¾	— ⅛
Technicolor	19	19	19	— ½
Trans-Lux	3¼	3⅛	3¼	+ ¼

Keith Bonds High Gain

	High	Low	Close	Net Change
General Theatre 6s '40	15½	15½	15½	.....
General Theatre 6s '40 ctf	15½	15	15	— ⅝
Keith B. F. 6s '46	89½	89½	89½	+1
Loew's 6s '41 ww deb rights	105¼	105	105¼	.....
Paramount Pict. 6s '55	96¾	96½	96½	.....
RKO 6s '41 pp	84½	83	83	.....
Warner Bros. 6s '39 wd	83	82½	82¾	— ⅛

(Quotations at close of Oct. 16)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Metropolitan"

(*Twentieth Century-Fox*)

HOLLYWOOD, Oct. 16.—Lawrence Tibbett, using his voice generously, scores a triumph in this backstage opera story. He sings "Mandalay" and "Glory Road," arias from "The Barber of Seville." "Faust," "Carmen" and "Pagliacci."

The story which presents him serves mostly as a mounting for inserting the musical numbers. Alice Brady, prima donna, starts her own opera company when she refuses a role at the Metropolitan, taking with her Tibbett from the chorus to be her leading man. Showing frequent temperamental spasms, Miss Brady infuriates all the members of the new company, particularly George Marion, Sr., as the conductor, who quits rehearsals periodically to be brought back by Tibbett; Luis Alberni and Virginia Bruce. When Miss Brady quits on the eve of the opening, Tibbett takes charge of the company, obtains funds from Miss Bruce, who is revealed as an heiress, and raises the curtain with "Pagliacci." The picture ends after Tibbett sings the prologue, brings down the house and wins Miss Bruce.

The screen play by George Marion, Jr., and Bess Meredyth, who wrote the original, concentrates on the operatic atmosphere, which seems authentic. Production novelties are introduced with the "Carmen" sequence, in particular, reflecting thoughtful care. The direction by Richard Boleslawski maintains a suitable pace. The supporting cast includes Caesar Romero, Thurston Hall and Etienne Girardot, who appear too briefly.

The picture should be favorably received by Tibbett admirers.

Production Code Seal No. 1,475. Running time, 78 minutes. "G."

"His Night Out"

(*Universal*)

HOLLYWOOD, Oct. 16.—Edward Everett Horton's engaging and highly individual comedy lifts this routine tale into the money-making class.

Horton plays a downtrodden "yes man" clerk whose idea of a wild time is to take an extra pill for mild, but none the less very audible, dyspepsia. Fellow-worker Irene Hervey berates him for his mousiness and he sets out to prove he has a streak of leopard blood after a fake doctor gives him three months to live. Because of the way Horton tosses around his life savings he is blamed for the theft of bonds from his office. Horton believes Miss Hervey is the thief, stealing to pay for her brother's operation and confesses only to wear the police into nervous collapses during a third degree before he blunders into the bonds that have been stolen by gangsters.

Jack La Rue plays the gangster for a long laugh sequence in trousers fitting perfectly under the arms. An expensive and expert cast includes Robert McWade, Willard Robertson, Oscar Apfel, Lola Lane, Rollo Lloyd, Ward Bond, Dewey Robinson, Theodore Von Eltz and Clara Kimball Young.

Doris Malloy and Harry Clork embroidered the story by Charles Christensen with bright running gags. Irving Starr produced with William Nigh directing for farce laughs. A good bet for contrast to heavy melodrama.

Production Code Seal No. 1,566. Running time, 72 minutes. "G."

Yale Protests "Salute"

NEW HAVEN, Oct. 16.—A committee representing the National Students' League at Yale called on United Artists and Warners to protest against the showing of "Red Salute" at the Roger Sherman.

Both Arthur Horn, exchange manager, and I. J. Hoffman countered the protests with arguments for "freedom of the screen" as well as freedom of speech. It is expected that the theatre will be picketed, and special police protection has been ordered.

MacFadden with 20th

HOLLYWOOD, Oct. 16.—V. L. MacFadden has joined 20th Century-Fox as construction superintendent, working under Ed Ebele. MacFadden succeeds Ben Wurtzel.

Ampa to Hear Buck

Frank Buck and Louella Parsons will be among the speakers at the Ampa luncheon at Jack Dempsey's today. Among the critics who have agreed to attend are: Andre Senwaald, *Times;* Regina Crewe, *American;* Gerald Breitigam, *World-Telegram;* Julius Cohen, *Journal of Commerce;* Marguerite Tazelaar, *Herald-Tribune;* Kate Cameron and Wanda Hale, *News;* Bland Johaneson, *Mirror;* Thornton Delehanty and Irene Thirer, *Post,* and Martin Dickstein, *Brooklyn Eagle.*

Change Fox Unit Name

WILMINGTON, Oct. 16. — Fox Agency Corp. has changed its name to Fox West Coast Agency Corp. of New York.

Short Subjects

"March of Time"

(*Radio*)

Two of the world's outstanding news events are dramatized in the seventh release of "March of Time"—Hitler's treatment of German Jews and what is being done about it, and the financial ramifications of the Italo-Ethiopian conflict. The third subject is an effort to put emotional punch into telling about Joseph Furnas' article, "And Sudden Death," in the *Readers' Digest.* A fourth is a picturization of New England's summer barn theatres.

The Hitler subject is the best of the group. It moves swiftly, has dramatic values, and carries a note of hope for persecuted members of the race by showing what has been done in Palestine toward developing a fine homeland.

The safety campaign material is weak, because it attempts to use moving pictures to tell about the horrible details of automobile accidents, instead of showing them. For those who haven't read the Furnas article this clip doesn't mean much. Some theatre patrons who think they are paying for entertainment may resent what may be construed as an effort to lecture them.

The war material falls shy in its ability to grip because the man in the street is pretty thoroughly convinced that war is profitable to someone, but not to him. He won't learn anything from the number, and it isn't presented in a way to stir his emotions. Running time, 20 mins.

"Our Gang Follies"

(*Roach-M-G-M*)

HOLLYWOOD, Oct. 16.—Hal Roach has produced a swell singing, dancing, musical in two reels, using the talent of his famous gang to the utmost for entertainment and laughs. Based on the neighborhood kid show idea, Spanky MacFarland, spieling in song on the outside of a cellar, introduces a few numbers outside, as a come-on, getting each of the kids to part with a nickel to get on the inside. There, six musical acts are put on, interspersed with back stage comedy. Spanky stands out. His talent shines in top-notch style. All the others also play like veterans.

Gus Meins directed with a keen eye for speed and laughs. As an unusual entertainment, it should get unusual box-office responses for a two reeler. Production Code Seal No. 1,490. Running time, 18 mins. "G."

"By Request"

(*Vitaphone*)

Some smart modern music expertly played by Claude Hopkins and his orchestra feature this short. A thin thread of a story has the members of the levees becoming heirs to a box of new instruments. They make the big time and achieve success. Clever tap dancing by Tip, Tap and Toe lends a bit of variety, and it winds up with the playing of "Chinatown" in the Hopkins manner. This effort should go well practically everywhere. Recommended. Production Code Seal No. 0493. Running time, 10 mins. "G."

"Deception" Does $70,000

"The Gay Deception" wound up the week at the Music Hall last night with a take of $70,000.



PETE SMITH MAKES PIG-SKIN KOSHER WITH THE PUBLIC!

Are you getting the most out of the football season? Pete Smith has made a merry and exciting one-reel M-G-M subject that's a high-spot on programs right now. It lets the public in on the newest developments of the game. It's called "FOOTBALL TEAMWORK" and it features 27 headline gridiron stars. Absorbing material that moves like lightning and packed with Pete Smith pep! It's one of the M-G-M Sports Parade.

BY THE WAY, THAT GUY GETS RAVES!

Walter Winchell: "If I were the Roosevelt of the two-reel comedies . . I'd want to know why 90 per cent of the audience is yawning (not yours, Mr. P. Smith . . .)"

Louella O. Parsons (Syndicated Columnist). "Pete Smith, better than anyone I know, puts over these sport reels."

Mollie Merrick (Syndicated Columnist): "Pete Smith has become famous as being one of the most truly humorous of all the group writing and speaking the 'incidental' 'talk' for one-reelers."

Douglas W Churchill (N. Y. Times): "In the few years he has been regaling theatregoers, that voice has become a world personality."

Edwin Schallert (L. A. Times): "Smith wins many a laugh with his comment."

Jack Alicoate (Film Daily): "We've found nothing of abbreviated cinema nature quite so entertaining as the Pete Smith series."

Jimmy Starr (Syndicated Columnist): "Mr. Smith is a very funny man and he gets plenty of guffaws with prattle."

Arthur Ungar (Daily Variety): "Pete Smith's monicker on the marquee means that the theatre manager is guaranteeing what Pete is offering as 100% entertainment."

Billy Wilkerson (Hollywood Reporter): "Smith has a way of dialoguing sport stuff that makes it appeal to everybody, whether interested in sports or not."

Rob Wagner (Satevepost Writer): "Pete Smith explained the short, which, as you know, practically insures the picture."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 92 NEW YORK, FRIDAY, OCTOBER 18, 1935 TEN CENTS

Ampa Boys See Critics; Also Hear a Couple

But "Dr. Odet" and Frank Buck Rate the Stars

By J. M. JERAULD

Ampa members heard Frank Buck yesterday, and saw and heard some of the critics. Those they saw outnumbered those they heard. Critics don't rate many stars as speakers. Some of them are not even good at keeping engagements.

They rate about as follows:

#—Louella Parsons—Sent regrets.

% —Marguerite Tazelaar — A bow, a smile, a few words and cries of "louder" from the audience.

****—Irene Thirer—Lovely to look at under a spotlight. A charming speaker. She told the boys she had worked among them for a year and a half and had grown to know "what grand fellows they were." Loud applause.

" " —Bland Johaneson—A bow.

** —Bide Dudley — Straight from the shoulder crack about not being able to get a pass to the Astor or the Paramount in spite of the fact that his friendly criticisms over WOR and its hookup reach more people than newspapers. Then he relaxed and told a couple of stories.

%%%—Julius Cohen—Received with boos. Tried to speak and somebody shouted: "Louder and funnier." Started to tell about the time Hearst hired Louella Parsons 15 years ago and he lost his job 10 days later.

"The paper's been getting along all right ever since," boomed a voice from the darkness that shrouded everything

(*Continued on page 7*)

U. S. Ticket Taxes Fall in September

WASHINGTON, Oct. 17.—Federal admission tax collections in September totaled $1,173,507, a decline of approximately $140,000 from the August total of $1,313,552, it was reported today by the Internal Revenue Bureau.

For the first quarter of the fiscal year, however, receipts showed an increase of $521,494, totaling $3,763,973 against $3,242,479 in 1934.

Berger Takes Minor Role in Patents Probe

Reported Pending Suits May Change Setup

Indications are that David G. Berger, counsel for the Sirovich Congressional committee investigating patent pools and cross-licensing agreements, may take an inconspicuous part in the committee's remaining activities as a result of the disclosure of his dual position as counsel in untried court cases seeking an aggregate of $27,000,000 damages from A. T. & T., Western Electric and Erpi.

This appeared likely yesterday when Berger took no part in the interrogation of witnesses and frequently absented himself from the hearing room. In addition, it was reported, but not confirmed by the committee, that officers of companies having suits pending against A. T. & T. and subsidiaries who have been subpoenaed for the hearings, may be excused from testifying or, if they are put on the stand, will not be interrogated by Berger, who is their counsel in the pending actions.

The Sirovich committee made no comment on the report but Congressman William I. Sirovich, chairman, said that the committee was standing by the statement he had made to MOTION PICTURE DAILY on Tuesday, which was, in effect, that the committee was not interested in the legal cases with which Berger was associated and would accept his services

(*Continued on page 7*)

★ ★ ★ ★ ★ ★

St. Louis, Oct. 17. — "I wouldn't be surprised if someone makes a picture of this trial," one of the boys casually remarked.

"Hell," snapped back Grad Sears, "We've got one in preparation now.

"How can we miss with a cast like this?"

Charges Leahy With Coercing Ned Depinet

By BILL ORNSTEIN

ST. LOUIS, Oct. 17.—Striking the climactic note of the thirteenth day of the criminal trial under way here, ex-Senator James A. Reed, leading Warner attorney, today charged John S. Leahy, local counsel who represented Allen S. Snyder at a conference at the Plaza, New York, on April 7, 1934, with coercing and threatening Ned E. Depinet with prosecution under the Sherman Anti-Trust Act in an effort to get the president of RKO Distributing Corp. to break a film contract with Warners for the Orpheum and Shubert Rialto.

The accusation was made by the 72-year-old Kansas City lawyer as he was about to finish his cross examination of the Government witness. Reed also told Leahy he knew that Depinet as an individual could not be enjoined in a civil proceeding in which he

(*Continued on page 8*)

306 Against Arbitrators For a Period of Ten Years

Local 306 looks with disfavor on the proposed plan to dispose of future problems between circuits and operators through an arbitration board to function for a 10-year period, a spokesman for the union declared yesterday.

"It is unlikely that the union will agree to any method of arbitration for a period beyond two years. Arbitration implies compulsion. Mediation is another matter," it was stated.

The plan, as broached, would bring into being a board of three to whom would go any impasse which might be reached by the circuits and the union in reaching terms and working conditions at the expiration of each two-year period. The circuits and the union would name one member each and the third would be selected mutually by both groups.

Final settlement of the wrangle which has been fulminating for weeks may be reached by the middle of next week. The union has accepted a cut in the hourly booth scale for Loew and RKO theatres throughout Greater New York, the new figure having been fixed at $1.86 as compared with the former rate of $2.12½ per hour.

There is destined to be no change in the current $2.55 per hour rate applicable to Broadway de luxe operations, such as the Music Hall, Paramount, United Artists and Roxy.

Odlum Names Rathvon to Revamp RKO

Heading for Ultimate Presidency

Peter N. Rathvon, vice-president of the Atlas Corp., has been named by Floyd B. Odlum to undertake the task of reorganizing RKO and probably will be elected president of the revamped corporation when his task is completed.

Merlin H. Aylesworth is understood to be slated for the chairmanship of the board under the arrangement, although earlier reports indicated he would become president.

Atlas, of which Floyd B. Odlum is the head, in association with Lehman Brothers, not only purchased half of Radio Corporation of America's stock and debenture interest in RKO for $5,000,000, but bought with it management as well as an option to purchase the remaining 50 per cent of the RCA holdings for another $5,000,000 within the next two years.

Originally on RCA's books at $16,000,000, writeoffs and reductions have cut the figure of the communication's interest in RKO to $14,644,614. This covers 1,259,463½ shares of common stock, or 48.86 per cent of the total outstanding, and $9,786,655 in 10-year debentures, representing 84 per cent of the total outstanding.

Laemmle Report to SEC Shows Holdings

WASHINGTON, Oct. 17.—Reports of stock holdings of officers and directors of corporations to the Securities and Exchange Commission show that Carl Laemmle on Aug. 31 held 7,016 shares of Universal common outright, 58,692 shares through one voting trust, 120,127 shares through another voting trust, 1,265 shares of special cumulative first preferred and 15,703 shares of second preferred.

A report on Trans-Lux Daylight Pictures showed that H. P. Farrington, director, disposed of 400 shares of common and at the end of the month held 9,600 shares.

Early Compromise In Mexico Awaited

By JAMES LOCKHART

MEXICO CITY, Oct. 17.—Early settlement of the controversy with American distributors over import duties is expected as a result of the acceptance of the Government's proposal for a study of the situation.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 18, 1935 No. 92

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

B. & K. Pulls Four In Clearance Fight

CHICAGO, Oct. 17.—B. & K. have pulled bookings on "Top Hat," "Steamboat 'Round the Bend," "Gay Deception," "Diamond Jim" and other new product. Film Row is anxiously awaiting the outcome of conferences in New York which, as the understanding goes here, will settle the clearance situation.

Deny Clearance Parleys

John Balaban and Walter Immerman, who left for Chicago yesterday afternoon, denied their trip here was for the purpose of seeking distributor approval on the extra seven days' clearance B. & K. is seeking between "C" week and the first week of release in their city.

Immerman told MOTION PICTURE DAILY the trip was for the purpose of making a product deal with Paramount.

Ohio to Get a New Censor Supervisor

COLUMBUS, Oct. 17.—Roy Reichelderfer, secretary to E. L. Bowsher, state director of education, will be named supervisor of the Ohio censorship division, a newly-created position, it has been learned. Bowsher is ex-officio head of the censor board.

Films now are being reviewed by Edith Luethi and Suzanne Warfield, civil service appointees, who have been serving since 1921.

Insiders' Outlook

By RED KANN

OF paramount interest, perhaps, in the Atlas-Lehman buy of half of RCA's stock and debenture interest in RKO is that portion of the deal—a cash one running to five millions, by the way—which gives the purchasers management of the company. Indictating that matters pertaining to RKO's reorganization and emergence from its bankruptcy which will experience its third birthday, come February, is the fact that Peter N. Rathvon, a name so far unknown, but not for long, in this business, today will occupy Major Lambert's former office at Radio for the fifth time. Mathematically and working backwards this, of course, means that this right-hand bower to Atlas's Floyd B. Odlum has been active on the RKO scene since Monday. . . .

▼

Kicking around all through the summer had been reports, mostly vague, that a plan of reorganization was ready for early presentation to Federal court. Those reports proved inconclusive for a very good and simple reason which was that the Atlas deal was cooking merrily on the fire and nothing ostensibly could be done about it until David Sarnoff returned from his usual and annual trek overseas. With the latter's reappearance on the local scene, the deliberations hastened toward their completion, giving tang and some excitement to the Columbus Day weekend. . . .

▼

Now it has happened. For five million, Atlas, in association with the Lehmans, has purchased a fifty per cent interest in RCA's holdings which, at 1,259,463½ shares of the common, represent 48.86 per cent of that total issue, and which, at $9,786,655 in ten-year debentures, represent 84 per cent of all outstanding. The option made part of the transaction, furthermore, gives the buyers the right to pick up the remaining fifty per cent for five million additional any time within the next two years. In other words, Sarnoff, who is understood to have been deeply concerned over RCA's original $16,000,000 investment in RKO and exactly how he would come out of it, will emerge satisfactorily after all. Down to $14,644,614 through writeoffs, shrinkages and such, he will get ten million anyway. One of the inside angles has it he may eventually get a dollar-for-dollar return to the full amount, the sum beyond the ten million being taken care of when Atlas-Lehmans issue new securities in the about-to-be-reborn RKO entity. . . .

▼

While the step makes Odlum the dominant single factor in RKO, there are other elements to be taken care of. For instance, there are the Rockefellers, some bank claims and the scattered holders of RKO stock. It is said the Rockefeller end of the enterprise will be cleared away in the form of the new securities, thereby indicating, but not confirming, the understanding the oil interests already have nodded approval of such a plan. Looming large and, by last night's scouting, somewhat menacingly in the picture is Mike Meehan, biggest single interest in Keith-Albee-Orpheum. The way Meehan goes—and how he goes—is quite apt to be the determining factor in any move to make possible a concentration of control of a complete RKO in the hands of one alliance of interests, such as Atlas and the Lehmans. . . .

▼

At this stage, future moves on the board are obviously cloaked in speculation, but not mystery. Here are several of the possibilities, not conclusive, you are reminded, but also not remote:

That Odlum personally, in keeping with his operating practice, will remain in the background and evidence his influence at RKO through Rathvon.

That "Deac" Aylesworth will emerge into a real power there and—probably, mind you—drop his important participation in National Broadcasting Corporation for the big league atmosphere of a big time film executive.

That Ned E. Depinet will become president of RKO Radio Pictures, replacing J. R. McDonough, who will become a unit producer. "Mac" likes Hollywood and the kind of salaries it pays anyway.

That the theatre department with Leslie E. Thompson and Nate Blumberg, whose middle name of Jerome is always compressed into its initial, will continue as is.

▼

While all of this, in one form or another, is in the making, it took the *New York Evening Post* last night, to add to the industry's already excitable tremors rumors of a third direction in which Odlum may step, Paramount already falling within his sphere of influence as well as RKO now. Reported that newspaper:

First Paramount.

Now Radio-Keith-Orpheum.

And the Street whispers that Floyd B. Odlum and his Atlas Corporation are eying still another big motion picture company, and have been purchasing stock in it quietly for some time. The name of the company still is a secret, and may not be revealed for some time. . . .

▼ ▼

Both sides of the bitterly fought issue are weary. For approximately nine weeks now the argument and the tussle have been raging back and forth, pro and con on the local operators' situation and now come along both circuits and union to agree they wish the noise and the fury might come to an early end. That may be soon now, for major points on hourly booth scales and working conditions are virtually determined. A big issue, however, continues to be the plan, encouraged by the circuits, for an arbitration board, life limited to ten years, which will pick for adjudication any differences which may develop from bi-annual parleys. A personal note of much concern to the individual directly involved is Charlie Moskowitz's trip to Bermuda which will fade into the limbo of the forgotten if accord is not arrived at by the end of this week. . . .

▼ ▼

This department nominates, and will consider no other candidate, Brian Aherne to play Romeo opposite Norma Shearer's Juliet. . . .

Please, Mr. Thalberg! . . .

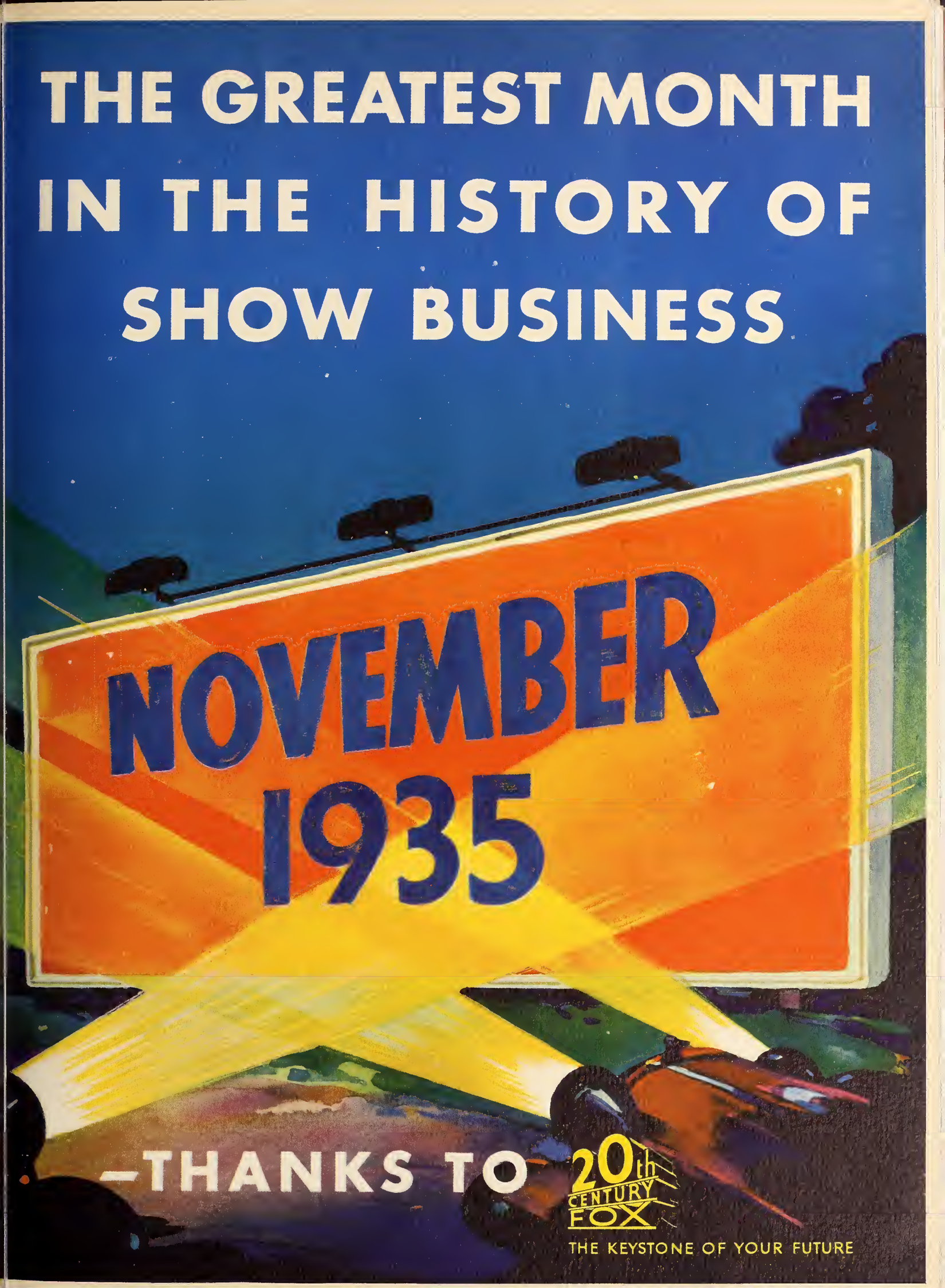
Heads of National Units to Meet Here

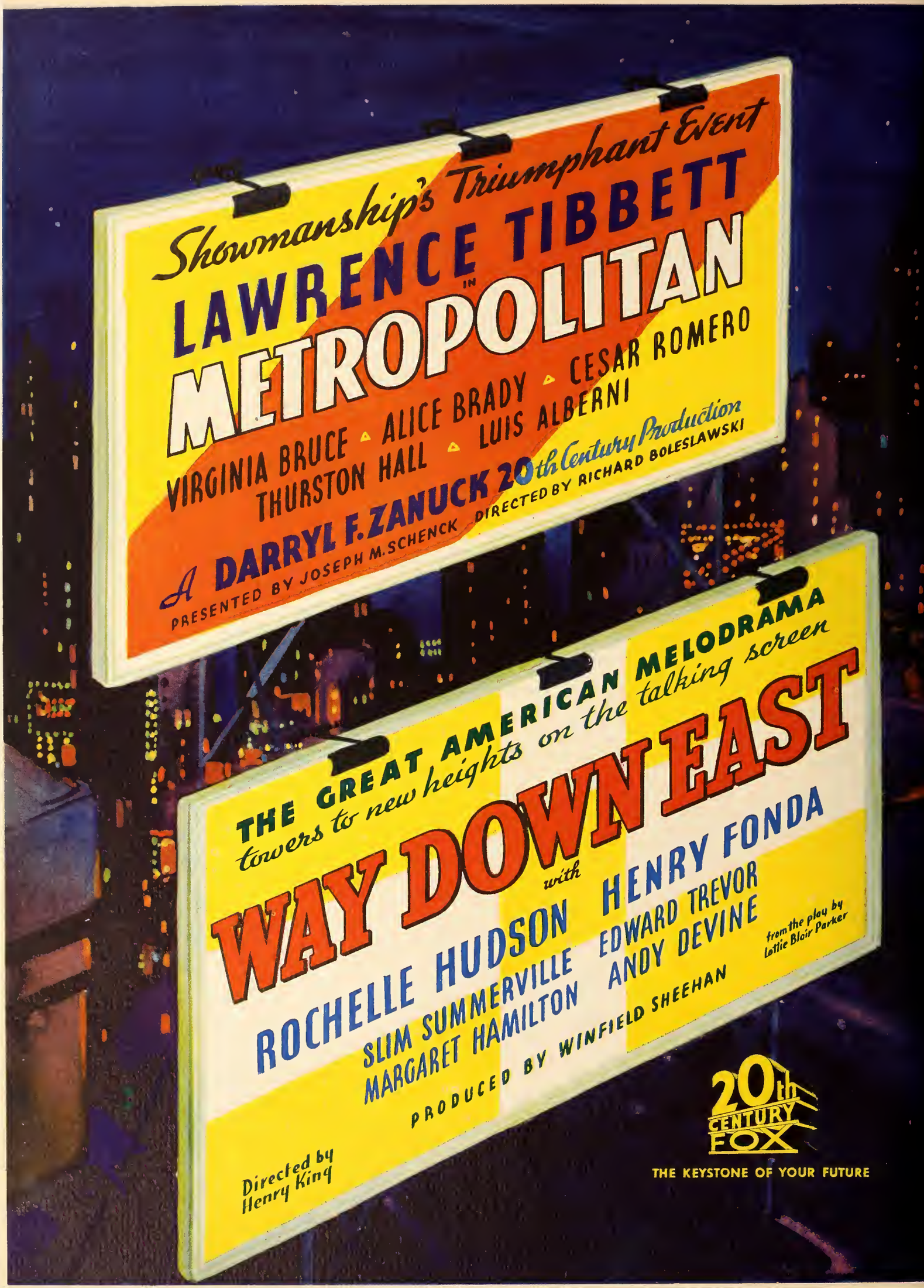
ST. LOUIS, Oct. 17.—Divisional operating heads of National Theatre units will convene in New York next week for operating policy conferences with Spyros Skouras. Attending will be: Charles Skouras and Arch Bowles, California: Rick Ricketson, Denver; Elmer C. Rhoden, Kansas City; Harold J. Fitzgerald, Milwaukee; Frank L. Newman, Sr., Seattle, and David Idzal, Fox, Detroit.

Newman is now in New York.

Edward L. Alperson, eastern buying chief for Skouras, flew in last night from New York and will return east with Spyros Skouras when the latter finishes testifying in the anti-trust trials here. William T. Powers will accompany them.

Alperson spent the day in court for his first look at the trial. J. M. Ulmer and D. B. Gordon of Ulmer, Berne & Gordon, Cleveland legal firm, arrived here today to put in appearances as Government witnesses. Mrs. H. M. Warner arrived early this afternoon. Mrs. Gradwell Sears and Mrs. Herman Starr are also here.


THE GREATEST MONTH
IN THE HISTORY OF
SHOW BUSINESS
NOVEMBER
1935
—THANKS TO
20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE


Showmanship's Triumphant Event
LAWRENCE TIBBETT
IN
METROPOLITAN
VIRGINIA BRUCE ▲ ALICE BRADY ▲ CESAR ROMERO
THURSTON HALL ▲ LUIS ALBERNI
A DARRYL F. ZANUCK 20th Century Production
PRESENTED BY JOSEPH M. SCHENCK DIRECTED BY RICHARD BOLESLAWSKI
THE GREAT AMERICAN MELODRAMA
towers to new heights on the talking screen
WAY DOWN EAST
with
ROCHELLE HUDSON HENRY FONDA
SLIM SUMMERVILLE EDWARD TREVOR
MARGARET HAMILTON ANDY DEVINE
from the play by Lottie Blair Parker
PRODUCED BY WINFIELD SHEEHAN
Directed by Henry King
20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE


His latest and Greatest Picture
WILL ROGERS
in
IN OLD KENTUCKY
Dorothy WILSON
Russell HARDIE
Charles SELLON
Louise HENRY
Alan DINEHART
Bill ROBINSON
DIRECTED BY GEORGE MARSHALL
PLAY BY CHARLES T. DAZEY
A MILLION DOLLARS' WORTH of STARS!
Thanks A Million
Starring DICK POWELL
ANN DVORAK · FRED ALLEN
PATSY KELLY · PAUL WHITEMAN AND HIS BAND WITH
RAMONA · RUBINOFF · RAYMOND WALBURN YACHT CLUB BOYS
Presented by JOSEPH M. SCHENCK
a DARRYL F. ZANUCK 20th Century Production
Directed by Roy Del Ruth
20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE


THE MOST AMAZING ADVENTURE IN FACT OR FICTION
RONALD Colman in THE MAN WHO BROKE THE BANK AT MONTE CARLO
A DARRYL F. ZANUCK 20th Century Production
PRESENTED BY JOSEPH M. SCHENCK
Directed by Stephen Roberts From the play by Hia Surgutchehoff and Frederick Albert Swann
JOAN BENNETT
COLIN CLIVE • NIGEL BRUCE
YOU'LL TELL YOUR GRANDCHILDREN ABOUT THE PROFITS YOU MADE IN
NOVEMBER 1935
with 20th CENTURY-FOX
20th CENTURY FOX
THE KEYSTONE OF YOUR FUTURE

Berger Takes Minor Role in Patents Probe

(*Continued from page* 1)

or those of any one else who could present the committee with "facts" pertaining to its investigation. No comment whatever was made by the committee concerning Robert Robins, an associate of Berger, who is serving as an investigator for the committee.

C. C. Colby, former president of the Samson Electric Co., Canton, Mass., and Joseph Numero, former president of Cinema Supplies Co., Minneapolis, were the only witnesses called yesterday. Colby said his company was liquidated in 1932 when it was unable to effect an acceptable cross-licensing agreement with A. T. & T. and subsidiaries for the manufacture of sound equipment units. He said that an agreement had been offered his and other associated companies by John E. Otterson, then president of Erpi, the signing of which, he said he felt, would have been equivalent to signing "our death warrant."

Agreement Explained

Pressed for an explanation, Colby related that the agreement called for dissolution of the licensing benefits if royalty payments were not made within a 30-day period. Asked if John H. Ray, counsel for Western Electric, drew the contract, Colby said he was not sure.

"Well, whoever it was knew how to write a contract for the company, didn't he?" Congressman Matthew Dunn of Pennsylvania remarked.

"That's why I want my copy of the agreement returned by the committee," Colby replied. "I might want to use it myself some time."

In reply to questions put to him by members of the Congressional committee Colby said that he favored Federal regulations which would require public utility concerns operating under franchise to confine their commercial operations to the field for which their franchise had been granted. He also said he favored a Federal regulation which would require a public utility conducting extensive research work, such as A. T. & T., to make patents developed in its laboratories which related to another commercial field available at a reasonable royalty charge to any responsible company operating in that field. Colby agreed with Sirovich that the owner of the patent also should be required to stay out of the alien field except as a patent licensor.

"Unfair and Un-American"

In this connection Colby described A. T. & T.'s invasion of the film sound equipment field as "unfair and un-American." He said he believed it was accomplished by the use of the public utility's "tremendous prestige and good will," which permitted the effecting of recording agreements with the "small group" which dominated the film producing center and through those agreements made a domination of the reproducing business possible.

Colby testified that some of the products of his company had been found to infringe patents owned by A. T. & T. or its subsidiaries.

Numero testified that his company had been unable to obtain licensing agreements from A. T. & T. companies in 1932 and said that he is now being sued by the telephone company for infringement of amplifying patents.

William Fox, who has been subpoenaed for the hearings and was reported to be in the custody of a U. S. marshal at Atlantic City on Wednesday, pending instructions from the committee, yesterday was said by his attorney, Benjamin Reass, to be undergoing treatment for a diabetic condition at an Ontario hospital. He will probably be excused from testifying.

The hearing resumes today and may be concluded next Tuesday, Sirovich said yesterday.

Screen, Stage Stars Due at "Coast" Ball

Screen, stage, radio and night club talent will be represented in numbers at the "Barbary Coast" ball tonight at the Astor. The proceeds will go to the *New York American* and *Evening Journal* Christmas and relief funds.

Among those expected are: Carmela Ponselle, Jerry Blanchard, Ken Murray, Bob Hope, Betty Boop, William Gaxton, Victor Moore, Gomez and Winona, Dorothy Mackaill, Teddy Bergman, Kay Parsons, Marion Chase, Sheila Barrett, Frances Maddux, Leo Reisman, Xavier Cugat, Jack Benny, Phil Baker, Uncle Don, Herb Williams, N. T. Granlund and his Paradise girls, Betty Kashman, Wanda Goll, the Perry Twins, Peggy Mann and others.

Warner to Address St. Louis Council

St. Louis, Oct. 17. — Harry M. Warner will be guest speaker of the Better Films' Council for Greater St. Louis tomorrow.

The meeting will be held at noon and Warner, who is attending the local anti-trust trial, will be excused from court for the occasion. The council is sponsoring the special premiere of "A Midsummer Night's Dream" at the Orpheum on Oct. 24.

The debut of the Shakespeare-Reinhardt spectacle will be marked by a broadcast over KSD, local station of NBC. Leonard Halper, Cleveland maintenance man for the Warner Ohio houses, arrives here tomorrow to work on the opening. Mort Blumenstock, who was expected this week, has delayed his arrival until next Wednesday or Thursday.

Exhibitor Named to Canada Parliament

Toronto, Oct. 17.—Out of the whirl of the Canadian Federal elections in which more than 800 candidates competed for the 245 seats in the House of Commons, one result emerged with general satisfaction to theatre men. This was the election of H. E. Wilton, manager of the Strand, Hamilton, Ont., as member of Parliament for Hamilton West.

Wilton is mayor of Hamilton and recently was elected president of the Mayors' Ass'n. of Ontario. With the election of Wilton, theatres of Canada virtually have a direct representative in Parliament.

Wall Street

K. A. O. Continues Gain

	High	Low	Close	Net Change
Columbia	67	66	66	—1
Consolidated	5¼	4¾	5⅛	+ ⅜
Consolidated, pfd	18½	17½	18⅛	+ ⅞
Eastman Kodak	156½	156½	156½	— ¼
K. A. O., pfd	84⅛	84⅛	84⅛	+5⅛
Loew's, Inc.	48⅛	47⅛	47¼	— ½
Loew's, pfd	108¼	108¼	108¼	+ ⅝
Paramount	10⅝	10½	10½	.....
Paramount, 1 pfd.	94	94	94	.....
Paramount, 2 pfd.	13	12¾	12¾	— ⅛
Pathe Film	5¾	5½	5⅜	.....
RKO	5⅜	5⅛	5⅛	— ⅛
20th Century-Fox.	16¾	16⅜	16½	— ⅜
20th Century, pfd.	26⅝	25¾	25¾	— ¾
Universal, pfd	34	33¾	34	.....
Warner Bros.	7⅝	7¼	7¼	— ⅜
Warner, pfd	44	43	43	+1

Little Curb Change

	High	Low	Close	Net Change
Sentry Safety	5/16	¼	¼	—1/16
Sonotone	2⅞	2⅜	2⅞	+ ⅛
Technicolor	19¾	18¾	19¼	+ ¼
Trans-Lux	3¼	3⅛	3¼	.....

Bonds Maintain Levels

	High	Low	Close	Net Change
General Theatre 6s '40	15¾	15⅛	15¾	+ ¼
Keith B. F. 6s '46	90	89¾	90	+ ½
Paramount Pict. 6s '55	96¾	96⅜	96⅜	— ⅜
RKO 6s '41 pp	83½	83	83	.....
Warner Bros. 6s '39 wd	82¾	82½	82¾	.....

(Quotations at close of Oct. 17)

Directors' Failings Target of Vanderlip

The failings of corporate administration by directorates were scored by Frank A. Vanderlip, who recently resigned from the Paramount board, in a letter to the Sabath Congressional committee investigating corporate reorganizations, and read at the opening of yesterday's session.

It is only rarely that the ordinary stockholder has any voice in choosing directors, Vanderlip said in his letter. "Moreover," he added, "a director having an hour a week or an hour a month cannot possibly have the basis for making sound decisions in many cases."

He said that the increased responsibility attached to the post of a board member is making it increasingly difficult to obtain able men for those posts.

Traub Subpoena Quashed

City Court Justice Henry Shimmel yesterday granted a motion setting aside a subpoena to examine in supplementary proceedings Morris Traub, president of Tivoli Vaudeville, Inc. The application was made by Hollywood Film Exchanges, Inc., holder of a judgment for $184 against Tivoli Vaudeville, Inc.

The examination was vacated because Tivoli Vaudeville, Inc., is a Brooklyn corporation and Hollywood Film Exchanges was given permission to renew the request to examine Traub in the Kings County City Court.

Texas Allied Meet Set

San Antonio, Oct. 17.—Plans are complete for a two-day session of Allied Theatre Owners of Texas Oct. 21-22. Special cars will bring in some of the delegates, who will come from spots 500 miles away.

Alleged violations of the anti-trust laws and legislation will be important topics for discussion.

Ampa Boys See Critics; Also Hear a Couple

(*Continued from page* 1)

except the dais, except when the flashlights were—'er flashlighting.

One of the waiters moved the microphone over in front of Cohen. Another voice boomed: "He's loud enough already."

"Members are talking more than the guests," continued Cohen.

"And better," interpolated Hal Horne.

In the course of time Cohen gave up.

"Dr. Igor Odet of Hungary and Czechoslovakia" was a riot.

Very few seemed to realize that he was Pete Mack in spite of a trace of a brogue. He was introduced as an authority on film technique in Central Europe who would speak frankly.

Respectful Silence—Then

"I hope I you—that I can hev it the ideas in the back of mine head, but when it comes out of the mouth it dun't always mek sense," he began.

And it didn't. For the first three minutes there was respectful silence. Then somebody snorted into his coffee and sprayed H. Spencer Berg's knitted tie three feet away. The Ampa treasurer used his napkin. The laughs began.

Louis Calhern took a bow. Boris Morros told the audience he was glad of his advancement in Paramount. (He leaves for a studio post today.) He was sorry, he said, to leave "his boys" at the Paramount Theatre, though, and to go away from all his other good friends in New York. He was impressively serious and received a hand.

Then Buck was presented. Frank rated three asterisks and a couple of stars as a speaker. He began by denying that the escape of hundreds of his monkeys from his Amityville zoo was a publicity stunt.

Buck Dramatic

As usual, Buck was dramatic. He described how a python attacked one of his boys in a jungle.

"He had three coils around him as I ran up," he went on. "We uncoiled the tail. Then I held down his head and put a log in his mouth. He was this big around (holding up his hands in a circle). We wrapped him around the log like a bunch of spare tires and tied him with rattan. One of the boys carried him back on his shoulder."

Even Horne was impressed.

Buck warmed up to his subject and told about a 240-pound orang-utan he was trying to get out of a cage on a boat. He held one wrist and the ship's carpenter, a six-foot, four-inch specimen, held the other until he let go. The orang leaped toward Buck with outstretched arms, he said.

"It was a perfect opening," Buck went on. "I clicked him on the jaw and knocked him cold."

"Oh you Joe Louis," piped someone near the entrance.

Buck offered to answer any questions.

"How long do you think it would take to tame Julius Cohen?" inquired an anonymous information seeker.

"It can't be done," Buck replied emphatically.

Charges Leahy With Coercing Ned Depinet

(Continued from page 1)

wanted to get relief. Leahy denied the charge, declaring: "I did not threaten or attempt to coerce Mr. Depinet."

"I didn't have any interest other than in getting pictures for the Ambassador, Missouri and New Grand Central," Leahy countered. "I knew that if Depinet were acting in conjunction with other persons they could be enjoined. If they were enjoined, these persons would have to sell their pictures to someone and I felt my clients would get the pictures," Snyder's lawyer stated.

The ex-senator began his cross examination of Leahy after Jacob M. Lashly, attorney for RKO, had finished asking the witness a number of questions. George S. Leisure, another RKO lawyer, wanted to follow Lashly, but Russell Hardy objected and was sustained.

Reed drew from Leahy a picture of the part Snyder played in acquiring the three theatres in question. Upon his cross questioning, Reed was told by Leahy that his client put up $25,000 of the $105,000 paid to the bondholders' committee as a guarantee on the leases. Dr. Probstein, Harry Koplar's brother-in-law, put up a similar amount, and Harry Arthur and Marco Wolff advanced $55,000 in cash, Leahy asserted under oath.

Mentioned Sherman Act

Snyder's counsel testified that the leases on the three houses were dated July 20, 1934, although the two operating companies were formed July 16-17, following which Reed said:

"So you knew before you executed the lease that Paramount and RKO product had already been contracted for by Warners?" Leahy agreed.

Upon questioning by Reed, Leahy denied he had represented Arthur in any way except in the deal with Snyder for the Ambassador, Missouri and the New Grand Central. Snyder's lawyer further added that when he went to New York his visit was to obtain films for the three houses and not for Arthur's other two theatres, the Fox and St. Louis.

Testifying further upon questioning by Reed, Leahy said he had called to Depinet's attention the consequences of Sherman Act violation.

"What you were trying to do," Reed said, "is this. You were trying to get RKO pictures for the group that controlled all but one first run by endeavoring to threaten Mr. Depinet." Leahy became angry and resented the remark, declaring, "You can't make a speech like that without me answering."

"No, that's not so," Leahy answered, "Snyder had no interest in any but the three theatres. Secondly, I never threatened Depinet, and thirdly, it was Arthur and F. & M. who had the Fox and St. Louis. Arthur had no monopoly and if he did and violated the Sherman Act, I am confident the Government would have acted."

"I didn't say anything about a monopoly," Reed explained, to which Leahy responded, "I don't know what you said."

Snyder's attorney again denied he had tried to intimidate Depinet, asserting, "I was only trying to secure pictures."

"In substance," Reed answered: "What you did was called in an officer of the company, told him what the law was and warned him what you would do if you didn't get the pictures. Is that right?"

"Yes, sir," Leahy replied, smiling as the former Senator shot back, "That's all."

Samuel Fordyce brought up the question of a telephone conference Leahy said he had with George J. Schaefer the same day he had conferred with Depinet. Snyder's lawyer said Schaefer told him over the phone when he brought up the St. Louis matter that it was no use seeing him, that he, Schaefer, couldn't do anything about the deal with Warners and that Paramount had to go ahead with it.

There was marked bitterness between Leahy and Reed during the entire cross examination of the witness. The affair became so tense that Judge George H. Moore had to stop the proceedings and warn both men that he wanted the examination governed by the proper decorum of the court and without the injection of personal bitterness. Leahy became assertive several times while Reed and Lashly were cross interrogating him and both defense attorneys complained to the court.

Queried on Meeting

Lashly's cross examination had to do with the Plaza session on April 7 which was attended by Leahy and Arthur in addition to William Kupper, M. Turner, Felix Jenkins and Harry Greenman. Leahy related a conversation he had with Arthur in which he declared the latter told him "Depinet wouldn't really go into this if he knew the effects of the Sherman Anti-Trust Law." Arthur also told him, Leahy said, that Depinet stated, "Don't get excited about the matter. I'm sure it will work out. These fellows (referring to Warners) will get tired and let us sell you."

Leahy testified he told Depinet he didn't want him or anyone to "welch" on a contract, but wanted to impress upon the RKO president that the contract entered into was "illegal" in view of Arthur offering any price for the product. Leahy said he made three visits to the Dept. of Justice. He also asserted that shortly after the Plaza meeting he prepared an affidavit for the Dept. of Justice which Arthur signed. Arthur made his first trip to Washington on June 18, about two and a half months after Leahy told Depinet he would bring the matter to the attention of Washington officials.

Leahy said the Dept. of Justice was not asked to take criminal action, and that Depinet asked him not to bring the matter before Washington officials, saying, "It will work itself out."

No Session Saturday

Lashly then told Leahy, "The reason you had Mr. Depinet come to the Plaza was so that you could have a foundation for this action." Snyder's attorney denied this and vindicating the F. & M. head, declared, "There never was a time when Arthur or his associates harbored any desire to prosecute Schaefer or Depinet criminally."

Leahy concluded with the remark that "the whole purpose of the affidavit was to secure some relief in equity from the Government."

Upon request of William R. Gentry, local Paramount counsel, Judge Moore agreed not to hold court Saturday. Gentry explained the local attorneys were finding work accumulated during the trial which they had not been able to dispose of and asked for the day off to catch up. Judge

(Continued on page 9)

"Mystic Hour"

St. Louis, Oct. 17.—In his cross examination of John S. Leahy, attorney for Allen L. Snyder, Jacob M. Lashly, representing RKO, asked the witness to give the exact hour of his conference with Ned E. Depinet on April 7 at the Plaza, New York.

Lashly said he wanted to know because of "the tricky daylight saving time."

"It was after twilight, or the mystic hour," replied Leahy, "and there was nothing tricky about that."

The Prosecutor



Motion Picture Daily

ST. LOUIS, Oct. 17.—Russell Hardy, prosecuting attorney in the Government's anti-trust case, is 42 years old. He was born in Washington, D. C., and had been a court reporter in that city for a number of years before he decided to study law at Georgetown University.

He has lost very few cases since he joined the Department of Justice 19 years ago. In 1930, the first important victory Hardy scored was the Malleable Iron case in which the Government charged violation of the Sherman anti-trust act. In this instance, he was successful in having fines totaling approximately $300,000 imposed on the defendants.

The prosecuting attorney in the trial against Harry M. Warner, Herman Starr, Gradwell Sears, George J. Schaefer and Ned E. Depinet, RKO, Warners, Paramount and their subsidiaries for alleged violation of the Sherman law, is also author of "Hardy on Removals," a book which was published some time ago.

He is an unassuming person, slightly bald and conservative in his attire. Hardy is married, has two girls and a boy. The oldest girl is 17.

The Lighter Side

ST. LOUIS, Oct. 17.—The gagsters are at it again. Here's another from the courtroom.

"Through these portals pass the ugliest lawyers—and the most expensive."

✚

Done in oil, these judges look down upon the scene in all solemnity from the walls of the courtroom:

The Honorable	*His Term*
Peck	1822-36
Wells	1836-64
Catron	1837-65
Miller	1862-90
Krekel	1865-88
Dillon	1869-79
McCrary	1879-84
Brewer	1884-89
Thayer	1887-94
Caldwell	1890-1915
Sanborn	1892-1928
Priest	1894-95
Adams	1895-1905
Dyer	1907-24

✚

The Warner southern and western division sales manager—one SEARS—says he's taken a long lease on his hotel suite at the Park Plaza because he intends to stay several months more than the lease. He's brought his wife on from New York and has registered his children in a local school. SEARS claims he might as well bring his family up here if he's got to stay until the trial and preliminary injunction hearing are over.

✚

BILL POWERS is too anxious to show his boxing craftiness to some of the boys. On Monday he almost knocked out one of the newspaper men when he forgot to pull a punch. The reporter could take it and now BILL wants to get the scribbler in a gym to prove who is the better man.

✚

SAMUEL W. FORDYCE, one of the local attorneys representing Paramount, is the author of "The Old Boat Rocker." It's a blast at the New Deal and all the various lawyers interested in the indictment trial are reading the tome.

✚

SPYROS SKOURAS was introduced to IRVING COHEN, a Paramount lawyer, by LOUIS PHILLIPS the other day. When SKOURAS learned that COHEN was an attorney he said:

"You can't be a gentleman."

✚

HARRY WARNER has a watch in the buckle of his belt. It's the latest gag and every time he wants to see the hour, he presses the buckle and presto he's got the time.

They Bow and Bow

St. Louis, Oct. 17.—Politeness hit a new high in the anti-trust trials here today.

Jacob M. Lashly had risen to cross examine John S. Leahy about the same time that William R. Gentry, Paramount counsel, stood up.

Lashly excused himself and asked Gentry to begin. Gentry bowed and suggested Lashly start.

Lashly turned to Leahy and apologized for the delay, making a reference to the "Alphonse and Gaston act."

"I couldn't tell which was Alphonse or which Gaston," commented Leahy.

Charges Leahy With Coercing Ned Depinet

(*Continued from page* 8)

Moore then asked Hardy, Reed, Wood and Leisure for their opinions. When all the lawyers agreed official announcement of the Saturday vacation was made. Up to this morning there were 1,225 pages of testimony, 159 of which were recorded yesterday.

Although Leisure announced yesterday he would cross examine Jules Levy when the trial resumed this morning, the RKO attorney changed his mind and passed up the interrogation. Clarence M. Turley, local real estate operator and office building manager, was first to take the stand today. He asserted he had been associated with Spyros Skouras in a bid for the reorganization of the Ambassador and with Skouras attended a meeting at the Blackstone, Chicago, on Feb. 27, 1934, which was attended by Herman Starr and Gradwell L. Sears.

Starr Conversation Told

Turley testified that the first thing Starr did when he came into the room was to congratulate Skouras for having closed a deal for the Ambassador, Missouri and New Grand Central. Skouras then advised Starr, Turley said, that he had been badly mistaken, that "the Snyder bid has been accepted by the bondholders."

Starr then asked, according to Turley, "What about the management contract," to which Skouras replied, Turley said, "F. & M. had made a deal."

"Warners got a raw deal," Starr told Turley, according to the latter's testimony.

"We thought it unwise for the bondholders to accept the Snyder proposal," Turley asserted Starr said. "We're going to be a factor in this business whether the bondholders like it or not," the real estate man continued as part of the Starr conversation.

Reed Cross Examines

"We're going to show first runs at 10 cents," Starr is said to have told Skouras at the meeting, according to Turley. "Warners have a certain amount of bonds which they will withdraw from the committee," Turley added as part of the First National head's talk.

Starr was described by Turley as having also said, "There's going to be a nasty fight and you (referring to Skouras) will find yourself in the middle." Turley testified both Skouras and Starr had a heated argument which ended when two other Chicagoans came into the suite. Turley also testified that he and Skouras had been guarantors of the first mortgage bonds of the Ambassador and were negotiating for an extension at the time this meeting took place.

Reed cross-examined the real estate operator briefly. So did Gentry. RKO counsel passed this up.

Leahy followed Turley and was on the stand several hours. Snyder was next. He is slightly deaf and Hardy had to shout his questions at the local engineer, who admitted he had made the bid for the three theatres. The examination by the prosecuting attorney took about two minutes when Reed, Gentry and Lashly called, "That's all," in such rapid succession that the entire court room broke out in a gale of laughter.

Cresson Smith, southern and western sales manager for RKO, was next. Hardy asked him severel questions in connection with a contract and rider whereby his company's product would play the Shubert, Rialto and Orpheum. A memorandum drawn up by Smith and a letter signed by Lester Kreiger of Warner's home office in connection with the deal also were introduced. Some of the clauses in the memorandum were not included in the final contract on advice of RKO counsel, Smith said.

Both papers contained provisions of what disposition would be made of RKO product in the event Warners either sold the theatres or acquired the Ambassador, Missouri and New Grand Central.

Walsh Last on Stand

Hall Walsh, local branch manager for Vitagraph, was the last Government witness. He said that for the three years prior to Jan. 11, 1935, he had been city salesman, that the company distributed in 1932-33 a total of 52 features; in 1933-34, 54; in 1934-35, 48. He explained in detail upon direct examination by Hardy the method of shipping prints to and from the exchange and the inspection process of all subjects. He was not cross examined by anyone but Frederick H. Wood, who made Walsh again go over the inspection details.

Hardy then asked Warners to produce certain documents the Government subpoenaed.

This started a legal controversy which had to be debated while the jury was dismissed. Judge Moore excused the jurors at 4:05 and for the next hour defense and Government counsel argued the admissibility of the Skouras Super Theatres Corp. papers of 1928. Warner attorneys held that they would not be material to the case inasmuch as they were seven years old and that only documents dated three years before the indictments were handed down, Jan. 11, 1935, could be admitted. The question had not been settled when court adjourned for the day. Tomorrow morning the matter again will be taken up.

Wolfberg Heading In

St. Louis, Oct. 17.—Harris P. Wolfberg, M-G-M district manager with headquarters at Kansas City, is due here next week to spend several days with Clayton Lynch, local manager.

Idzal Back to Detroit

St. Louis, Oct. 17.—David Idzal left for the Fox, Detroit, today, after two days here with Spyros Skouras.

Minnesota to Open

Minneapolis, Oct. 17.—The Minnesota, largest in this part of the country, will open Nov. 1 after having been closed most of the time for the past three years. The opening announcement followed a campaign of some weeks by the *Minneapolis Shopping News & Guide*. Considerable interest was aroused and letters, phone calls and chatter reached the Minnesota Amusement Co.

Union Clash Halts Invincible Filming

Hollywood, Oct. 17.—A labor clash, bordering on violence, broke out here today between I. A. T. S. E. Local 37 of the stagehands' union, and Local 40 of the I. B. E. W. Police were called. Maury Cohen's Invincible company, filming "Hitchhike to Heaven" at the Hollywood Playhouse, was the victim of the dispute. Work was halted at a loss of more than $4,000. About 300 extras were thrown out of work.

Both unions claimed jurisdictional rights. The I. A. T. S. E. claimed the location of the theatre placed employment of electricians within the stagehands' jurisdiction. The I. B. E. W. demanded 100 per cent representation. The I. A. T. S. E. claimed the I. B. E. W. men were incompetent. Both unions expressed regret at Cohen's loss.

"Dream" Draws on Coast

Los Angeles, Oct. 17.—Film notables turned out in large numbers for the opening of "A Midsummer Night's Dream" at the Beverly-Wilshire last night. Gov. Frank Merriam was among those present. The crowd of onlookers outside was estimated at 30,000.

Cleveland, Oct. 17.—The Committee for the Advancement of the Screen is sponsoring the opening of "A Midsummer Night's Dream" at the Hanna tomorrow night.

Hardy Funeral Today

Hollywood, Oct. 17.—Funeral services for Sam Hardy, actor, will be held tomorrow at Forest Lawn Memorial Park. The body will lie in state for two hours. Nine members of the Masquers will serve as pallbearers.

Lottery Case Delayed

Hearing on the lottery law test case brought against the Winthrop, Brooklyn, scheduled for yesterday in Kings County Special Sessions Court, was postponed until Oct. 24.

Milton C. Weisman, I.T.O.A. attorney, is defending the Winthrop.

To Film "Tom Brown"

Hollywood, Oct. 17.—David O. Selznick has picked "Tom Brown's Schooldays" as one of the early features for Selznick International Pictures. A camera crew will leave soon for England to get background.

Say 64,300 Saw "Coast"

At the close of business Wednesday night, according to United Artists, the Rivoli had sold 64,300 tickets to "Barbary Coast." This is claimed as a record for the season. The picture will be held over.

Wolf Addresses SMPE

S. K. Wolf of the acoustic division of Erpi delivered a lecture on "Recent Advances in Acoustics" at the first fall meeting of the S.M.P.E. at the Hotel Pennsylvania last night.

Alice Moore Married

Yuma, Ariz., Oct. 17.—Alice Moore, daughter of Alice Joyce and Tom Moore, was married here last night to Felix Knight, singer.

Purely Personal

Around Mrs. Astor's Hunting Room yesterday, these film men: John Balaban and Carl Leserman, Walter Immerman and Harry Gold, Bill Rodgers, Fred Quimby, Ed Saunders and Bill Scully, later joined by Clayt Bond, pale after his long siege of the "flu" but glad to get around under his own power; Mort Singer and Arthur Mayer, "Lep" Friedman and Joe Vogel, Eugene Picker and Herman Gluckmann, Joe Seider, Dave Loew.

Later: John and Barney Balaban and Immerman leaving for Chicago.

Quip of the Day

Editor, M. P. Daily:

From Ali Gaga, he don't want answers! Well, from Ali Gaga, he'll get an answer because Ali is the only one who bothers with Mox Shobbus and his problems.

The solution is simple:

Instead of a theatre, open up a general store for the sale of merchandise and to exploit the store, run,

"Call of the Wild" Night.
"Curly Top" Night.
"Top Hat" Night, etc.

Not only should this stimulate the sale of goods, but it will be a novelty to see the name of a picture on the marquee.

And from Ali Gaga, he didn't want an answer!!

A. G.

J. Robert Rubin of M-G-M and M. J. O'Toole, former M.P.T.O.A. secretary, now of Scranton, Pa., were visitors at the Sirovich Congressional committee hearings on patents in the Fifth Ave. Hotel yesterday.

•

Cleon Throckmorton arrived on the *Ile de France* after a European trip which included visits to 16 countries, beginning in Greece and ending in Russia.

•

Dr. Richard Burton, who has been lecturing about the country on "A Midsummer Night's Dream," returned to New York yesterday.

•

Ed Warn has been made district superintendent for Erpi here. He comes up from Washington to replace A. V. Gregory.

•

Sam E. Morris, in charge of foreign distribution for Warners, sailed yesterday on the *Majestic* for New York.

•

William Brandt is in the Jewish Hospital in Brooklyn following a relapse from his recent pneumonia attack.

•

Jack Fier arrived in New York yesterday in connection with the opening of "Harmony Lane" at the Astor.

•

John Flinn flew to the coast yesterday to confer on the Will Rogers memorial.

Plan Two Theatres In Toronto Suburb

TORONTO, Oct. 17.—For years the swanky village of Forest Hill has banned the erection of a theatre, but now the municipality is going to have two of them, the council having let down the bars. Famous Players Canadian Corp. plans one and Luigi Romanelli, orchestra conductor who recently opened his first house in Toronto, plans another.

The Forest Hill Council has made the stipulation that any theatre must be of the clubhouse type of construction to conform with the elegance of local residences.

This city is to have another downtown house, the Casino, seating 1,200. The site on Queen St. is owned by the Jacob Cohen Estate. The operators will be the Casino Theatre, Toronto, Ltd.

The city has also issued a permit for the erection of the Eglinton, a suburban house on Eglinton Ave., West, to be leased and operated by Famous Players Canadian Corp. The building will be completed in December at a cost of $200,000.

St. Louis Openings Gain

ST. LOUIS, Oct. 17.—Theatre openings are gaining in this territory.

Among them are: Lincoln, Paris, Ill.; Florina, Flora, Ill.; Gem, St. Johns, Mo.

A. H. Webster is going to build an addition to the Auditorium, Steelville, Ill. New screens have been installed at the Melvin and Roosevelt here, and at the Gem, Chester, Ill., and the Ritz, Arcola, Ill. Mrs. Charles Goodnight is remodeling the Jefferson, De Soto, Mo. The Grand, Hillsboro, Ill., has just been renovated. The Princess here has a new lobby and interior decorations.

Two Open in Washington

SEATTLE, Oct. 17.—Two remodeled houses in this territory have been reopened. Evergreen's Neptune, in the local University district, has opened under the management of Lloyd Miller, after having undergone a $20,000 renovating and redecorating job.

In Tacoma, H. T. Moore has reopened his Rialto after remodeling. The house will be operated on a first run policy.

Newton to Get New House

NEWTON, N. C., Oct. 17.—Plans for a new 600-seat theatre have been announced by G. G. Mitchel, manager of the Imperial. The new building will be of Spanish architectural design. There will be a stage to accommodate special attractions. It is planned to have it ready the first of the year.

Take Osawatomie House

OSAWATOMIE, Kan., Oct. 17.—Commonwealth Amusement Co., has acquired the Zephyr. The house will be remodeled and enlarged. B. F. Churchill, former owner, has been retained as manager.

Manwaring in Richmond

RICHMOND, Oct. 17.—N. E. Manwaring, formerly of New York, has succeeded Harold B. Kitmiller as manager of the National, Wilmer & Vincent house.

Gets Los Angeles Metro

LOS ANGELES, Oct. 17.—Leo Fenton has taken over the Metro from P. G. Cameron.

The Program of S.M.P.E.

WASHINGTON.—*This is the official program of the forthcoming convention of the Society of M. P. Engineers which opens at the Wardman Park Hotel Monday and concludes Thursday:*

Monday, October 21

9:30 A.M. Registration.

10:00 A.M. *Little Theatre;* Business and Technical Session.
Report of the Convention Committee, W. C. Kunzmann, *Convention Vice-President.*
Address of Welcome; H. G. Tasker, *President.*
Report of the Memorial Committee, E. R. Geih, *Chairman.*
Election of Officers for 1936.
"Use of Films in the U. S. Army"; Major M. E. Gillette, U. S. Army.
"Microphotographic Duplication in the Service of Science"; W. Davis, Director, Science Service, Washington, D. C.
"Some Technical Aspects of Photomicrography"; R. H. Draeger, U. S. Department of Agriculture, Washington, D. C.
"A Visual Education Program"; F. H. Conant, Massachusetts Institute of Technology, Cambridge, Mass.
"The Scientific Application of Color to Films"; H. Ketcham, New York, N. Y.
"Is the Federal Government Interested in Educational Films?"; C. M. Koon, U. S. Department of the Interior, Washington, D. C.

12:30 P.M. *Continental Room;* Informal Get-Together Luncheon.
For members and guests; Addresses by:
Hon. Sol Bloom, Member of Congress from New York.
Mrs. Emily Newell Blair, National Recovery Administration, Washington, D. C.
Capt. John G. Bradley, Division of Motion Pictures and Sound Recording National Archives, Washington, D. C.

2:00 P.M. *Little Theatre;* General Session.
"The Development and Use of Stereo Photography for Educational Purposes"; Prof. C. Kennedy, Smith College, Northampton, Mass.
"Demonstration Film Illustrating Applications of Polarized Light in Motion Picture Photography"; J. W. McFarlane, Eastman Kodak Company, Rochester, N. Y.
"Further Studies in Motion Picture Theatre Design"; B. Schlanger, New York, N. Y.
"Intermittent Sprocket Dimensions"; H. Griffin, International Projector Corp., New York, N. Y.

8:00 P.M. *Little Theatre;* Film Program.
Exhibition of recent outstanding feature motion pictures and shorts.
"Demonstration of 16-Mm. Colored Motion Pictures with Synchronized Sound"; H. H. Jones, Buffalo, N. Y.

Tuesday, October 22

9:30 A.M. *Little Theatre;* Screen Brightness Symposium.
Report of Projection Screen Brightness Committee; C. Tuttle, *Chairman.*
"Screen Brightness and the Visual Functions"; E. M. Lowry, Eastman Kodak Company, Rochester, N. Y.
"Photometry and Brightness Measurements"; R. P. Teele, U. S. Bureau of Standards, Washington, D. C.
"A Resume of Methods of Determining Screen Brightness"; W. F. Little and A. T. Williams, Electrical Testing Laboratories, New York, N. Y.
"An Experiment to Determine the Screen Brightness Requirements of the Public"; B. O'Brien, University of Rochester, and C. Tuttle, Eastman Kodak Company, Rochester, N. Y.
"Density Measurements of Release Prints"; C. Tuttle, Eastman Kodak Company, Rochester, N. Y.
"A Review of Projector and Screen Characteristics, and Their Effects Upon Screen Brightness"; A. A. Cook, Bausch & Lomb Optical Company, Rochester, N. Y.
"An Analysis of Theatre and Screen Illumination Data"; S. K. Wolf, Electrical Research Products, Inc., New York, N. Y.

2:00 P.M. *Auditorium;* U. S. Bureau of Standards.
"The Measurement and Specification of Color"; K. S. Gibson, U. S. Bureau of Standards, Washington, D. C.
"Color Blindness and Anomalies of Vision"; D. B. Judd, U. S. Bureau of Standards, Washington, D. C.
"Sixteen-Mm. Pictures in Natural Color with Third-Dimensional Effect, Using Kodachrome Film"; R. C. Phillips, Los Angeles, Calif.
"Visual Tests of Cellulose Films and Their Reproductihility"; S. E. Sheppard, P. T. Newsome and S. S. Sweet, Eastman Kodak Company, Rochester, N. Y.
"Equipment for Developing and Recording Sensitometric Tests"; D. R. White, Dupont Film Manufacturing Co., Parlin, N. J.
"A Note on the Measurement of Photographic Density with the Barrier Type Photocell"; B. C. Hiatt and C. Tuttle, Eastman Kodak Company, Rochester, N. Y.

8:00 P.M. *Little Theatre;* Film Program.
Exhibition of recent outstanding feature motion pictures and shorts.

Wednesday, October 23

9:30 A.M. *Little Theatre;* General Session.
"The Need for Real Projection Departments in Theatre Chains"; F. H. Richardson, New York, N. Y.
"Thyratron Reactor Theatre Lighting Control"; J. R. Manheimer, E-J Electric Company, New York, N. Y., and M. A. Salamon, General Electric Company, New York, N. Y.
"The 2000-Ft. Reel Situation"; A. S. Dickinson, Motion Picture Producers and Distributors of America, New York, N. Y.
"The Art and Mechanism of Cutting a Picture"; R. Snody, New York, N. Y.
Report of the Standards Committee; E. K. Carver, *Chairman.*
"The European 16-Mm. Sound-Film Situation"; A. N. Goldsmith, New York, N. Y.
"A Non-Theatrical International Service Organization—The Amateur Cinema League"; Col. R. W. Winton, Amateur Cinema League, New York, N. Y.
"Sixteen-Mm. Optical Systems"; G. Mili, Westinghouse Lamp Company, Camden, N. J., and R. G. Holslag, Amateur Cinema League, New York, N. Y.

1:30 P.M. Motor-Bus Tour.
Stops made at the Library of Congress, Smithsonian Institution, and the Bureau of Standards; buses leave promptly at 2:00 p.m.

8:00 P.M. *Continental Room;* Semi-Annual Banquet.
Addresses by eminent members of the industry, names to be announced later. Dancing and entertainment.
Presentation of Scroll of Honorary Membership to Thomas Armat, Washington, D. C.
Presentation of S. M. P. E. Journal Award.
Presentation of S. M. P. E. Progress Medal.

Thursday, October 24

9:30 A.M. *Little Theatre;* Sound Session.
Report of the Sound Committee; P. H. Evans, *Chairman.*
"Practical Splice Blooping"; E. I. Sponable, 20th Century-Fox Film Corp., New York, N. Y.
"A New Method for Increasing the Volume Range of Talking Motion Pictures"; N. Levinson, Warner Bros.-First National Studios, Burbank, Calif.
"Critically Damped Filters"; J. Livadary, Columbia Pictures Corp., Hollywood, Calif.
"Reversed Mechanical Bias on Light-Value Recordings"; E. H. Hansen, 20th Century-Fox Film Corp., Hollywood, Calif.
"Primary Considerations in the Design and Production of Theatre Amplifiers"; T. D. Cunningham, RCA Manufacturing Company, Camden, N. J.
"Recent Progress in Motion Pictures in the U. S. S. R."; V. I. Verlinsky, Amkino Corp., New York, N. Y.

2:00 P.M. *Little Theatre;* Apparatus Symposium.
"The Debrie 16-Mm. Professional Projector"; H. R. Kossman, Andre Debrie Corp., New York, N. Y.
"A New Non-Intermittent Editing Machine"; J. L. Spence, Akeley Camera Company, New York, N. Y.
"A Neon Type Volume Indicator"; S. Read, Jr., RCA Manufacturing Company, Camden, N. J.

Photographic and Laboratory Session

Report of the Committee on Lahoratory Practice; D. E. Hyndman, *Chairman.*
"Continuous Developing Machines, from the Patent Standpoint"; H. D. Hineline, New York, N. Y.
"Air Filtration in the Production of Motion Pictures"; H. C. Murphy, American Air Filter Company, Louisville, Ky.
"A Small Developing Machine"; M. Ricker, United Research Corp., Long Island City, N. Y.
"The Application of Silica Gel to Air Conditioning in the Motion Picture Industry"; J. G. Patterson, Bryant Heater Company, Cleveland, Ohio.
"Light Filter from Cyanin Derivatives"; W. Dieterle, Agfa Onsco, Berlin, Germany.
"Progress and Achievements in Infrared Protography"; J. Eggert, Agfa Ansco, Berlin.

Filming of Chicago Radio Show Delayed

CHICAGO, Oct. 17.—Filming of the WLS Barn Dance Show has been delayed for several weeks. Unable to get Charles "Chuck" Reisner to direct, the sponsors are now conferring with Luther Reed. If he is signed, production will start this month.

The WLS Barn Dance Show has been presented over the air from the stage of the Eighth Street Theatre here for 184 consecutive weeks and four stage units of the group are on the road.

The picture will be shown in hall and auditoriums which have a big seating capacity. It will be sold only through the WLS Artists' Bureau and on a 50 per cent basis. Farm group sponsors will present the picture when finished, officials claim.

Tulane Students Get Upset Over "Salute"

NEW ORLEANS, Oct. 17.—Members of the Glendy Burke Literary Debating Society of Tulane University are in a state of agitation over "Red Salute." Some of the members say it is dangerous propaganda.

A committee attended the opening last week to decide whether the society ought to adopt a policy of heckling and picketing.

Ridgewood to Vote On Sunday Opening

RIDGEWOOD, N. J., Oct. 17.—Petitions have been filed by Frank Costa, manager of the Warner, asking that the question of Sunday shows be voted on at the November elections. With the petitions well over the required number, the question will be voted on next month. A similar petition was beaten in 1933, when the entire community was in a turmoil over the question.

Club to Entertain

The Woman Pays Club will give a buffet supper and entertainment tonight at the Warwick in honor of Kathleen and Gene Lockhart. Mrs. Lockhart is a member and Gene Lockhart is one of three honorary members. The program will include sketches by Lillian Taiz and Sam Jaffee, Al Trahan and Yukana Cameron, and Corinna Mura. Gus Haenschen's orchestra will play.

HISTORIC NEW YORK SCENES

from the Collection of

WARNER BROS.



Premiere of "A Mid

HOLLYWOOD THEATRE, NE

These pictures are made suitable for framing because they depict what you may never see again. Scenes that lived only in Broadway's legends before, came true at Warner Bros.' International Premiere of "A Midsummer Night's Dream", and crowds struggling to pay up to $11 a seat brought back the Thrill of the Theatre and the best traditions of New York's stage openings.



mmer Night's Dream"

ORK CITY, OCTOBER 9, 1935

Look at the clock in the right-hand corner. Three quarters of an hour before the performance, both sides of Broadway were absolutely impassable for four blocks. Note mounted police on sidewalk (right) and dense mass across the street, while traffic is blocked completely. Cables report similar scenes outside Adelphi Theatre, at the simultaneous London premiere.



A Brilliant Br

INTERNATIONAL PREMIERE OF "A MIDSUMMER NIG

No theatrical performance in this decade has attracted such an amazing group of celebrities. While England's peerage and the leaders of Mayfair thronged the London Adelphi, America's notables in governmental life, in art, drama and music, stars of screen, stage and radio acclaimed "A Midsummer Night's Dream" as more than a motion picture—a national accomplishment.



dway First Night

DREAM", HOLLYWOOD THEATRE, OCTOBER 9, 1935

Crowds surged around them. Note police and special attendants trying to clear a way for the celebrities to enter the Hollywood Theatre. All through the performance and until after midnight throngs still waited to see them emerge. These graphic illustrations of the event will be treasured among the industry's most prized records, to be remembered as long as the picture itself.













NEITHER WARNER BROS. NOR THE
could be stirred to such furore as
Wednesday's $11

MAX REI

Produ

"A MIDS NIGHT'S

By William Shakespeare

St

JAMES CAGNEY JOE E
ANITA LOUISE VICTOR JO
JEAN MUIR HUGH HE
ROSS ALEXANDER
IAN HUNTER
HOBART CAVANAUGH

DIRECTED BY MAX REINHA

IDUSTRY DREAMED that New York
vept the Hollywood Theatre at last
-seat Premiere of

NHARDT'S

n of

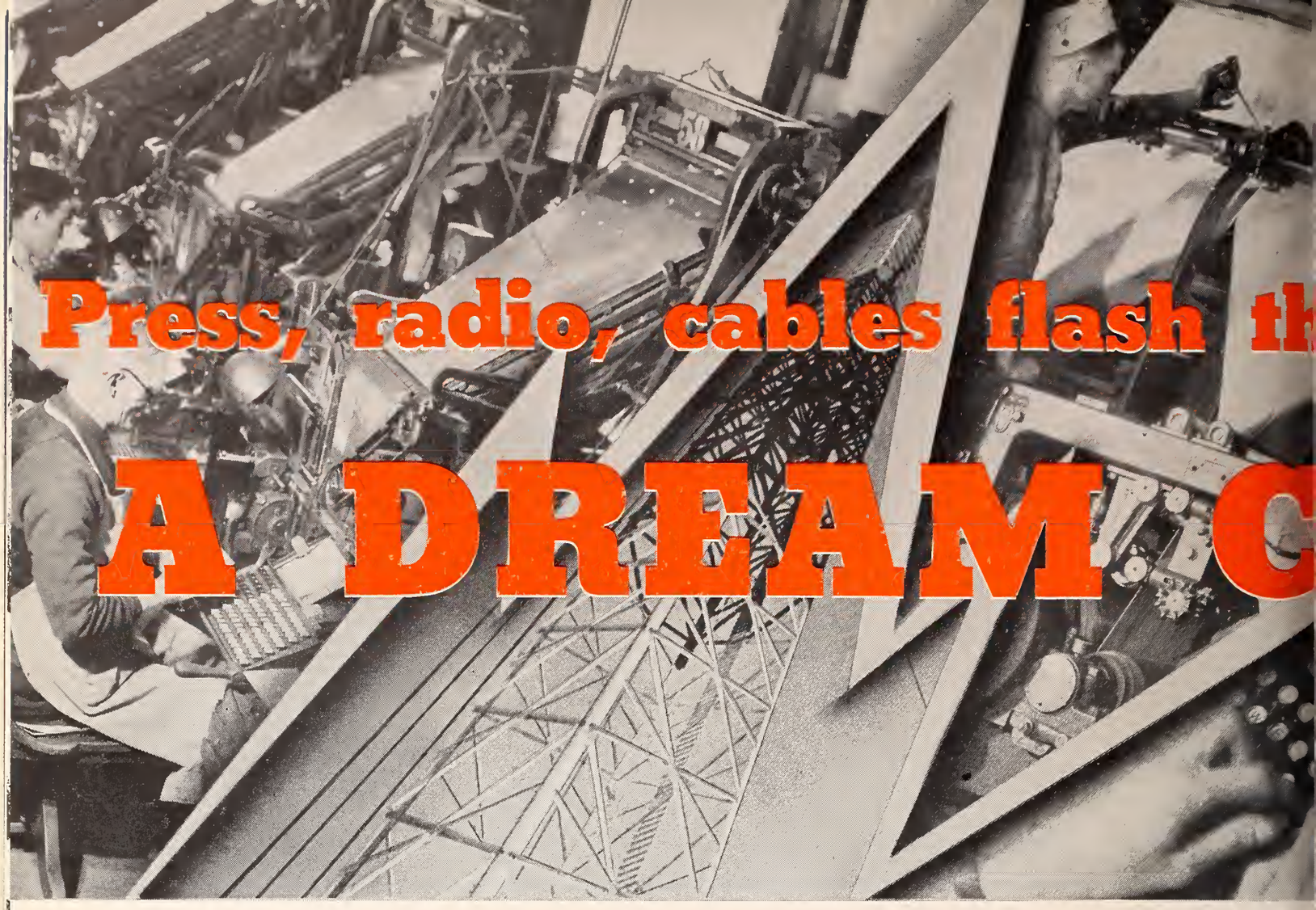
UMMER DREAM"

Music by Mendelssohn

ring

ROWN DICK POWELL
Y Olivia de HAVILLAND
ERT FRANK McHUGH
VERREE TEASDALE
MICKEY ROONEY
GRANT MITCHELL
T and WILLIAM DIETERLE





Press, radio, cables flash th

A DREAM C

"A credit to Warner Bros. and to the motion picture industry."—*N. Y. Times* . . . "A beautiful and expansive spectacle. A definite landmark in the history of the motion picture."—*N. Y. Herald-Tribune* . . . "A monumental motion picture—an historic one. It has fabulous magnificence. Big, impressive, inspiring."—*N. Y. Daily Mirror* . . . "Most important film event since advent of sound. So much to see that no written resume could possibly convey its multitudinous enchantments."—*N. Y. Journal* . . . "Genius of the screen wedded to Mendelssohn's music which Professor Reinhardt evokes as the supreme artistic gesture."—*N. Y. Post*

"Nothing anywhere can be compared with it. A masterpiece. Something only the screen can provide."—*N. Y. World-Telegram* . . . "Realized as never before through all the centuries. Pre-eminent genius of Max Reinhardt is ever evident. Players are superb."—*N. Y. American* . . . "A picture to be remembered, to be cherished, to be seen again and again and again. The screen has never done anything like it before."—*N. Y. Morning Telegraph* . . . "A spectacle and a gorgeous one—a thing of shining beauty, a fantasy of delight."—*N. Y. Sun*

These are but brief excerpts from what the critics are telling the world in columns and pages of praise. Everywhere the power of the press stands behind "A Midsummer Night's Dream" with unprecedented reviews, double-page rotogravure spreads, feature stories — publicity that money could not buy. « « Chosen by the National Broadcasting Co. for one of the



"Reinhardt has given us something to remember."—*London Star* . . . "Dazzling, magnificent, overwhelming with moments of visionary beauty such as screen has not seen before, it charmed and amused and astonished."—*London Daily Telegraph* . . . "One of the most exquisite films ever made. A memorable achievement."—*London Daily Herald* . . . "Takes you into dream world of great beauty, so lovely you are reluctant to leave it."—*London Daily Sketch* . . . "Astonishing production. An important event."—*London Daily Mail*

"Has brought to bear all that the creative techniques of the drama, the dance, pageantry and music of the world today can give . . . superimposed upon the superbly glamorous capacities of the motion picture makers."—*Motion Picture Herald* . . . "One of those finer efforts which build patronage and important good-will for the motion picture industry."—*Film Daily* . . . "In breath-taking photography; arrangement of the ballet, heightened by the mechanical and technical wizardry of the camera; beautifully arranged and brilliantly played musical accompaniment, it represents a new level in artistic and production standards."—*Motion Picture Daily*

most important broadcasts of 1935. Radio-dramatized by "March of Time." Awarded special medal by "Parents Magazine" as the most outstanding picture for family audiences. Endorsed by the Shakespearean Society. Whole-heartedly supported by the English Speaking Union, Society for the Advancement of the Screen, and vital organizations in every community.

NATION-WIDE ROADSHOWS

in full swing now, repeating New York and London successes

PHILADELPHIA—Chestnut St. Opera House opened Monday. Reviews tremendous. All seats sold out two weeks ahead. Season already extended.

LOS ANGELES—Wednesday night's premiere at Beverly Hills Theatre biggest event in Coast theatrical history, matching New York in brilliance. Business terrific. Season is a civic celebration.

WATCH FOR THESE OTHER BIG DATES:

CLEVELAND	Hanna Theatre	October 18
DETROIT	Wilson Theatre	October 20
TORONTO, Ontario	Royal Alexandra Theatre	October 21
HARTFORD	Bushnel Memorial	October 24
WASHINGTON, D.C.	National Theatre	October 27
PITTSBURGH	Nixon Theatre	October 28
MONTREAL, Quebec	His Majesty's Theatre	October 28
BALTIMORE	Auditorium	November 3
DALLAS	New Rialto Theatre	November 8
BOSTON	Majestic Theatre	November 11

Warner Bros. present

Max Reinhardt's

production of

"A MIDSUMMER NIGHT'S DREAM"

Arranged for the screen by Charles Kenyon and Mary C. McCall Jr. Musical arrangement by Erich Wolfgang Korngold. Dances directed by Bronislava Nijinska and Nini Theilade.

Costumes by Max Ree. Photography by Hal Mohr.

Special photographic effects by Fred Jackman — Byron Haskin — H. F. Koenekamp.

"Credit to WARNER BROS.

for the courage, enterprise and vision responsible for this achievement."

N. Y. American

Variety Club

Cincinnati

CINCINNATI, Oct. 17.—Contracts have been awarded for equipment and furnishings for the adjoining room which Tent No. 3 is taking over. According to the plans, the new quarters, which will contain the tap room, will be among the most elaborate of any of the tents.

RALPH HITZ, associate member, head of the Hotel New Yorker, and under whose direction the local Netherland Plaza is operated, flew from New York to be present for the opening engagement of Ted Fiorito, who is playing at the Netherland.

HARRY GADSTEIN, member of the Cleveland tent, was a visitor here.

E. V. ("DINNY") DINERMAN is playing host to his brother, LAWRENCE, here from Brooklyn.

Columbus

COLUMBUS, Oct. 17.—Variety Club has opened its fall activities with a salmon trout dinner attended by 45 members who consumed 90 pounds of fish shipped from Georgian Bay especially for the occasion.

The following have been initiated as resident members: ROBERT A. NELSON, B. A. MANRING and WILLIAM PANCAKE. PAUL KLEIN, manager of 12 houses in the Canal Zone, has been made a non-resident member.

HAROLD DUNN, national Variety Club secretary, was a visitor.

Chief Barker DUKE CLARK has named three groups of aides: Weekly Luncheons—MAX STEARN, P. J. WOOD, GEORGE TRAUTMAN, JACK NEEDHAM and HARRY SCHREIBER; kings for a night—LEO HAENLEIN, RICHARD BORELL, JOHN HARDGROVE and J. B. GARDNER; charity and welfare—L. C. GOLDSOL, RABBI GUP, FATHER CORBETT and REV. DON TIPPETT.

The club will attend the Notre Dame-Ohio State football game Nov. 2 in a body.

Plans are being made for a testimonial dinner to GOV. MARTIN DAVEY and E. L. BOWSHER, state director of education, in the near future.

Former Governor WHITE was a visitor at the club last week.

FRANCIS A. SCHMIDT, Ohio State football coach, will be a guest at the next Monday luncheon.

Omaha

OMAHA, Oct. 17.—Variety Club had the largest turnout to date at the weekly luncheon. Approximately 70 members and friends were present. Particularly gratifying to officers was the large number of outstate exhibitors present.

A highlight of the day was a 300-foot reel of the 40 members who participated in the golf tournament at Field Club. The film was made by WALTER GREEN of the Fepco Advertising Co. GREEN was chairman of the day.

Scratch St. Louis Issue

ST. LOUIS, Oct. 17.—The St. Louis Amusement Co., Class A stock has been withdrawn from the St. Louis Stock Exchange. Official approval of this action has been given by the Securities and Exchange Commission at the request of the company. There are 21,245 shares of this stock outstanding. The last deal was in 1930.

Looking 'Em Over

"Maria Chapdelaine"

(Franco-America Film)

Produced by France Film from the well-known novel by Louis Hemon, this down-to-earth story of the pioneering French people of Quebec is a finely wrought, interesting dramatic-romantic picture. In the French language, its narrative is yet extremely easy to follow without a knowledge of French by reason of the frequent use of superimposed translations of dialogue.

The setting is Quebec country itself, characterized by beautiful scenery and with the winter background giving full evidence of the rigors of the climate faced by the pioneers. Madeleine Renaud has the title role, supported in particular by Jean Gabin.

Straightforward drama lies in the very simplicity of the lives of the people concerned. Maria, returning to her wilderness home, meets Francois, stopping for a while in the course of his trapping and woodcutting adventuring in the woods. They fall in love, and Maria promises to wait until the spring for him to return. Proposals come to her as well from a young, simple neighbor, and a youth from the big city, who paints an attractive picture of life in the town. But Maria waits. Then the long, hard winter closes down, and Francois attempts to visit her, coming on snowshoes through the wilderness. A blizzard catches him and his body is brought in. Then her mother succumbs and under the inspiration of the words of the parish priest she agrees to marry the neighbor.

This is to be considered one of the better of the foreign importations, worthwhile for discriminating audiences. No production code seal. Running time, 80 minutes. "G."

"Toll of the Desert"

(William Berke-Steiner)

A time-worn story and indifferent acting make this western a production routine.

Fred Kohler, Jr., lost when Indians attack his parents on their western trek, is picked up as a child by Earl Dwire, whose wagon train comes upon him wandering in the desert. His father, pursued by Indians, is rescued by a band of outlaws while his mother is killed. Dwire raises him to manhood. Incidents bring Kohler into contact with the outlaws with whom his father has taken up. When they murder his guardian he joins the sheriff and is after them. Events bring him to his real father but he is unaware of it until a locket, given to him by his mother, is discovered by his father. A plan to kill Kohler is thwarted by his parent and he retaliates by bringing the father, his captive now, to the sheriff. Roger Williams, who plays Kohler's father, is hanged for his crimes and the piece ends with Kohler bewildered.

Betty Mack plays the other half of the romantic interest. Edward Cassidy and Tom London round out the supporting cast. At times the photography by Robert Cline is good. The direction by Lester Williams merely follows the story which is described as original by Allen Hall.

Production Code Seal No. 1,527. Running time, 60 minutes. "G."

"Pepo"

(Amkino)

Produced by Armenkino and designated as Soviet Armenia's first talking film, this picture, in the Armenian language, offers little or nothing for American audiences. Likely enough it will be found of interest by those in this country to whom the language of the picture is native, but only to them.

The story of an Armenian worker, who struggles against the hardship imposed by the action of the affected and wealthy merchant, who steals the dowry he had saved for the possible marriage of his sister, it portrays the simple and naive lives of the country folk. Such sequences as the betrothal feast, the market place at Tiflis, Oriental songs and dances and the like, have some small interest in the fashion that a travel subject may have, but that is virtually all the film has to offer.

Occasional subtitle translations of dialogue are rather too occasional for complete understanding of the story. The film was adapted from the Armenian play by Sandukian.

No production code seal. Running time, 80 minutes. "G."

"King Solomon of Broadway," last night's preview at the Roxy, was reviewed from Hollywood on Sept. 10, by wire.

"Shipmates Forever," which opened at the Strand on Wednesday, was previewed by wire from Hollywood on Sept. 18.

"Last Days of Pompeii," now being shown at the Center, was reviewed from Hollywood by wire on Sept. 21.

Short Subjects

"Trouble in Toyland"

(Vitaphone)

Gus Edwards' gleanings from the cradle perform to perfection in this excellently put together musical effort. They are a credit to his judgment. The story concerns a child strike against spinach, washing behind the ears, castor oil, etc. What they want is to put on a show. The juvenile performers do their turns with a professional finish that is surprising. There are singers, acrobatic dancers, chorals, imitations and some fine tap dancing. The finale with little Nancy Gonzales, not more than three, doing "La Cucaracha" should have them applauding. For children's matinees this should be "must." Grownups will be more than mildly amused. Highly recommended. No Production Code Seal. Running time, 20 mins. "G."

"The Doorman's Opera"

(Vitaphone)

A clever bit of satirical humor injected into the plot of this musical offering peps it up and maintains a grade of amusement that should please most audiences. The plot takes place in four night clubs and in each there is a good act. The dancing of Kay, Katja and Kay is novel, Thelma Leeds puts a song over in good style, an ensemble number poking fun at the Shirley Temple craze is effective, and the last sequence has Charlotte Arren doing her reliable burlesque of a prima donna rings down the curtain. Highly recommended. Production Code Seal No. 0529. Running time, 20 mins. "G."

"Speedy Justice"

(Universal)

Eddie Foy, as the manager of a theatrical troupe, is arrested for speeding in the bus in which they are traveling. The country cop and judge permit them to take out their fine by giving a show in court. The result is fast and diverting entertainment, featuring Glen and Jenkins, as colored porters; Arthur Boran, the Danny Dancers, Southland Rhythm Girls and Bobby Lane. Entertaining material. Production Code Seal No. 0523. Running time, 20 mins. "G."

Leyser Out of Republic

HOLLYWOOD, Oct. 17.—Billy Leyser, who has been in charge of exploitation at Republic, has left the organization following the amalgamation with Mascot. Bernard Bernbaum of Mascot will handle his duties. Lindsley Parsons, former chief of publicity for Republic, has the same post with the combined companies.

Dorothy Reed, former story editor of Republic, has swung over to the writing department, and is working on the script of "The House of a Thousand Candles."

EPIC Spread Planned

SACRAMENTO, Oct. 17.—That EPIC movement of Upton Sinclair's which gave the industry the jitters during the last state campaign is to be extended nationally according to incorporation papers filed here for the National Epic League.

Incorporators are: Mary Craig Sinclair, Almon A. Heath and Leonard E. Miller.

Strict Limit Upon Theatre Permits Asked

Britishers Want Them on Drink License Basis

By BRUCE ALLAN

LONDON, Sept. 26.—Latest move in the campaign to prevent the erection of "redundant" theatres is a decision by the Devon and Cornwall Branch of the Cinematograph Exhibitors' Ass'n. to approach the Home Office asking that applications for new cinema licenses be treated on the same lines as are followed in the cases of new applications for licenses to sell drink.

The actual suggestion is that plans should be deposited for a statutory time and details of the new project advertised for the information of possible objectors.

Licenses for entertainment purposes and licenses to sell intoxicants have, heretofore, been of a fundamentally different character. The former are, strictly, dependent only on compliance with safety regulations; the latter are definitely imposed for the purpose of limiting drinking facilities and have gained a big commercial value based on their limited number.

Acceptance of the C. E. A. suggestion would seem to imply the conferring of a specific value on the cinema license as such, apart from the building in which it operated. Erectors of new theatres would have to buy the license of existing buildings before they could build. The legality of the suggested procedure is doubtful.

* * *

The Film Producers' Group of the Federation of British Industries, which is fully representative of studios here, has officially announced that it would not join the International Film Chamber organized by the German Reichsfilmkammer. Proposals for the formation of the chamber were put forward by the Germans at conferences at Munich and Venice in July and August. The British decision of non-participation was reached, it is stated, after close study of the statute and proposed method of conducting the chamber, and was unanimous.

* * *

Basil Dean has announced that he plans screen versions of "Twelfth Night" and "The Tempest" and that he will use color if it is commercially available in time. Dean declared that he had been stimulated by "Midsummer Night's Dream."

* * *

The Maxwell theatre company, Associated British Cinemas, is taking over from Charles Ogden the two Manchester supers, the Piccadilly and the Regal, and will also buy the Elite, Nottingham key house, which was controlled by the late Walter Bentley.

Gaumont British has bought the Granada, Manchester, from Bernstein Theatres, Ltd., before completion.

George Stern Joins G. B.

ST. LOUIS, Oct. 17.—George Stern, formerly co-partner in Premier Exchange here, has joined G. B.'s sales force.

"My Life" Is Detroit Hit; Gets $24,600

DETROIT, Oct. 17.—The big noise of the week among the first runs was "I Live My Life," with a vaudeville bill at the Fox, where the take ran $4,600 on the profit side of the ledger at $24,600.

"Red Salute" was in the hit division on a take of $13,100, over the line by $3,100 at the United Artists. "Here's to Romance" pulled well at $16,100 at the Fox. All other downtown spots couldn't stand the competition.

Total first run business was $64,400. Average is $67,500.

Estimated takings for the week ending Oct. 10:

"JALNA" (Radio)
"SHE GETS HER MAN" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)

"HERE'S TO ROMANCE" (Fox)
FOX—(5,160), 15c-55c, 7 days. Stage: 5 acts vaude. **Gross:** $16,100. (Average, $15,000)

"I LIVE MY LIFE" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: 5 acts vaude. **Gross:** $24,600. (Average, $20,000)

"GOOSE AND THE GANDER" (W. B.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000)

"RED SALUTE" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $13,100. (Average, $10,000)

"NELL GWYN" (U. A.)
LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $1,400. (Average, $2,500)

"HARMONY LANE" (Mascot)
"KEEPER OF THE BEES" (Monogram)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $1,360. (Average, $10,000)

"Dark Angel" High New Haven Grosser

NEW HAVEN, Oct. 17. — "Dark Angel," on a dual with "Hot Tip," maintained its excellent opening business at the Roger Sherman and piled up a $7,500 gross, which is $3,000 on the credit side of the theatre's par.

The College, holding over "Broadway Melody" and the fight pictures, the last for the present of a long unbroken series of holdovers from the Poli, had S.R.O. for several nights and topped average week of $2,700 by $2,100. "O'Shaughnessy's Boy" and "The Bishop Misbehaves" drew just average business at $6,500 for the Poli, while the Paramount dipped $800 under the par line, taking in $4,000 with "Little America" and "Two Fisted."

Total first run business was $22,800. Average is $18,500.

Estimated takings for the week ending Oct. 11:

"BROADWAY MELODY OF 1936" (M-G-M)
COLLEGE—(1,499), 35c-50c, 6 days. **Gross:** $4,800. Average, $2,700.)

"LITTLE AMERICA" (Para.)
"TWO FISTED" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $4,000. (Average, $4,800.)

"O'SHAUGHNESSY'S BOY" (M-G-M)
"THE BISHOP MISBEHAVES" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $6,500. (Average, $6,500.)

"DARK ANGEL" (U. A.)
"HOT TIP" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $7,500. (Average, $4,500.)

Loses His Chickens

Omaha, Oct. 17.—Charles E. Williams, president of the Nebraska — western Iowa M. P. T. O., is disturbed because a thief made off with 22 chickens from his little acreage on the city's edge. It is the first time he has been robbed in more than 30 years of living on his citified country place. With the chickens gone, he has bought his first padlock.

"Call" Is $15,000 Hit in Cincinnati

CINCINNATI, Oct. 17.—"Call of the Wild," up $5,000 on a $15,000 take, put the RKO Palace in the lead last week, while "Broadway Melody of 1936" proved its power with a $7,200 gross on the second downtown week at the RKO Capitol, where it holds currently. This is a $700 average.

The Strand, independent, rang up $3,400 with "Streamline Express," and the Baer-Louis fight films, plus an amateur show. This is more than double gross. The other spots were sub-normal.

Total first run business was $59,700. Average is $60,200.

Estimated takings:

Week Ending Oct. 10:
"STREAMLINE EXPRESS" (Mascot)
BAER-LOUIS FIGHT
STRAND—(1,300), 15c-25c, 7 days. Amateur show. **Gross:** $3,400. (Average, $1,500)

Week Ending Oct. 11:
"O'SHAUGHNESSEY'S BOY" (M-G-M)
RKO ALBEE — (3,300), 35c-42c, 7 days. **Gross:** $9,000. (Average, $12,000)

"CALL OF THE WILD" (U. A.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $15,000. (Average, $10,000)

"KING SOLOMON OF BROADWAY" (Univ.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Stardust Revue." **Gross:** $11,000. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $7,200. (Average, $6,500)

"FRECKLES" (Radio)
RKO LYRIC—(1,400), 30c-35c-40c, 6 days. **Gross,** $3,800. (Average, 7 days, $6,500)

"SHE MARRIED HER BOSS" (Col.)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 2nd downtown week. **Gross:** $3,700. (Average, $2,750)

"STORM OVER THE ANDES" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross,** $1,200. (Average, $1,250)

"SUPERSPEED" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,200)

"CASE OF THE LUCKY LEGS" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $4,400. (Average, $6,500)

Buerig to India

BOSTON, Oct. 17.—Adolph Buerig is being transferred from management of Loew's State here to the circuit's new house in Calcutta, India. He was given a farewell dinner at Levagii's. Stanley Gosnell, Buerig's assistant, is acting manager of the State. George Kraska, operator of the Fine Arts Theatre, was in charge of the farewell dinner arrangements.

Lollier on Safety Board

SACRAMENTO, Oct. 17.—W. M. Lollier of F. W. C. has been named a director of the California Safety Council which recently offered incorporation articles to the Secretary of State.

The council plans an educational campaign to make Californians "safety conscious."

"Broadcast" "Time" High In St. Louis

ST. LOUIS, Oct. 17.—Top honors last week went to "The Big Broadcast of 1936," with "March of Time" also getting billing, at the Shubert-Rialto. The $11,250 take was over par by $4,750.

The only other profitable attraction in town was "Broadway Melody of 1936" and the Baer-Louis fight in a second week at Loew's State. The $11,250 gross was above normal by $2,250. "Top Hat" held up to $7,100 in its third week at the Orpheum.

Total first run business was $47,650. Average is $46,000.

Estimated takings for the week ending Oct. 10:

"THE GAY DECEPTION" (Fox)
"GUARD THE GIRL" (Col.)
AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $8,800. (Average, $10,000)

"CHARLIE CHAN IN SHANGHAI" (Fox)
"PUBLIC MENACE" (Col.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $9,250. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)
BAER-LOUIS FIGHT
LOEW'S STATE — (3,162), 25c-35c-55c, 2nd week, 7 days. **Gross:** $11,250. (Average, $9,000)

"TOP HAT" (Radio)
ORPHEUM — (2,950), 25c-35c-55c, 3rd week, 7 days. **Gross:** $7,100. (Average, $8,500)

"BIG BROADCAST OF 1936" (Para.)
"MARCH OF TIME" (Radio)
SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $11,250. (Average, $6,500)

Ban Angers Sally Rand

PROVIDENCE, Oct. 17.—Sally Rand is bitter over the banning of her show here, blaming her "humiliation" and its accompanying loss of pay to 30 members of her troupe on Rev. Thomas J. McKitchen, rector of SS. Peter and Paul Cathedral. His objection to her appearance, she said, brought about the cancellation of a license by the Bureau of Police and Fire Commissioners.

It was also said at headquarters that Rev. Robert R. Carmichael, assistant rector of Grace Church, had objected to Miss Rand, but he denied that.

Smith to Aid the AFA

Former Governor Alfred E. Smith has joined the arrangements committee for the American Federation of Actors' annual show at the Majestic Nov. 10. Other members of the committee include: Aldermanic President Bernard S. Deutsch, Sidney Silverman of *Variety*, Louis K. Sidney, Charles C. Moskowitz, License Commissioner Paul Moss, Stanley Rowe, secretary to the mayor, and Ed Wynn.

LeBaron Starts Musical

HOLLYWOOD, Oct. 17.—William Le Baron, Paramount associate producer, has begun production on a musical, "Give Us This Night," as the first American film for Jan Kiepura. Le Baron also has in work Mae West's "Klondike Lou."

Signs Walpole, Schayer

HOLLYWOOD, Oct. 17.—Hugh Walpole and Richard Schayer have been signed by David O. Selznick to write the "Little Lord Fauntleroy" script.

316 MORE THEATRES GRAB UP UNIVERSAL PRODUCT FOR 1935-36!



Because UNIVERSAL has the LINE-UP!

GOLDEN STATE T. & D. CIRCUIT
(UNITED CALIFORNIA THEATRES) San Francisco

WARNER CIRCUIT New Jersey

WALTER READE CIRCUIT

CHESBOROUGH CIRCUIT
Cincinnati

HARRIS CIRCUIT Pittsburgh

RICKARDS & NACE CIRCUIT
Los Angeles

COMERFORD-PUBLIX CIRCUIT
Philadelphia

SKOURAS CIRCUIT

BELL CIRCUIT

ATLANTIC THEATRES

ALLISON CIRCUIT Pittsburgh

OSCAR FINE CIRCUIT Indianapolis

"Goose," Show Kansas City's Best, $10,500

KANSAS CITY, Oct. 17. — "The Goose and Gander," plus Frankie Masters and his orchestra, upped average by $1,500 at the Mainstreet to make the best showing in a week of poor box-office for first runs here. The Mainstreet grossed $10,500 against a normal of $9,000 for combination bills.

Second high money, but a disappointment, was "O'Shaughnessy's Boy" at Loew's Midland, where the take was $9,000. Average is $11,500.

"Here's to Romance" built nicely during the week with the class clientele to top $3,500 average by $1,000 at the Fox Uptown. The picture went immediately to the Fox Apollo for continued first run.

"Here Comes Cookie" at the Newman lagged $200 below par of $7,000. "The Nitwits" pulled only $6,100 for the Tower, where $7,000 is normal.

Total first run business was $36,900. Average is $38,000.

Estimated takings:

Week Ending Oct. 10:

"GOOSE AND GANDER" (W. B.)
MAINSTREET—(3,100), 25c-40c, 7 days. Stage: Frankie Masters and His Orchestra, featuring Senorita Flora, Wally & Verdyn; Berry, Breen & Wyler, Allan Rogers, Carolyn Rich, Jack "Scat" Powell. **Gross:** $10,500. (Average, combination bill, $9,600)

"HERE COMES COOKIE" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $6,800. (Average, $7,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $9,000. (Average, $11,500)

"THE NITWITS" (Radio)
TOWER—(2,200), 25c-35c, 7 days. Stage: Harry Savoy, Monroe & Grant, The Three Queens, Ray Conlin. **Gross:** $6,100. (Average, $7,000)

Week Ending Oct. 11:

"HERE'S TO ROMANCE" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"Murder" and Show At $2,500, Lincoln

LINCOLN, Neb., Oct. 17.—The Orpheum with vaudeville and "Murder Man" one half and "High School Girl" the following four days made the best gross, $2,500, which is $800 over par.

At the Lincoln, "Alice Adams" was $200 in the profit column, but found the week mighty sluggish.

Total first run business was $10,900. Average is $9,850.

Estimated takings:

Week Ending Oct. 8:

"THUNDER MOUNTAIN" (Fox)
"PURSUIT" (M-G-M)
COLONIAL—(750), 10c-15c, 7 days, split week. **Gross:** $1,000 (Average, $850)

Week Ending Oct. 10:

"MURDER MAN" (M-G-M)
"HIGH SCHOOL GIRL" (Foy)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days, split week. First three days with vaude, the "Rancho Grande" Revue. **Gross:** $2,500. (Average, $1,700)

"SHE MARRIED HER BOSS" (Col.)
VARSITY—(1,100), 10c-15c-25c, 7 days, 2nd week. **Gross:** $2,000. (Average $1,700)

"ALICE ADAMS" (Radio)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,400. (Average, $2,200)

Week Ending Oct. 11:

"BIG BROADCAST OF 1936" (Para.)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $3,000. (Average, $3,100)

"Hat" Big in 3d Week, 2d Run at Phila.

PHILADELPHIA, Oct. 17. — The second run engagement of "Top Hat" at the Karlton continues to be the talk of the town. Booked in originally for a week, to follow its first run two weeks at the Stanley, the musical began to pour record breaking grosses into this small theatre. For its third week, just ended, it grabbed $4,600, away above the average of $3,500 and nearly double the sort of grosses the theatre has been playing to lately. It was held a fourth week.

Returning to stage shows this week with Phil Spitalny's girl band as the feature and "King Solomon of Broadway" on the screen, the Eagle swung back to good business with a $14,500. Unable to get stage shows going in time, the Fox again went below average with its all film show headed by "Here's to Romance."

Total first run business was $66,550. Average is $70,900.

Estimated takings for the week ending Oct. 10:

"DARK ANGEL" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days, 3rd week. **Gross:** $6,000. (Average, $7,000)

"TWO FOR TONIGHT" (Para.)
(2nd run)
ARCADIA — (600), 25c-40c-50c, 6 days. **Gross:** $1,900. (Average, $2,400)

"I LIVE MY LIFE" (M-G-M)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $11,500. (Average, $12,000)

"KING SOLOMON OF BROADWAY" (Univ.)
EARLE — (2,000), 25c-40c-50c, 6 days. Stage: Phil Spitalny and his Girls' Band. **Gross:** $14,500. (Average, $12,000)

"HERE'S TO ROMANCE" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. **Gross:** $10,500. (Average, $12,000)

"TOP HAT" (Radio)
(2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days, 3rd week. **Gross:** $4,600. (Average, $3,500)

"CALL OF THE WILD" (U. A.)
(2nd run)
KEITH'S — (2,000), 30c-40c-50c, 4 days. **Gross:** $1,700. (Average, 6 days, $4,000). "Dance Rhythm" (Radio), 2 days. **Gross:** $450.

"BROADWAY MELODY OF 1936" (M-G-M)
STANLEY—(3,700), 40c-55c, 6 days, 2nd week. **Gross:** $10,500. (Average, $12,000)

"PUBLIC MENACE" (Col.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,900. (Average, $6,000).

Set Back Allied Meet

DETROIT, Oct. 17.—Annual convention of Allied of Michigan, originally scheduled to be held here Oct. 22-23, is now definitely set for Nov. 12-13. It will take place in the Hotel Statler, with the annual meeting of the board of directors and their dinner taking place on the evening of Nov. 11.

Sign Trixie Friganza

HOLLYWOOD, Oct. 17.—Trixie Friganza has been signed by Paramount to appear in "Klondike Lou." Ewing Scott, assistant director of "Little America," has been given a five-year contract by Paramount. He has been loaned out to M-G-M.

Build Rogers Stage

HOLLYWOOD, Oct. 17. — A sound stage is being erected at the 20th Century-Fox studio here as a memorial to Will Rogers. The stage will have a clear floor space of 28,000 square feet. It will be dedicated Oct. 28.

La Duke, Watchman

Hollywood, Oct. 17. — Because a motor car bumped a concrete lamp post in front of the National Screen Service offices Ralph La Duke, manager, had to sit in his office from midnight until 5 A. M. The concrete post cracked and sent a few chips flying through the N. S. S. plate windows. There was only one watchman, and La Duke doesn't like visitors when he isn't around.

"Andes" with Fetchit Hits $17,000, Hub

BOSTON, Oct. 17.—"Storm Over the Andes," helped by a negro amateur show headed by Stepin Fetchit, was the surprise of the week here. It ran over normal by $6,000 for a take of $17,000 at the RKO Boston.

"Dr. Socrates" and Willard Robinson's "Deep River" revue at the Metropolitan pulled a strong $24,500, over par by $2,500. "Broadway Melody of 1936" held up to $13,000 in its seecond week at Loew's Orpheum, but failed to get over an average $12,000 at Loew's State, also in its second week.

"Diamond Jim" was $500 up on a take of $12,500 at Keith's Memorial. It was held over.

Total first run business was $88,500. Average is $80,500.

Estimated takings for the week ending Oct. 11:

"THE VIRGINIA JUDGE" (Para.)
"CASE OF THE LUCKY LEGS" (F. N.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"DIAMOND JIM" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-55c, 7 days. **Gross:** $12,500. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $12,000)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days, 2nd week. **Gross:** $12,000. (Average, $12,000)

"DR. SOCRATES" (W. B.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Willard Robinson and his "Deep River" revue. **Gross:** $24,500. (Average, $22,000)

"THE VIRGINIA JUDGE" (Para.)
"CASE OF THE LUCKY LEGS" (F. N.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $5,000. (Average, $7,000)

"STORM OVER THE ANDES" (Univ.)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Stepin Fetchit. **Gross:** $17,000. (Average, $11,000)

Backing More Plays

M-G-M is understood to be backing "Paradise Lost," a new play by Clifford Odets. The possibility is not remote that the company will film "Awake and Sing," another Odet work.

Warners financed "Sweet Mystery of Life," Herman Shumlin's new show now in its second week at the Shubert.

FWC Books "Tunnel"

HOLLYWOOD, Oct. 17.—Fox West Coast has booked G.B.'s "Transatlantic Tunnel" into all first runs. It opens locally about Oct. 27.

"Diamond" Is Best Draw in Coast Slump

LOS ANGELES, Oct. 17.—"Diamond Jim" made the best showing of the week by getting $5,900, over normal by $2,700, at the Pantages. It slipped, however, at the Hillstreet on a $5,500 take, which was $2,500 under average.

Business was generally dull. "Shipmates Forever" was above the line by $800 on a take of $12,800 at Warners' Downtown, but it failed to make any impression at Warners' Hollywood on a take of $11,700.

"Anna Karenina" was weak at both the Chinese and Loew's State.

Total first run business was $84,100. Average is $86,150.

Estimated takings for the week ending Oct. 16:

"ANNA KARENINA" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $10,500. (Average, $12,500)

"HERE'S TO ROMANCE" (Fox)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $3,300. (Average, $3,250)

"THE EMPRESS WALTZES" (Foreign)
GENERAL INTERNAT'L THEATRE—(750), 35c-40c, 7 days. **Gross:** $1,400. (Average, $1,200)

"DIAMOND JIM" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $8,600)

"ANNA KARENINA" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $12,500. (Average, $14,000)

"SHE MARRIED HER BOSS" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf. **Gross:** $20,500. (Average, $18,000)

"SHIPMATES FOREVER" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $11,700. (Average, $14,000)

"SHIPMATES FOREVER" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $12,800. (Average, $12,000)

"DIAMOND JIM" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $5,900. (Average, $3,200)

"Melody," "Regret" $10,100 Omaha Hit

OMAHA, Oct. 17.—"Broadway Melody of 1936," on a dual with "Without Regret," was a knockout at the Omaha. The $10,100 take was $3,100 above normal.

"The Goose and the Gander," also on a dual, ran up to $5,300, over the line by $1,300, at the Brandeis, but "Anna Karenina" and "Pursuit" failed to make much of an impression at the Orpheum.

Total first run business was $22,900. Average is $19,000.

Estimated takings:

Week Ending Oct. 9:

"BROADWAY MELODY OF 1936" (M-G-M)
"WITHOUT REGRET" (Para.)
OMAHA—(2,200), 25c-40c, 9 days. **Gross:** $10,100. (Average, $7,000)

"GOOSE AND THE GANDER" (F. N.)
"FRECKLES" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,300. (Average, $4,000)

Week Ending Oct. 10:

"ANNA KARENINA" (M-G-M)
"PURSUIT" (M-G-M)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,500. (Average, $8,000)

George Bradbury Dead

FORT KENT, Me., Oct. 17.—George Bradbury, well known theatre manager, is dead.

PRINTERS' INK

October 10, 1935

The motion picture industry this week got together and paid its compliments to a man who has played an important part in its progress and development, Martin Quigley. On the occasion of the twentieth anniversary of Mr. Quigley's heraldship of the Motion Picture Herald, it might be expected that the industry which bows to none in the matter of showmanship would conspire to produce a colorful tribute. It did.

Twenty years is not such a very long time as time goes. But in an industry that is so closely geared to the modern tempo, in an industry that has sprung up with such amazing rapidity, twenty years is a fairsized period indeed. And if anyone thinks not, let him get a copy of the Motion Picture Herald for September 28 and let him leaf through its 372 pages. He who does this cannot fail to be impressed strongly by the advances that have been made in the art of motion pictures.

To the Schoolmaster an exceedingly interesting feature is that which illustrates advertisements for the outstanding screen productions of the last two decades. What a far cry from Chaplin's 1915 brand of silent artistry, "Easy Street," to the present-day talking adaptation of Shakespeare! Equally interesting is the advertising section, not only for its bulk of 230 pages, nor its parade of famous names, but for the cleverness and ingenuity shown by certain advertisers in their congratulatory messages.



PUT THEM ALL TOGETHER!

This is just the first preview report of "MUTINY ON THE BOUNTY." From now on, day after day, you will hear a great deal about this M-G-M attraction that is destined to revise all your ideas of motion picture business!



The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 93 NEW YORK, SATURDAY, OCTOBER 19, 1935 TEN CENTS

Sirovich Patent Probings Come to Unexpected Halt

Statement Finds Facts Enough—Berger and Robins Out?

The Sirovich Congressional Committee brought to an abrupt and wholly unscheduled close yesterday its "investigation" of patent pools and cross-licensing agreements in their relation to the film and communications industries, which had been under way for three and one-half days at the Fifth Ave. Hotel. Sidney R. Kent, president of Twentieth Century-Fox, was the last witness.

The committee's only official explanation of its unexpected adjournment, insofar as film affairs are concerned, was contained in a brief statement which said that it believed enough witnesses had been heard and that further testimony would be "repetitious." The statement was read by Chairman William I. Sirovich when the committee reconvened after the morning session at 4 o'clock, almost two hours later than the committee's customary time.

It was learned from an authoritative source that the doubts of several com-

(*Continued on page 3*)

No Mandatory Code Sought, Asserts Berry, Coordinator

By BERTRAM F. LINZ

WASHINGTON, Oct. 18.—Any recovery legislation sought by the Administration at the next session of Congress will be directed toward the regulation of competitive and labor policies and will not contemplate a return to any sort of mandatory code adoption, Major George L. Berry, coordinator for industrial cooperation, told MOTION PICTURE DAILY today.

Answering charges that his proposed conferences with business and labor leaders were projected for the purpose of drumming up sentiment in favor of a return to codification of industry, Berry asserted that his only aim was to further the adoption of voluntary codes, although admitting that one of the objectives of his organization will be the development of a central point where the views of business, labor and the public may be coordinated to arrive at the best solution of long standing business problems.

The course of the Administration's drive for new industrial control legislation, he warned, will be directed by the manner in which business itself meets its problems.

"The question whether voluntary trade associations and voluntary codes will be strong enough to drive out cut-throat competition and the sweatshop operator from the business scene without legal help," he said, "can best be answered by industrial leaders themselves facing the coming conferences."

British Lion Finishes New Finance Setup

By BRUCE ALLAN

LONDON, Oct. 9.—British Lion reconstruction has been approved at a special meeting of shareholders. S. W. Smith, managing director, revealed that new money had been necessary to finance handling of Republic product.

British Lion got the contract in competition with another British concern, said Smith, because N. L. Nathanson used his influence and also advanced £50,000 as a deposit on the contract signing and guaranteed a further £50,000 called for by the Republic agreement. Nathanson, with Andrew Holt, joined the British Lion board. Details of the reconstruction have appeared in MOTION PICTURE DAILY.

* * *

In combination the C. E. A., the West End Managers' Ass'n and other theatre interests have killed all possibilities of a broadcast of the Royal Command variety performance on Oct. 29. The Variety Artists' Federation will get £1,000 for its Benevolent Fund, against £500 paid for the radio rights by the B. B. C. last year.

Letter From Depinet Read Into Record

Film Note Entered Over Hardy's Objection

By BILL ORNSTEIN

ST. LOUIS, Oct. 18.—Nettled beyond restraint by the insistence of George S. Leisure, RKO counsel, in reading a letter to the jury and into the record over his objections while he was presenting his case, Prosecuting Attorney Russell Hardy became so enraged at the defense counsel that he asked Judge George H. Moore to stop "this undue and officious interference with the Government's case."

The letter in question was signed by Ned E. Depinet on March 29, 1934, and sent to Joseph Bernhard in connection with a product deal for the Orpheum and Shubert Rialto here.

Hardy didn't want the letter read by Leisure, contending he did not

(*Continued on page 2*)

Penn MPTO Unit to Seek All Fox List

PHILADELPHIA, Oct. 18.—The M. P. T. O. of Eastern Pennsylvania, Southern Jersey and Delaware, today took the definite stand that exhibitors holding Fox contracts have a right to the Twentieth Century-Fox product.

Several accounts are under discussion with the Fox exchange here and the organization believes a satisfactory settlement will be worked out, although it is prepared to hold out for the full product of the merged companies on the old agreements.

The unit has decided to launch a

(*Continued on page 2*)

Seek Administrator To Push Pathe Suit

A motion will be made Monday morning in the Manhattan Supreme Court by Henry Chesterfield, temporary administrator of the estate of Ben Hilbert, for an order substituting him as party plaintiff in a suit against Pathe Exchange, Inc. The request will be made by Chesterfield for the purpose of prosecuting an appeal from an order issued by Justice Kenneth O'Brien, denying a temporary injunction to restrain Pathe Exchange from proceeding with a term of reorganization. The original action was brought by Hilbert on last August 9. Hilbert died on Sept. 21 and Chesterfield now seeks to continue the suit.

Cantor Sees Spread Of Percentage Pacts

HOLLYWOOD, Oct. 18.—Eddie Cantor predicts that percentage contracts for stars will be the rule rather than the exception in the future. He has been working on a percentage basis with Samuel Goldwyn for six years, he says, and is satisfied with it.

"Working on a percentage is better for both the producer and the player," he says. "It requires a smaller financial investment for the producer, it will net far greater returns for the player, and it tends toward better pictures at lower cost."

Kraushaar Opposes Fox Brooklyn Sale

Opposition to the proposed sale of the Brooklyn Paramount to Si Fabian by the trustees of Allied Owners Corp. for $1,500,000 was voiced by Meyer Kraushaar, counsel for the Sabath Congressional committee, at a hearing before Federal Judge Robert Inch in Brooklyn yesterday. The hearing was on a motion by the Allied trustees to confirm the proposed sale.

Percival E. Jackson, a trustee, admitted that the proposed sale price is greatly below the theatre's assessed valuation of $4,800,000 and the orig-

(*Continued on page 2*)

Fox Met Fees Face Attacks in Court

Objections to all of the applications for allowances and expenses, aggregating more than $800,000, for services in the reorganization of Fox Metropolitan Playhouses were voiced at a hearing before Federal Judge Julian W. Mack yesterday by Gustavus A. Rogers, attorney, and chairman of a Fox Theatres stockholders' protective committee. Rogers contended that all of the applications were

(*Continued on page 2*)

Court Will Get New Fox St. Louis Plan

ST. LOUIS, Oct. 18.—A reorganization plan for the Fox Theatre will be presented before Judge Moore in Federal Court Saturday morning by 75 per cent of the security holders of the Theatre Realty Co. which owns the theatre. Edmond Koeln and James T. Blair are receivers for the house which is being operated by Fanchon & Marco under lease. Harry Greenman, president of Theatre Realty, is also manager of the theatre.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 19, 1935 No. 93

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Kåplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Penn MPTO Unit to Seek All Fox List

(*Continued from page* 1)

campaign to popularize the Sunday show issue to be voted on at the next election. Trailers will be used in theatres, and handbills and dodgers will be distributed. In some sections a door-to-door campaign is being conducted.

The possibility of setting up local arbitration was discussed. The idea revives some of the code theories, but the proposal contemplates keeping the local boards free from New York influence.

Lewen Pizor, president, advised members to keep an accurate record of state taxes and make careful returns, emphasizing the need for relief funds, for which the taxes are intended.

Kraushaar Opposes Fox Brooklyn Sale

(*Continued from page* 1)

inal cost of the property, $6,000,000, but declared that the latter was based on peak costs prevailing in 1929, and that an effort is being made to reduce the assessed valuation. He said that under the proposed sale to Fabian a $400,000 Federal transfer tax can be saved for the company.

William M. Greve, also an Allied trustee, was another witness. The hearing is scheduled to resume on Monday.

Letter From Depinet Read Into Record

(*Continued from page* 1)

care for any "assistance or interference by the defendants." At the time the plea was made by Government counsel, Gordon A. Youngman of the RKO home office staff and not a subpoenaed witness, was on the stand. Youngman took the stand at Hardy's request and was being examined as to the authenticity of Depinet's signature. Youngman admitted drawing up the letter. Leisure explained to the judge that because of certain preliminary drafts introduced by the Government in connection with the letter, it would be necessary to read the various clauses contained therein.

Rise to Assistance

Various defense counsel simultaneously came to Leisure's aid, including Jacob M. Lashly of RKO, William R. Gentry of Paramount and Frederick H. Wood of Warners. All began talking at the same time so that no one could be heard. The situation quieted down and then Lashly read argumentary proof on the question. Judge Moore finally decided in favor of the RKO counsel, following which the letter was read and explained with the assistance of Youngman.

Prior to bringing up the written material on the RKO product deal, Hardy introduced and read to the jurors a photostatic copy of a letter signed by George J. Schaefer on March 28, 1934, to Abel Carey Thomas. This letter stated Paramount's willingness to negotiate with Warners for the two theatres mentioned with the understanding that a deal would have to be closed by Aug. 15.

There was no objection to reading the subject matter, but when the Government attorney handed it to the colored juror, both ex-Senator James A. Reed and Wood disapproved on the ground Hardy should only do one or the other. However, Judge Moore thought otherwise and so ruled.

Hardy on Defensive

Hardy seemingly was on the defensive, rather than the offensive, for the greater part of the day. He met continued opposition by defense counsel, particularly when he tried to get certain subpoenaed documents of Skouras Super Theatres from Warners. Both sides had argued the admissibility of this evidence for an hour yesterday and for most of the morning. The debate ended with Judge Moore holding his decision in abeyance.

The afternoon session was another hectic affair with Wood experiencing considerable difficulty in the cross-examination of J. M. Ulmer of Ulmer, Berne & Gordon, Cleveland legal firm. At one time the controversy became so heated that Judge Moore had to call a halt, declaring, "We're not going to try this Ohio case."

Ulmer testified he had attended a conference at Herman Starr's office on Aug. 14, 1933. He said he visited the Warner vice-president in connection with "an alleged conspiracy suit" he had filed on behalf of the Capitol, Wheeling, W. Va., against Warners. During the session, Ulmer said, Starr told him that "when he was in a situation like that he knew how to handle it."

The Cleveland attorney stated further that Starr told him that "in similar situations Warners would buy up bonds and force the bondholders out." Wood objected to "similar situations" being included but was overruled. Starr also said, according to Ulmer, that "where they found an owner of the theatre in a weak position as to his equity, the company would pay him a few dollars and buy him out."

Ulmer testified he answered Starr: "I don't care what you do in St. Louis, I won't stand by in our situation and let the bondholders get an unfair deal. I don't care if you have the product tied up," he said.

Defense Sustained

After Ulmer completed this statement, Gentry and Lashly objected and asked Judge Moore to instruct the jury to the effect that neither Paramount nor RKO had any part in the meeting or conversation. Although for three days the judge has been overruling objections of this nature, he sustained both attorneys today and advised the jurors accordingly. Wood also objected on behalf of Harry M. Warner and Gradwell L. Sears and likewise was sustained.

Wood accused Ulmer of making "false charges" in the Capitol suit and wanted to introduce a decree of the court to prove his point. This was objected to by Hardy and sustained. The Warner counsel then stated he was trying to prove "the obvious animus of the witness" and again another whispered conference among the many lawyers and Judge Moore took place. The decree was not allowed, but after firing a number of questions at the witness, Wood asked him, "In other words the part of the conspiracy which was heard was found untrue?" Ulmer replied, "Yes, that's right, but we have appealed."

Another question was put to the Cleveland lawyer, who answered it with some of his own remarks, following which Wood requested that "the witness be impeached as far as his testimony is concerned." However, Hardy took up his cross-examination and asked Ulmer if he made the Starr statements "out of malice." The Ohio lawyer denied this. He also asked him if he was "fabricating" and another negative answer was recorded.

Ulmer then revealed that an appeal had been taken to the Circuit Court of Appeals in Virginia on the court order and it is set for hearing Nov. 19.

Branch Manager Testifies

Maurice Schweitzer, local branch manager for Paramount, was the last witness. He was queried by Hardy on the interstate angle of print shipments, the sales setup and process of closing deals. Schweitzer said he had nothing to do with the Paramount contract for the Orpheum and Shubert. Asked the number of pictures the company released during the last three years, Schweitzer said that in 1932-33 there were 59; in 1933-34, 57; in 1934-35, 52.

Samuel W. Fordyce, another local Paramount attorney, made the local branch manager go into details on the inspection of films at the exchange. Wood then asked him a few questions on this subject when suddenly Reed's attention was directed to Hardy. The former Senator objected to the "sneering remarks" of the Government counsel and the Judge upheld him.

Later Hardy got himself in wrong with the judge again when he interrupted Fordyce's cross-examination of Schweitzer by saying, "What's the difference?" Judge Moore again advised the prosecuting attorney of the impropriety of his act.

The jury only put in a half-day today, returning on Monday, when the trial is resumed for the fifteenth day.

Skouras Is Excused

ST. LOUIS, Oct. 18.—Spyros Skouras has been indefinitely excused and will not be called by the Government as a witness although he may be recalled for the prosecution's rebuttal. He, E. L. Alperson and William T. Powers left for New York by air this afternoon.

Ned E. Depinet, Jules Levy, Cresson E. Smith and William Mallard planed east tonight.

J. R. McDonough, president of Radio Pictures, who was slated to leave New York for Hollywood on Thursday, is still in Gotham where he will remain for a few more days probably in connection with reorganization plans of RKO, according to word received here tonight.

Says Pool Is Delayed

ST. LOUIS, Oct. 18.—James Coston, Chicago zone manager for Warner Theatres, said today the proposed pool in Hammond, Ind., with B. & K. will not become effective until Nov. 1 because Paramount's holdings there continue to be involved in receivership and the plan to take them out is still before the court for approval.

Coston spent an hour at the trial today and then left for the Windy City.

Fox Met Fees Face Attacks in Court

(*Continued from page* 1)

excessive and many of them should be disallowed in toto by the court.

Milton C. Weisman, proponent of the Fox Met reorganization plan as receiver for Fox Theatres, also voiced objections to some of the applications on the grounds that they were excessive. Weisman is asking the court for $75,000 for his services and $24,509 for his disbursements. Isidor J. Kresel, counsel for Weisman in the reorganization proceedings, is asking a fee of $50,000. The court indicated the application would be disallowed.

Following the hearing the petitions for fees were taken under advisement by the court and a decision is expected in a few weeks.

Louis Mayer Heads Coast Chest Drive

HOLLYWOOD, Oct. 18.—Louis B. Mayer today was named chairman of the motion picture division of the Community Chest at a meeting of the Producers' Ass'n. The film division quota this year will be $200,000. These studio contact men were named to handle the drive: H. A. McDonnell, S. B. Brennecke, Reeves Espy, James Dent, Fred Metzler, William R. Fraser, Fred Pelton, George Bagnall, M. G. Whitman, Mat O'Brien, Charles Hubbard and Joseph Gilpin.

Fred W. Beetson will represent affiliated industries. The contact committee will meet at the Hays office each week to report progress.

Sound Patent Probe Halted Unexpectedly

(*Continued from page* 1)

mittee members concerning the ethics of having as officers of the committee David G. Berger and Robert Robins, who are identified with litigation pending in the Federal courts here against A. T. & T. and its subsidiaries, led to dissension within the committee which culminated at its noonday executive session in the unanimous decision to adjourn. The association of Berger, who was acting as counsel for the Sirovich committee, with six lawsuits asking $27,000,000 damages from A. T. & T., Western Electric and Erpi, and Robins' association with Berger, were disclosed by MOTION PICTURE DAILY on Wednesday. Copies of this issue were observed to be in the possession of members of the Congressional committee yesterday.

Moves for Adjournment

It was also learned from the same source that Berger and Robins, the latter acting as an investigator for the committee, would undoubtedly have no further association with its activities. Although Sirovich denied that Berger and Robins had anything to do with the adjournment of the committee, and that the resignations of either had been received, very definite indications exist pointing to the opposite.

Just prior to the noonday recess yesterday Congressman Randolph Perkins of New Jersey, a committee member, moved for permanent adjournment of the hearing. Robins, injecting himself into the proceedings publicly for the first time, addressed the committee in opposition, stating that 10 or more prominent film executives had been subpoenaed and should be placed on the stand.

"Who are you?" Perkins inquired of Robins.

He was told that Robins was "clerk" of the House Committee on Patents.

Perkins then asked that the record of the proceedings show this identification of the committee's "investigator" and that the record also be made to show who the attorney for the committee was. The session was then hurriedly and somewhat informally recessed by Sirovich, with the understanding prevailing that it would be resumed at the usual time, between 2 and and 2:30 o'clock.

"Hot Session"

When the committee finally filed in at 4 o'clock and read its brief statement bringing the hearings to a close, it was admitted by several of the committee members that a "hot session" had ensued in the meantime. It was later ascertained from authoritative sources that Berger and Robins had been the principal subjects of discussion at the closed meeting and that, while the committee would continue its exploration of patent fields other than those involving the film and communications industries, there was nothing to indicate that Berger and Robins would be identified with it further.

Berger took no part in the interrogation of witnesses before the committee either Thursday or yesterday.

Although Will H. Hays, Al Lichtman, Jack Cohn, E. W. Hammons and other film executives were at the hearing room prepared to testify, Kent was the only witness placed on the stand. His testimony concerned the many claims to patent validity made by various interests during the early days of sound and the reasons why many large film companies finally elected to take Erpi licensing.

Kent testified that the negotiations with Erpi by a Hays' organization committee consumed about 18 months and were accompanied by careful tests of many other brands of recording and reproducing equipment. He said that the principal considerations involved in the final decision to take Western Electric equipment were its quality, the ability of the company to manufacture it in large quantities, quickly; the financial responsibility of the company to protect its patents and their users, and the existence of an organization large enough to service and maintain the equipment once it was installed.

Equipment Investment Large

"A producing company's investment in sound equipment was so large," Kent said, "that a tie-up with a manufacturer without responsibility could have had serious enough results to put any producer in bankruptcy."

He said that Erpi first asked eight per cent of a licensee's gross but that the negotiations eventually ended in a flat royalty charge of $500 per reel. He said that a sound manufacturer's responsibility and resources were more important to the producer licensee than the cost of the equipment in replying to a question as to whether he didn't think Western Electric should be required to license any manufacturer who sought to make sound equipment. Kent also testified that Erpi's contract had never kept him from selling film to any exhibitor, regardless of what brand of reproducing equipment was used in his theatre.

Kent said he did not regard film producing competition from Erpi "seriously," but if the company became a menace in his own field he'd do "the best job of hollering" he knew how to do. Queried on operations of the Hays' organization, Kent estimated it received about $600,000 annually from fees based on member companies' grosses. Fox Film paid about $100,000 annually, he said.

Mexico Cuts Duties To Get Film Supply

By JAMES LOCKHART

MEXICO CITY, Oct. 18.—To relieve the film shortage brought about by the strike of American distributors' employes the Finance Ministry has relaxed import duties on all films except those of companies involved in the strike.

Up to 4,000 kilograms (about 10,000 pounds) of film can be imported from any country at a minimum duty of 35 pesos ($9.75) per kilogram until Dec. 31.

Go on Individually

WATERBURY, Conn., Oct. 18.—The Alhambra Theatre Corp., of which Mascoli, Longo and Rosso are the active members, will be dissolved, each of the members planning to operate one of the corporation's three theatres. The Carol and Alhambra in Waterbury, and the Community in Oakland are the corporation-owned houses which will be allotted to individual owners.

French Film Moves Cause Worry Here

American distributors and the Hays office are watching developments in France with the closest attention, because of French producers' pressure upon their government to issue a decree designed to limit American distribution and aid French production.

Until the end of this month the French Cabinet can issue decrees which have the effect of laws without action by Parliament.

For months undercover discussions have been in progress with French officials in an effort to revive a decree brought up several months ago, but not put into effect after protests by exhibitors and U. S. distributors. No official word has been given out, but French papers indicate that the new proposal would place a drastic quota on exhibition of foreign pictures, would place collection of rentals in the hands of a bureau of the Ministry of Education, and would require that a percentage of these be used to foster French production.

Predictions have been made that American companies would be forced to withdraw from the market if the decree in its revised form is as drastic as French reports indicate.

San Francisco Ups Advertising Space

SAN FRANCISCO, Oct. 18.—Amusement page advertising has been booming steadily in the past few weeks, with nearly all first runs increasing lineage used. Presence in town of two roadshows at legitimate houses, with a third in prospect, indicates better business.

The United Artists, reopened a month ago by Herman Cohen, is plugging the second week of "Dark Angel." The Warfield is a close second on expenditure, benefiting considerably in Hearst papers on space devoted to "Shipmates Forever" by the Warner-Marion Davies tieup.

Golden Gate is spending money on both its own programs and those of its newly-acquired "continuation house," the Embassy. Paramount and Orpheum are "upping" to meet competition.

In the legitimate field Curran and Geary Theatres are buying space for roadshows, while Minsky interests have spent thousands of dollars in the past two weeks advertising "Life Begins At Minsky's."

Legion Trip Popular

BOSTON, Oct. 18.—The novelty of an installation of officers on a ship has caused an influx of reservations for the three-day cruise planned by the film post of the American Legion. Activities begin when the New York boat leaves the dock at 5:30 o'clock Saturday, Nov. 2. A studio trip in New York is planned as a part of the week-end celebration which this year is taking the place of the organization's annual banquet and dance.

Terhune Gets Term Pact

HOLLYWOOD, Oct. 18.—Hal Roach has signed William Terhune, formerly chief film editor, to a long term directorial contract. Terhune won the contract through his direction of two Todd-Kelly short comedies.

Purely Personal

WILL H. HAYS, AL LICHTMAN, JACK COHN, E. W. HAMMONS, SIDNEY R. KENT, FELIX JENKINS, JOE MOSKOWITZ and EDWIN L. WEISL, the latter an attorney for Paramount and Atlas Corp. officials, were among those spotted at yesterday's hearings before the Sirovich Congressional Committee investigating patent pools at the Fifth Ave. Hotel.

•

HARRY H. THOMAS, president of First Division, started a quick trip yesterday to cover exchanges in Detroit, Chicago, Kansas City, Des Moines and Memphis. AL FRIEDLANDER, vice-president, who recently arrived on the coast, is continuing on to Seattle, Salt Lake and Denver.

•

MERIAN C. COOPER and MRS. COOPER (DOROTHY JORDAN), ARTHUR CAESAR and MRS. CAESAR, and WESTBROOK PEGLER will be among the departing travelers on the *Ile de France* today.

•

L. W. ("MIKE") CONROY, general operating manager in the East for Erpi, leaves on a two-week trip Monday. He's heading into the Southeast.

•

MERRITT HULBURD, SAMUEL GOLDWYN'S story editor is en route here on his first visit in months. He arrives Monday.

•

JOHN HOWARD and LIONEL STANDER have arrived from the coast to work in HECHT and MACARTHUR'S "Soak the Rich."

•

CHARLES SELZER'S "Silver Spurs" has been bought by Universal as a vehicle for Buck Jones.

•

W. E. RAYNOR, eastern division manager, has opened a Movie Sweepstakes office here.

•

BORIS MORROS will leave Sunday for his new job as musical director for Paramount on the coast.

•

MRS. EDDIE CANTOR is scheduled to leave for the coast by train Monday.

•

HELEN GAHAGAN intends to make a concert tour.

•

FREDRIC MARCH returns from abroad next week. Then, to Hollywood.

•

PEGGY FEARS leaves for London shortly.

CLASSIFIED

SOUND EQUIPMENT

Mr. Exhibitor, has your theatre lost its S. A. to your patrons? Improved Sound Appeal will be music to your ears at the box office. Ask Masterphone with over 350 successful installations in the northwest, who can solve your sound problems, with the new full wave sound reproducer. Guaranteed to equal any equipment on the market regardless of price or manufacture. Prices and information cheerfully furnished. Masterphone Sound Corporation, 2321 2nd Ave., Seattle, Washington.

"Broadcast" Gets $7,000, Portland

PORTLAND, Oct. 18.—Big money for the week went to "The Big Broadcast of 1936" at the Orpheum, the gross reaching $7,000, above normal by $2,000. It was a good week all along the line.

"Shipmates Forever" was $1,000 up on a take of $6,000 at the Broadway. A dual, "Alibi Ike" and a second run of "Oil for the Lamps of China," was strong at the Blue Mouse, and another double bill, "39 Steps" and "Dr. Socrates," was well on the profit side of line at $6,000 in the Paramount. "Dark Angel" took a par $5,000 in its second week at the United Artists.

Total first run business was $29,000. Average is $24,700.

Estimated takings for the week ending Oct. 12:

"SHIPMATES FOREVER" (F. N.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"ALIBI IKE" (W. B.)
"OIL FOR LAMPS OF CHINA" (F. N.) (2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $1,700)

"THUNDER MOUNTAIN" (Fox)
"SILK HAT KID" (Fox)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"BIG BROADCAST OF 1936" (Para.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"THE THIRTY-NINE STEPS" (G. B.)
"DR. SOCRATES" (W. B.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"DARK ANGEL" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000)

Report Rome Film Ban

Universal Service reports from London, quoting Reuter's, were to the effect that Premier Mussolini had banned all film imports except those from the United States as a result of the League of Nations sanctions.

Wall Street

Little Change in Stocks

	High	Low	Close	Net Change
Consolidated	5⅛	5	5⅛	.....
Consolidated, pfd.	18⅜	18	18	— ⅛
Eastman Kodak	156¼	156¼	156¼	— ¼
Loew's, Inc.	47⅝	47¼	47⅜	+ ⅜
Loew's, Inc., pfd.	108¾	108¾	108¾	+ ½
Paramount	10½	10¼	10¼	— ¼
Paramount, 1 pfd.	12¾	12⅝	12¾	.....
Pathe Film	5⅞	5½	5¾	+ ⅛
RKO	5⅛	5	5	— ⅛
20th Century-Fox	16½	16¼	16¼	— ¼
20th Century, pfd	26¼	26¼	26¼	+ ½
Warner Bros.	7½	7¼	7⅜	+ ⅛
Warner Bros., pfd	43½	42½	42½	— ½

Sentry Only Curb Gain

	High	Low	Close	Net Change
Sentry Safety	⅜	⅜	⅜	+ ⅛
Sonotone	2⅞	2¾	2¾	— ⅛
Technicolor	19⅜	19	19	— ¼
Trans-Lux	3¼	3	3	— ¼

Keith Bonds Best Gain

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	15	15	— ¾
General Theatre 6s '40, ctf.	15⅜	15	15	.....
Keith B. F. 6s '46	91½	90	91½	+1½
Loew's 6s '41 ww deb rights	105	105	105	— ¼
Paramount B'way 3s '55	61½	61½	61½	.....
Paramount Pict. 6s '55	96⅜	96	96¼	— ⅛
RKO 6s '41 pp.	83	82½	83	.....
Warner Bros. 6s '39 wd	82⅛	82⅛	82⅛	— ⅝

(Quotations at close of Oct. 18)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Thousand Dollars a Minute"

(Levine-Republic)

HOLLYWOOD, Oct. 18.—Combining a capable cast with good writing and direction in a story with popular appeal, this picture should please on most programs. To settle a wager between millionaires, Roger Pryor, newshound, is commissioned to spend $1,000 a minute for 12 consecutive hours. Spending conditions are outlined in the bet and Edward Brophy is sent along to insure their observation. When Edgar Kennedy, detective, learns Pryor is buying expensive jewelry, furs, an auto and other merchandise, he determines to question Pryor, particularly as Pryor's last news assignment was the coverage of a bank robbery.

Pryor and Brophy, then faced with a double obstacle of eluding Kennedy and getting rid of the money, enter on a long chase which eventually lands them in the hospital for a finish with Pryor buying radium at the last minute to get in under the wire. Additional complications come when Leila Hyams is introduced as Pryor's fiancee, who is trapped between love and the belief Pryor has committed a crime.

The direction by Aubrey Scotto is sufficiently fast to make the situations seem plausible. Joe Fields' screenplay of Everett Freeman's story produces comedy without resorting to gags. Credit is also due to Jack Natteford and Clair Church, who did the adaptation. Sterling Halloway, Herman Bing and Purnell Pratt stand out in the supporting cast. The picture can hold its own as a fast farce comedy.

Production Code Seal No. 1609. Running time, 70 minutes. "G."

"To Beat the Band"

(Radio)

HOLLYWOOD, Oct. 18.—Hugh Herbert's comicalities, whimsies and broad antics are distinctive assets of this film. Present, too, are Helen Broderick, Eric Blore, Fred Keating, Ray Mayer and others, but the material as unfolded gives them little opportunity for their talents.

Herbert, a nitwit heir to $59,000,000, pines for flapper Phyllis Brooks. A favorite aunt dies, leaving a will making Herbert the sole heir providing he marries a widow, otherwise her money goes to her favorite night club orchestra. The usual farce complications follow, involving Roger Pryor, intent on committing suicide, but who ultimately marries Phyllis, and Miss Broderick getting Herbert. As the plot unfolds musical numbers are introduced by the California Collegians and a feminine band led by Joy Hodges. "Miss America 1936" is one of the big numbers.

Eric Blore plays Herbert's butler, and Ray Mayer is the amusing legal assistant to Miss Broderick. Evelyn Poe, small-sized comedienne, shows promise. Ben Stoloff directed from a story by George Marion, Jr., and screenplay by Rian James. Zion Myers produced. Entertainment elements are present, but as a whole the show doesn't seem to jell, although it appears suitable with a more serious picture on a dual bill.

Production Code Seal No. 1536. Running time, 67 minutes. "G."

Denies Taking Screeno

PHILADELPHIA, October 18.—Ted Schlanger, Warner Zone manager here, denies a report that Screeno has been bought for four houses. No chance games are to be permitted in any of the houses under his supervision, he insists.

Gans Griffith Receiver

Joseph Gans, an attorney, yesterday was appointed equity receiver for D. W. Griffith, Inc., on the application of John A. Manning, a Griffith stockholder. Federal Judge Murray Hulbert, who signed the receivership petition, set bond for Gans at $1,000.

"Uncensored" Finished

Celebrated Pictures has finished "New York Uncensored," by Paul Yawitz. Many of Broadway's well known stage figures, radio personalities and columnists are in the cast.

Sam Wood Re-Signed

HOLLYWOOD, Oct. 18.—Sam Wood has been signed to a new long term contract by M-G-M. He has just finished the Marx Brothers' "A Night at the Opera," and will start soon on "The Whipsaw."

Richard Boleslawski also has been given a new contract.

Hawks Starts Tour

Lieutenant Commander Frank M. Hawks left North Beach airport yesterday on a 40-day tour during which he expects to visit 78 cities in all the 48 states in behalf of the Will Rogers Memorial Fund.

Show "Born for Glory"

"Born for Glory," new G.B. picture, was shown to an invited audience at the Theatre of the Clouds in the Chanin Building last night. An informal supper and party followed.

"Steamboat" a Big Houston Holdover

HOUSTON, Oct. 18.—"Steamboat 'Round the Bend" led the box-office parade by grossing 115 per cent above average on the last five days of a 12-day run at the Majestic. The five-day take was $5,750. Normal for a week is $7,000. The stage play, "Three Men on a Horse," played the other two days at the Majestic.

Although the Metropolitan ran up figures double the usual week, the gravy was due to Weaver Brothers stage unit. The picture, "I Live for Love," was rated average.

"O'Shaughnessy's Boy" at Loew's rang the bell for a 10 per cent lift, grossing $7,700. "Murder in the Fleet," for three days in midweek at the Kirby, also went to town, with a $1,600 gross as against the usual $1,500.

First run business was $32,450. Average is $26,000.

Estimated takings for the week ending Oct. 10:

"THUNDER MOUNTAIN" (Fox)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,500. (Average, $3,500)

"MURDER IN THE FLEET" (M-G-M)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,600. (Average, $1,500)

"O'SHAUGHNESSY'S BOY" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $7,700. (Average, $7,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
MAJESTIC—(2,250), 25c-50c, 5 days, 2nd week. **Gross:** $5,750. (Average, $5,000)

"I LIVE FOR LOVE" (W. B.)
METROPOLITAN—(2,600), 25c-50c, 7 days. Stage: Weaver Brothers. **Gross:** $14,000. (Average, $7,000)

"Broadcast" Leads Providence Takes

PROVIDENCE, Oct. 18.—"The Big Broadcast of 1936," in nine days at the Strand, pulled $11,500, which is $5,000 over the usual weekly gross.

The RKO Albee, with "Affairs of Susan" and Stepin Fetchit in person, caught $8,500, which is $1,500 above par. "Bad Boy" at Fay's was strong at $7,300 and the Majestic had an average week with "The Farmer Takes a Wife" and "Dressed to Thrill." "O'Shaughnessy's Boy," at Loew's, was down, catching only $8,500, although reviews were good.

Total first run business was $43,800. Average is $40,500.

Estimated takings for the week ending Oct. 17:

"BIG BROADCAST OF 1936" (Para.)
"WANDERER OF THE WASTELANDS" (Para.)
STRAND—(2,300), 15c-40c, 9 days. **Gross:** $11,500. (Average, $6,500)

"O'SHAUGHNESSY'S BOY" (M-G-M)
LOEW'S STATE—(3,860), 15c-40c, 7 days. Stage: "Cartoonland Land" Revue. **Gross:** $8,500. (Average, $12,000)

"AFFAIRS OF SUSAN" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Stepin Fetchit and show. **Gross:** $8,500. (Average, $7,000)

"BAD BOY" (Fox)
FAY'S—(1,600), 15c-40c, 7 days. Stage: Happy Hal's Barn Dance. **Gross:** $7,300. (Average, $7,000)

"THE FARMER TAKES A WIFE" (Fox)
"DRESSED TO THRILL" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"THE PHANTOM FIEND" (Olympic)
"RUSTLER'S PARADISE" (Ajax)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

Want VTCs Listed

Columbia has filed an application with the N. Y. Stock Exchange to list 105,533 additional shares of no par common.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 94 NEW YORK, MONDAY, OCTOBER 21, 1935 TEN CENTS

Loew's - 306 Agree, Ending Operator Row

RKO Expected to Join in 10-Year Pact Soon

Loew's and RKO have signed new 10-year contracts with Local 306 embodying the wage scale provisions agreed upon several weeks ago and providing for mandatory increases every two years on a scale to be agreed upon by a board of four arbitrators, the union stated on Saturday.

RKO officials denied that the circuit had signatured the new pact yet but indicated that it would probably do so some time this week.

The contract is cancellable after seven years at the election of either party. According to the union, the pact also provides for one week's vacation with pay for every man annually. This provision was described as an innovation in labor contracts. The arbitration board will consist of two circuit and two union men and will be the final authority in the establishment of the new wage schedules at the end of every two-year period.

The new schedules provide for a rate of $1.86 per hour for neighbor-

(*Continued on page 2*)

Para Men Say B. & K. Will Get Clearance

CHICAGO, Oct. 20.—Paramount officials here admit they have been advised by the home office to give B. & K. seven days' clearance over general release as demanded. They say independent deals have been signed, but that these contracts will have to be changed.

Fox, M-G-M, Universal and RKO contracts with B. & K. are reported not to have been signed, as they have refused thus far to grant the clearance. It is reported that Warners may give the clearance and alter contracts already made.

A meeting is scheduled Monday for further discussion of the problem.

Overseas

Bruce Allan from London, James Lockhart from Mexico City, Cliff Holt from Australia and Tetsuya Mori from Tokio—*Motion Picture Daily* correspondents all—discuss the latest developments in their countries on page 5 today.

Trust Case Enters Its Fourth Week in St. Louis This Morning

St. Louis, Oct. 20.—Monday begins the fourth week and 15th day of the criminal trial in which five film executives, their companies and subsidiaries are charged with allegedly conspiring to withhold product from the Ambassador, Missouri and New Grand Central, which are being operated by F. & M.

Saturday was declared a holiday, so far as the trial was concerned, by Federal Judge George H. Moore, when defense counsel suggested that attorneys in the case should be given this day off to devote to their other business. This indicates that this may become a regular procedure, inasmuch as daily sessions, except Saturday, wind up at 5 P. M., and do not give the lawyers a chance to dispose of other business matters which may require their personal attention.

Circuit Lease Moves to Get Sabath Study

A detailed investigation of the procedures followed by large circuits in the reorganization of theatre properties in recent years will be made by the Sabath Congressional committee when it reconvenes here in December, Congressman A. J. Sabath, chairman of the committee, said Saturday. Particular study will be given to the disavowal of theatre leases by holding companies in receivership or bankruptcy, he said. S. A. Lynch, theatre reorganization advisor for Paramount, will be sought as a witness, it was learned.

The Sabath committee wound up its current activities here late last week and left over the week-end to begin regional hearings at Boston, Philadelphia, Chicago and in California, where conditions are believed to be

(*Continued on page 10*)

New Exhibitor Charges Pour In On Hardy

ST. LOUIS, Oct. 20.—Complaints by exhibitors against major distributors are coming in here at the rate of three a day and, so far, have mounted to 25 since Oct. 4.

Government officials here in connection with the trial against Harry M. Warner, Herman Starr, Gradwell Sears, George J. Schaefer, Ned E. Depinet, RKO, Paramount and Warners and subsidiaries, on alleged conspiracy charges, are the authority for the statement.

The protests against alleged malpractices are made both orally and in letter form, it was revealed, and all are noted and sent to the department's headquarters in Washington for study.

According to an authoritative source, the complaints made are chiefly against Fox, Paramount, RKO

(*Continued on page 10*)

Films Dominating B'way Sector; All Theatres Open

From 42nd Street east and west of Broadway to Columbus Circle, film houses are predominant, with burlesque and one musical show standing in the way of 100% film presentation. This is the first time in years that the street has had every picture house, barring none, open and running screen entertainment. Even in the "50's," where a "hoodoo" hangs over certain houses there have been reopenings. The Warner, on 52nd Street, now renamed the New Yorker, is playing double features. The seats have been restored since the spectacle of "The World a Million Years Ago" roared and undulated there.

On 42nd St. there are the double feature grind houses, the Wallack, Sam Harris, Liberty, Times Square, Selwyn and the recently closed Lyric, all competing with big admission signs displaying the prices which run from 10c. to 25c. Competition from burlesque is centered in the Republic, Apollo and Eltinge, all of which have films as a program filler. The grind houses feature third and fourth runs. East of Broadway the

(*Continued on page 12*)

Gov't. Winds Up Case Today At St. Louis

Defense Will Ask Court For Acquittal Order

By BILL ORNSTEIN

ST. LOUIS, Oct. 20.—With 98 per cent of its evidence already in, the Government expects to complete presentation of its anti-trust evidence against major executives and their companies here on Monday, Russell Hardy, special assistant attorney general, said yesterday.

The Department of Justice hopes to get through with the introduction of exhibits and the examination of new witnesses before the court recesses for lunch tomorrow, but Hardy is not overlooking the possibility that defense counsel may delay his windup by protracted cross examination and objections.

Hardy has about 30 exhibits he plans to enter on the record, including Warners' contracts and leases for the Orpheum and Shubert-Rialto. Included in the Shubert-Rialto lease is said to be a clause which assertedly provides that if Warners secure the Ambassador, Missouri and New Grand Central the circuit has the right to relegate this house to second run.

From eight to nine witnesses are scheduled to be put on the stand. Only two of these will be out-of-towners, it

(*Continued on page 10*)

Pioneer, Selznick To Keep Identities

Pioneer and the recently-formed Selznick International Pictures will maintain their own corporate entities, but cooperate for their mutual advantage, declares John Hay Whitney in a statement to MOTION PICTURE DAILY.

"Both companies will jointly handle their auditing and probably use the same offices in New York, but beyond that the affairs of each will be maintained separately," he said.

The Cast

Reed, Wood, Jeffries, the Arthurs—Harry and Milton, Leisure, Lashly, Mallard, Phillips, Fordyce and Gentry. Names that figure importantly in the news out of St. Louis and the Government trial. They pose for the camera on pages 10 and 11.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 21, 1935 No. 94

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Young Heads Edison Memorial Movement

Owen D. Young will serve as national chairman of a countrywide movement to honor Thomas A. Edison, according to William S. Barstow, president of the Thomas Alva Edison Foundation.

The plan is to create an Edison Center for the advancement of youth in science, to found a permanent library for Edison's personal collections of records and papers, with originals and replicas of his inventions, and to erect a shaft at Menlo Park, N. J., the original site of Edison's experiments.

Loew, 306 Agree; Operator Row Ends

(*Continued from page* 1)

hood and subsequent run houses, as compared with the former $2.12½ rate and continuation of the $2.55 per hour rate for Broadway de luxe houses.

The statement on the signing of the contract was ascribed only to C. C. Moskowitz of Loew's and Joseph Basson and Frank Ruddock of Local 306, further indicating that RKO has not yet signatured the pact.

Benjamin Joins Firm

Robert S. Benjamin, who has been connected with the Phillips & Nizer law offices for the past 10 years, has been made a member of the firm. Benjamin is a graduate of C. C. N. Y. and was a gold medal winner at the Fordman University Law School.

Insiders' Outlook

By RED KANN

STRANGE are the ways of government. At least, of some of its commissions. Glaring in the inevitable inferences which the facts compel was last week's display at the Fifth Avenue Hotel where William Sirovich, heading a Congressional committee empowered to putter around sound patents and other matters as well, eventually got his official proceedings so snarled up that the hearings were abruptly terminated Friday on the flimsy excuse that enough of daylight had been thrown into the facts after stating the night before that the hearings would consume at least three more days. . . .

▼

And yet there is sufficient reason to believe the halt was predicated on and, perhaps, found propitious for other causes naturally not reflected in any of the brief and unsatisfactory public utterances made by the committee anywhere along its official line. Those causes have names which are David G. Berger and Robert Robins. The former is listed as "of counsel" in a variety of litigation on file in Federal court here against A. T. and T. and its subsidiaries. While it is an entirely safe conclusion to draw that he no longer is, he, nevertheless, was counsel as well for the Sirovich committee. The latter, chief drum beater for the American Society for the Protection of Motion Picture Theatres which finds anathema in all things connected, remotely or otherwise, with A. T. and T., Western Electric and Erpi, was an official investigator. The evidence now points to his complete disassociation with Sirovich and his fishing expedition committee. . . .

▼

The curious picture which shapes itself from the situation which was, but no longer is, shone brightly, but unfortunately, for its principals and requires no critical cross-sectioning beyond the highlights which tell their own damaging story. Here was the cimcumstance of Berger, "of counsel" with Ralph Vatner as attorney tying in with six suits seeking judgments totaling $27,000,000 from A. T. and T. and its subsidiaries. Here, also, was Robins, avowedly anti-telephone, an investigator. Here, thirdly and brooking no denial because it is the truth, is Vatner whose name is lettered on the door leading into Robins' office in the Paramount Building. . . .

▼

Cloaked with a Federal investigating warranty to go as far as it likes in digging into the records of companies previously sued civilly, Berger and Robins may not have jockeyed themselves into the personnel of the Sirovich committee for the purpose of fact-gathering for ultimate use in behalf of those suits and this is not to say flatly they did. Rather does this department present the facts and permit the discerning reader to draw whatever conclusions he may elect to draw. This department, however, asks leave to set forth here that it has its own ideas and to declare it will be quick on the draw in defense of them. . . .

▼

Fortunately, the glaring situation did not escape certain members of the committee. There developed the question of ethics as it applied to the official position occupied by both Berger and Robins, an executive session of which no stenographic record is understood to have been recorded and, right away quick, a decision to end that phase of the committee's activities which had to do with sound patents. It proves, if nothing else, that in Washington's halls of government valor still prevails. Or is this space making the mistake of confusing it with discretion? . . .

New Beecroft Setup Is Up in Milwaukee

MADISON, Wis., Oct. 20.—Bondholders of the Beecroft Building Co., owners of the Orpheum, Parkway and Strand, would be paid 40 per cent of the value of their securities in cash, and bonds and common stock would be given for the remaining 60 per cent under a new plan for reorganization before the U. S. District Court.

A hearing was adjourned to Oct. 31 to permit attorneys to study the plan.

Selznick In Stock

HOLLYWOOD, Oct. 20.—David Selznick is immediately forming a stock company of five or six name players for the purpose of talent trading with other studios, he said today.

Lehnich New German Film Chamber Head

BERLIN, Oct. 20.—Oswald Lehnich has succeeded Fritz Scheuermann, resigned, as president of the Reich Film Chamber.

Scheuermann's resignation is believed to be due to a 60 per cent drop in two years for German film exports, and the resultant dissatisfaction of Paul Joseph Goebbels, Minister of Propaganda.

Commonwealth in Drive

KANSAS CITY, Oct. 20.—Commonwealth Amusement Corp. is conducting a 13-week drive among managers which will end Dec. 28. Three prizes are being offered for those producing the best results.

"Barbary Coast" at $39,500 in Rivoli

"Barbary Coast" was the money-maker of the week along Broadway. It rolled up $39,500 in its first week at the Rivoli.

"A Midsummer Night's Dream" got off to a good start at the Hollywood, getting $17,000, according to Warners, with the advance sales still going strong.

Takes elsewhere were not outstanding. The Paramount, with "Wings Over Ethiopia" and "Here Comes Cookie" and a preview of "The Crusades" on Thursday, reached $19,000. "I Live My Life" took $31,100 at the Capitol. "Diamond Jim" and "The Goose and the Gander" grossed $7,500 at the Palace, and "Dr. Socrates" was good for $11,500 in its second week at the Strand. "Charlie Chan in Shanghai" and a stage show at the Roxy pulled $29,700.

"Dream" Opens in Toronto

TORONTO, Oct. 20.—"A Midsummer Night's Dream" opens tonight at the Royal Alexandra with high government officials scheduled to attend. The Mendelssohn Choir will sing. Laura Elston and Bill Yearsley have been here for some time putting up an advance campaign.

Reinhardt Will Make 'Twelfth Night' Next

HOLLYWOOD, Oct. 20.—Max Reinhardt will produce Shakespeare's "Twelfth Night," starring Marion Davies, for Cosmopolitan, as his next Warner release, the studio said yesterday. Reinhardt is now conferring with Hal Wallis on an all-star cast and plans to leave for New York soon to produce a stage play, titled "Road to Promise," and will return here about mid-January.

William Dieterle is reported slated to direct.

St. Louis Theatres Join to Aid Charity

ST. LOUIS, Oct. 20. — Thirty-nine theatres have agreed to give special benefit morning and afternoon shows on Oct. 26 for the benefit of the Board of Religious Organizations and the Child Conservation Conference.

Toys and clothing will be required for admission. The toys will be repaired by the Fire Department. The clothing will be put into condition, and both will be distributed later among the poor.

Legion Nominates Basch

BOSTON, Oct. 20. — Dr. William Basch has been nominated to succeed Charles Heath of RKO as commander of the film post of the American Legion. Other nominees are: William McLaughlin, finance officer; Cyril McGerigle, adjutant; Sam Levine, sergeant-at-arms; executive committee, Mark Jeffrey, Harry Smith, James Donovan, Richard Sears and James Sheeran.

Free Shows at Plymouth

PLYMOUTH, O., Oct. 20.—Local merchants are sponsoring free film shows Wednesday evenings as a trade draw from surrounding territories. The town's only theatre, in which the shows are given, folded several months ago.

New Technical Gains Coming Before SMPE

Engineers in Capital for Four-Day Convention

WASHINGTON, Oct. 20. — Technicians from all over the country, with representation from several foreign countries, are here for the semi-annual convention of the Society of M. P. Engineers which opens Monday morning at the Wardman Park Hotel.

The four-day meeting will be devoted largely to discussion of the recent achievements in film science—in photography, color as well as the usual black and white, and in recording and reproduction of sound.

Nearly 50 papers will be read in the eight separately programmed sessions.

Following registration this morning, the annual meeting and election of officers will be held, preceded by a report of the convention committee by Chairman W. C. Kunzmann, and address of welcome by President H. G. Tasker and the reading of the report of the memorial committee by Chairman E. R. Geib.

Technical Papers General

The technical papers of the morning session are of a rather general character, relating for the most part to the utilization of films in various activities.

An informal luncheon will be held at 12:30 P.M. for members and their guests. Addresses will be given by Representative Sol Bloom, of New York; Mrs. Emily Newell Blair, of the National Recovery Administration; and Capt. John G. Bradley, of the Division of Motion Pictures and Sound Recording of the National Archives.

In the afternoon a general session will be held at which stereo-photography, polarized light, sprocket dimensions and theatre design will come under discussion.

The first of the two evening programs of pictures will be featured by a demonstration of a 16-mm. color sound motion picture by H. H. Jones of Buffalo. Recent outstanding features and short subjects will also be screened in the hotel's little theatre.

Throughout the convention an exhibit of newly developed apparatus will be held at the hotel. The display will consist either of all-new apparatus or of new gadgets for now standard equipment.

Banquet on Wednesday

The semi-annual banquet and dance, which will highlight the social aspects of the meetings, will be held Wednesday in the Continental Room. A special roster of speakers is being assembled, as well as a program of entertainment of unusual calibre.

The hotel management is arranging for golfing privileges for S.M.P.E. delegates at several courses in the neighborhood. Tennis courts and a riding stable are available at the hotel. Special efforts are being made to provide a most enjoyable time for the wives and lady guests of the delegates to the convention. In addition to the film programs of the society and passes to local theatres, a number of events of outstanding interest are being arranged.

The following committees have the details of the session in charge:

Program and Facilities: W. C. Kunzmann, convention vice-president; J. I. Crabtree, editorial vice-president; J. O. Baker, chairman, papers committee.

Local Arrangements and Reception: N. Glasser, chairman; Capt. John G. Bradley, J. T. Corrigan, H. T. Cowling, A. De Titta, H. C. Dusman, R. Evans, N. D. Golden, N. C. Haefele, J. T. McLemore, F. J. Storty.

Projection: H. Griffin, chairman; J. Frank, Jr.; N. C. Haefele, J. R. McLemore, A. L. Raven, F. J. Storty.

Apparatus Exhibit: O. F. Neu, chairman; J. Frank, Jr.; S. Harris.

Banquet: W. C. Kunzman, chairman; Capt. John G. Bradley, H. T. Cowling, A. De Titta, R. Evans, N. D. Golden, S. Harris.

Publicity: Will Whitmore, chairman; J. R. Cameron, J. J. Finn, G. E. Matthews, P. A. McGuire.

Membership: O. M. Glunt, financial vice-president; E. R. Geib, chairman, membership committee.

Ladies' Reception: Mrs. H. T. Cowling, hostess; assisted by Miss A. C. Becker, Mrs. John G. Bradley, Mrs. R. Evans, Mrs. M. E. Gillette, Miss Evelyn Glasser, Mrs. Nat Glasser, Mrs. N. D. Golden, Mrs. N. C. Haefele, Mrs. S. B. Riddick.

The official program for the opening day follows:

9:30 A.M. Registration.

10:00 A.M. *Little Theatre;* Business and Technical Session.
- Report of the Convention Committee, W. C. Kunzmann, *Convention Vice-President.*
- Address of Welcome; H. G. Tasker, *President.*
- Report of the Memorial Committee; E. R. Geib, *Chairman.*
- Election of Officers for 1936.
- "Use of Films in the U. S. Army"; Major M. E. Gillette, U. S. Army.
- "Microphotographic Duplication in the Service of Science"; W. Davis, Director, Science Service, Washington, D. C.
- "Some Technical Aspects of Photomicrography"; R. H. Draeger, U. S. Department of Agriculture, Washington, D. C.
- "A Visual Education Program"; F. H. Conant, Massachusetts Institute of Technology, Cambridge, Mass.
- "The Scientific Application of Color to Films"; H. Ketcham, New York, N. Y.
- "Is the Federal Government Interested in Educational Films?"; C. M. Koon, U. S. Department of the Interior, Washington, D. C.

12:30 P.M. *Continental Room;* Informal Get-Together Luncheon.
- For members and guests; Addresses by:
- Hon. Sol Bloom, Member of Congress from New York.
- Mrs. Emily Newell Blair, National Recovery Administration, Washington, D. C.
- Capt. John G. Bradley, Division of Motion Pictures and Sound Recording National Archives, Washington, D. C.

2:00 P.M. *Little Theatre;* General Session.
- "The Development and Use of Stereo Photography for Educational Purposes"; Prof. C. Kennedy, Smith College, Northampton, Mass.
- "Demonstration Film Illustrating Applications of Polarized Light in Motion Picture Photography"; J. W. McFarlane, Eastman Kodak Company, Rochester, N. Y.
- "Further Studies in Motion Picture Theatre Design"; B. Schlanger, New York, N. Y.
- "Intermittent Sprocket Dimensions"; H. Griffin, International Projector Corp., New York, N. Y.

8:00 P.M. *Little Theatre;* Film Program. Exhibition of recent outstanding feature motion pictures and shorts.
- "Demonstration of 16-Mm. Colored Motion Pictures with Synchronized Sound"; H. H. Jones, Buffalo, N. Y.

Looking 'Em Over

"Grand Exit"

(*Columbia*)

A mystery story based on a hunt for a pyromaniac, this film may hold youngsters throughout its length, but it's hardly adult fare. Not much emphasis is placed on the romantic element.

Its chief source of excitement is in fire engines and fires. They are in every sequence and some of the fire shots, apparently culled from newsreel shots, are spectacular to a degree.

A series of mysterious blazes cause the directors of a big insurance company to send for Edmund Lowe, investigator who has been dismissed some time before. Lowe, debonair as usual, insists that Onslow Stevens be kept as his assistant. A regular spectator at the fires they cover is Ann Sothern. Both fall in love with her, but when Loew's suspicions finally center on the girl he has her arrested. In the end it develops that the culprit who has been starting the blazes is her father.

Lowe dominates the film throughout. Miss Sothern is adequate without being spectacular. Stevens is convincing. Erle C. Kenton's direction seems to have taken advantage of all of the story's possibilities, such as they were.

Production Code Seal No. 1,525. Running time, 67 minutes. "G."

"The Rider of the Law"

(*Supreme*)

More or less routine western material, with the usual and expected portions of western mountain scenery as background, fights—fist and gun—and pursuits at the gallop, this features Bob Steele, as the young man who comes into the western community terrorized by bandits and cleans them out, to the tune of a little romance.

For the audiences who still enjoy their western action films this should be found satisfactory entertainment, especially when played in the weekend action position. Taking care of the other half of the romantic aspect of the film with Steele is blonde Gertrude Messinger.

Steele, in the disguise of a greenhorn with shell-rimmed glasses, rides into town. He is in reality a state officer authorized to clean out the town as he finds it necessary. He finds it so, and does it, with action for the youngsters and oldsters who like their westerns. Robert Bradbury directed.

Production Code Seal No. 1,123. Running time, 60 minutes. "G."

Purely Personal

DAVE LOEW'S friends and business associates are plotting a monster farewell dinner for him in the grand ballroom of the Waldorf on Oct. 29. It will be a formal stag affair. Speakers already lined up, with more lurking in the distance, include WILL H. HAYS, ADOLPH ZUKOR, DAVID WARFIELD, LOUIS NIZER, ARTHUR GARFIELD HAYS and DAVE'S brother, ARTHUR. It's going to be a sellout, what with DAVE'S hold on all of those who know him. And this should be sufficient of a hint about tickets.

•

CHARLIE MOSKOWITZ, following that Friday night session when Loew's signed its pact with Local 306 and brought to an end the long-winded union fuss in New York, made his boat and sailed for Bermuda Saturday afternoon. He will be gone about 10 days.

•

JED HARRIS and CLIFFORD ODETS were among the speakers at the first of six symposiums on the contemporary theatre sponsored by the Group Theatre at the New School for Social Research on Saturday morning.

Quip of the Day

"I'm going over to see So-and-So and sell him some pictures. He's in town, you know," remarked a sales manager.

"Well, happy hunting. He's tough," rejoined another.

"I'll get along with him all right. I'll give him what he wants."

JACK PARTINGTON has returned from St. Louis where he has completed his testimony in the anti-trust trial. IRVING LESSER, also a subpoenaed government witness, is waiting to be called.

•

DICKIE EINFELD, first born of MAY and CHARLIE EINFELD, celebrates his seventh birthday today. His pop is presenting him with his first two-wheel bike.

•

HOBART CAVANAUGH, Warner stock player, presumably will return to Burbank now that "Sweet Mystery of Life" vacates the stage of the Shubert tomorrow evening.

•

MORT BLUMENSTOCK is due in today from Cleveland, where he engineered the premiere of "A Midsummer Night's Dream" at the Hanna.

•

CONSTANCE TALMADGE, KATHERINE CARVER and LESTER and MRS. COWAN are aboard the *Santa Elena* docking here tomorrow.

•

SAM DEMBOW says HERMAN ROBBINS has a new topcoat. ROBBINS says that's not news. It isn't, but it's personal and that's what this column is.

•

LEE TRACY and JULIE HAYDON had a short-lived return to the legitimate in "Bright Star," at least. The play closes tomorrow night.

•

TED TODDY, one of the best known exploitation men in the Southeast, left for the coast Saturday.

Police Use Trailer

Bridgeport, Oct. 20.—For the first time here the police department has turned to film theatres for aid in capturing a murderer. Short trailers asking for public cooperation in giving information and describing the killer are used. Two policemen were killed.

Madison, Cincy Operators Raised; Other Parleys On

MADISON, Wis., Oct. 20.—The Musicians' Union is demanding a hike in the "stand-by" wage from $37.50 for each three-day performance of any stage show here to $67.50, and has threatened to put the Orpheum, Capitol and Parkway on the unfair list unless the demand is met.

Managers say they will meet the "stand-by" increases but will pay the additional $30 only under protest.

Talks New K. C. Scales

KANSAS CITY, Oct. 20.—Harland Holmden, third vice-president of the I. A. T. S. E., is conferring with downtown and subsequent run managers. Holmden is in complete charge of Operators' Local No. 171.

This move followed the reaching of a stalemate between the local, which had asked a 20 per cent increase, and downtown houses; and the inability of the local to secure contracts with suburban and subsequent runs during the past three years. Labor matters for the latter group are being handled by the Kansas City Theatre Owners' Emergency Council, composed of L. J. McCarthy, Jay Means, E. Rolsky, Ed Dubinsky and C. A. Schultz.

Cincy Operators Raised

CINCINNATI, Oct. 20.—Operators in suburban houses have been granted an increase of $2.50 a week per man under an agreement recently negotiated. The new schedule is $65 for Class A; $52.50 for Class B and $47.50 for Class C houses, with one man to the booth. The agreement, effective as of Sept. 1, is for one year.

No change has been made in the first run scale, it is understood.

Newport Operators Quit

NEWPORT, Oct. 20.—Differences over wages caused two operators at the Strand to stage a walkout recently, and the show was delayed until two men were recruited from Providence. The home boys obtained a permit and walked up and down in front of the theatre on picket duty.

It is reported that the operators received $64.75 for a 42-hour week, but that the theatre officials had requested the union to cut the rate to $50.

St. Louis Theatre Changes Plentiful

ST. LOUIS, Oct. 20.—Changes in the theatre situation in this territory are numerous. They include new houses, reopenings and transfers.

Latest of the new houses is the Rodgers, operated by the Rodgers Circuit, at Cairo, Ill. It was opened ceremoniously with Fred Wehrenberg a guest. The Opera House at Cairo has been reopened and the Jackson has been closed.

Carr & Burgess are operating the recently reopened Opera House at Eminence, Mo. E. D. Courter has transferred the Courter at Hamilton, Mo., to D. L. Lowrie. A. B. Jeffries has taken over the Ozark, formerly the Turk, at Williamsville, Mo. The Osceola at Osceola, Mo., has been reopened by Ancell Lacy. Hall & Hart have taken over the Ashland at Ashland, Ill.

Fanchon & Marco have closed the Missouri here.

Reopen at Stratford

STRATFORD, Conn., Oct. 20.—Al Pickus has reopened the Stratford after alterations which include a new front. The town manager and local notables turned out for the ceremonies.

Ansonia House to Open

ANSONIA, Conn., Oct. 20.—The Tremont will be opened by Warners by the end of October, in accordance with a lease negotiated last summer which provides that the house shall be open six months of the year. Frank Shields, Capitol manager, will also manage the Tremont as a first run with programs week-ends only.

Take Osawatomie House

KANSAS CITY, Oct. 20.—Commonwealth Amusement Corp. has taken over the Zephyr, operated by B. F. Churchill at Osawatomie, Kan., and opened it last week under the name of the Kansan. Vaughn Mann, formerly at the Mokan here, will manage. The house has been remodeled.

This gives Commonwealth 21 houses in Kansas, Missouri and Nebraska.

Take Over Ashland House

CINCINNATI, Oct. 20.—The Paramount, Ashland, Ky., a Publix operation in receivership, has been taken over by Boyd Theatres, Inc., recently organized here by Maurice White, Abe Libson and Ben L. Heidingsfeld. The house will be operated with three and four changes a week at 25 and 35 cents.

The same interests organized Forland Theatres, Inc., about a year ago for acquisition of the Forest and Norland, local neighborhoods, and later formed Cohill Theatres, Inc., to take over the Hollywood, at College Hill, suburb of Cincinnati.

Conditions Better In Kansas City Area

KANSAS CITY, Oct. 20.—Reports on general conditions in this territory are favorable. Crop conditions are better now than they have been for several years.

Conditions are very good in Nebraska and Iowa and exhibitors are happy over grosses, according to E. C. Leeves, district sales manager for Western Electric, who has just returned from a trip. In the extreme western part of Nebraska, where it is and has been dry, the Government has quite a bit of work under way and this is holding things up.

To Close Akron National

AKRON, Oct. 20.—The National, 33-year-old house, is to be closed by Frank C. Buben. He has taken a lease on the National City Bank property and expects to have it converted into a theatre by Nov. 1. It will be called the National.

A new company is to be formed at Lisbon, O., to take over the Lisbon and Rex theatres from the Peoples' Savings and Loan Co. and the Firestone Bank, respectively.

The Twin City Theatre Co., operators of two houses at Uhrichsville, O., has purchased the Lincoln at Dennison.

Close Columbus Majestic

COLUMBUS, O., Oct. 20.—The RKO Majestic, first run, has gone dark, with no intimation as to when it will be relighted. According to C. Harry Schreiber, city manager, a change to second run policy was contemplated, which precipitated some differences with the operators' union. The house closed concurrently with formal opening of the new RKO Grand, the third in the local circuit string.

The Majestic is operated under lease, which has two years and three months to run.

Price Tip Reaction Tested by Trailers

KANSAS CITY, Oct. 20.—Trailers are being used by Fox Midwest to test audience reactions to a one-cent rise in adult admissions for the purpose of covering the sales tax.

Audiences are asked to applaud if they approve. Under the plan children's admissions would be left unchanged. Theatres would absorb the tax on the youngsters' tickets and make a slight profit on the adult tickets.

At present, theatre men claim, long lines form while cashiers are trying to manipulate the milk bottle cap tokens for mills and business is lost as a result.

Arizona Houses in Shifts

PHOENIX, Oct. 20.—The Apache, operated by R. A. Coates, has been closed. So has the Magna in Superior, Ariz., which was under operation of Dallas Allhands. Bishop Hendrickson has taken over the Social in Snowflake, Ariz.

Moylan Opens Carlsbad

LOS ANGELES, Oct. 20.—Peter Moylan has reopened the Carlsbad, near Oceanside. The house has been dark for some months.

To Open Salem Empire

BOSTON, Oct. 20.—The Empire, one of the group of former M. & P.-Publix houses taken back last month by the Salem Realty Co., will be opened for films. This house, a former legitimate stand, has been dark for years. City Manager Philip Bloomberg is relegating the Plaza, acquired from Joseph Morency, to a subsequent run, 15-cent house in direct opposition to the Rialto, operated by Charles Goldreyer. The Empire will carry on the Plaza's policy of first run, dividing these with the Paramount.

Just Namesakes

Milledgeville, Ga., Oct. 20.—Shirley Temple, Helen Morgan and Ann Pennington are in the freshman class at the Georgia State College for Women. The three students are admirers of the screen artists, but are no relation to them.

Oriental Has 3-Hour Program at 25c-40c

CHICAGO, Oct. 20.—The Oriental, B. & K. de luxe Loop house, advertises "the biggest show in the world for 25c."

Offering first loop showings of the class B pictures and second run on some of those that have played downtown, the house also presents a stage show. Five or six vaudeville acts are presented weekly prior to a stage revue with Mark Fisher.

The full show runs close to three hours with a 25c top until 6 P.M. and 40c for evenings. The gross usually runs over the $15,000 mark, which is well on the profit side of the ledger.

To Open at Rockville, Md.

ROCKVILLE, Md., Oct. 20.—The Milo, new house just completed by Sidney B. Lust for Bernard Theatre Corp., has reopened.

Edwards Buys at Eldon

KANSAS CITY, Oct. 20.—Tom Edwards, Ozark, Eldon, Mo., has just purchased the house. He has been operating under lease for several years.

Remodel at Baker, Ore.

BAKER, Ore., Oct. 20.—The old Orpheum building here, and the building adjoining are being remodeled by Mrs. Frank X. Buckmiller, president of Baker Theatres, for a new 800-seat house, which is expected to reopen for the holidays.

Georgia House Completed

MANCHESTER, Ga., Oct. 20.—The President, a 650-seater, has just been completed at a cost of $50,000. It is equipped with modern sound apparatus and a cooling system. J. S. Peters has leased the house to Martin Theatres, Inc.

Latchis Gets N. E. Group

BOSTON Oct. 20.—Peter Latchis has purchased an interest in the theatres of Andrew Tegu in St. Johnsbury, Vt.; Woodsville, N. H.: Lindonville, Vt., and Keene, N. H. Latchis is also reported to be working on a deal with Charles Ross on a Windsor, Vt., location.

N. E. Changes Continue

BOSTON, Oct. 20.—Theatre changes continue. The Opera House in Woodland, Me., has been put on the active list by Frank Foggia. The Maine and New Hampshire circuit has reopened the Capitol at Augusta, Me., transferring Harry Magg from Norway as manager.

William Landman is negotiating for a new theatre in Manchester, Vt. In Rochester, Vt., Pierce Memorial Hall is being operated for films by the Masons. C. Israelson has closed the Wells Beach at Wells Beach, Me. William Freiday has closed the nearby York Beach.



BROADWAY MELODY of 1936
is the SENSATION of the NATION!

BIGGEST IN 3 YEARS!

A prophecy that is confirmed at the box-office as "Broadway Melody of 1936" sweeps merrily across America!



LET the facts talk!
HERE are typical cases!
JUST a few from many,
AS we go to press:

ROCHESTER: Best in three years. In first four days did more than full week of top hits.

HARRISBURG: Best since 1933. More in first three days than week of biggest pictures.

WATERBURY: Best since "Tugboat Annie." First two days beat four days of "China Seas" for instance.

WORCESTER: First five days beat seven of "China Seas," "Copperfield" and other Big Ones.

AKRON: In first four days equalled "Copperfield" seven days.

TERRE HAUTE: Only one picture equals it in M-G-M records here.

RACINE, WIS.: In first five days equals "Tugboat Annie's" record seven days.

NEW HAVEN: In first four days it's within few dollars of "China Seas" full week.

LOUISVILLE: Only one picture in years (and it played New Year's) beat it.

TULSA: Well ahead of "China Seas" and other biggies.

EVANSVILLE: In first four days it's within few dollars of "Copperfield's" full week.

ROCHESTER: Best since "Tugboat Annie" and in first four days beat full week of many of biggest previous hits.

THEREFORE it's up to you
TO hold extra playing time—
TO increase your ad space—
TO circus your town—
THERE'S no limit to
WHAT you can get!
IT'S time for a new record
IN your house, too!

Film Strikers Criticized by Mexico Editor

Points Danger of Loss Of Industry Jobs

By JAMES LOCKHART

MEXICO CITY, Oct. 16.—American distributors, harassed by a strike of exchange workers in the midst of negotiations with the Government for tax cuts, have found a defender in *Excelsior*, local newspaper.

The paper attacks the demands for 10 to 20 per cent wage increases and points out that withdrawal of American distributors will throw many persons out of work.

"In this republic," the paper points out, "there are 730 cinemas which require 520 feature pictures a year, of which 460 are American, 35 are European and 25 are Mexican. The industry employs 5,000 persons, who, added to their families, make an approximate total of 20,000 who look to this industry for a living. This number can be increased if we include artists, directors, cameramen, sound technicians, decorators, carpenters, electricians, etc.

"The 25 pictures produced in Mexico annually are not enough, as is obvious, to support the 730 cinemas, nor do they (despite the welcome they have been accorded) pay their expenses in the national market and must be exhibited abroad.

"American and European pictures must face the following taxes:

"Film, 35 pesos (3.60 pesos equal one dollar) per kilogram; film without sound, 10 pesos per kilogram; records, 10 pesos each; advertising material, three pesos per kilogram; stamp tax on contracts, five in 1,000; stamp tax for renting, one per cent; income tax, six per cent to 16 per cent on total rentals; share of tax cinemas pay to municipal governments; "absentee" tax on sending money abroad, two per cent to four per cent.

"These combined taxes constitute 40 per cent of the distributors' net income."

The editorial says the industry had a deficit of 63,700 pesos on an income of 400,000 pesos last year.

* * *

Work is progressing on the Teatro Alameda, 3,200-seater, scheduled for opening about Christmas. It is being erected by Radio Teatro International, S.A., headed by Emilio Azcarraga.

* * *

Latest troubles of producers and distributors here are kinks in the insurance law which limit policies to $8,250, U. S., and prevent re-insurance with foreign companies.

* * *

Francisco Rodriguez has succeeded Gustavo Saenz de Sicilia as president and general manager of the National M. P. Prod. Co.

* * *

German Camus & Co., local distributors of European films, has been exonerated in the Circuit Court of a charge brought by Ignacio Ramirez, mechanical engineer, that the company was infringing on his patents for a synchronizing system.

Big Japan Circuit In Studio Merger

By TETSUYA MORI

TOKYO, Oct. 1. — Competition in the production field has undergone a shift as a result of a deal between Toho Eiga Gekijo (Toho Cinema Co.), big theatre circuit, with J. O. Talkie Co. The move is regarded a challenge to the Shochiku Co.

This entrance of Toho into the production field is believed to be due to a conviction on the part of the company's heads that more and better product is required. Heretofore Toho has been supplied with product principally by P. C. L.

Under the new arrangement the production facilities of J. O. and P. C. L. will be united. They will share directors and players, and J. O. will produce eight features, four historical productions and four musicals annually. In addition, P. C. L. will increase its output by 20 features, making the total 28.

* * *

A school for sound film players has been started here. About a year ago a stage players' school was opened. The new school is at Ginza and is being conducted by Minoru Takata, who continues his connection with Takata Prod. Courses will last a year. Among the subjects in the course are cinematographic sociology, history of films, cinematographic physics and general studio practice.

* * *

Shochiku News is attempting to enlarge its organization for the purpose of making its distribution worldwide.

Austrian Production Gains, Reports Show

WASHINGTON, Oct. 20.—During 1934 the Austrian film industry was able not only to maintain its scale of production but to increase it, according to a report to the U. S. Department of Commerce from Commercial Attache Gardner Richardson in Vienna. This gain continued during the first quarter of 1935.

In the first quarter of 1935, exportation of Austrian films was nearly double that of the same period in 1934. Production in 1934 consisted of 16 sound features and 155 shorts, compared, respectively, to 15 and 87 in 1933.

Importation of films rose in weight from 453 metric quintals in 1933 to 607 metric quintals in 1934, while the value declined from 3,300,000 to 2,400,000 schillings.

Change Two Titles

HOLLYWOOD, Oct. 20.—Titles of two films have been changed at M-G-M. The Jack Benny picture, formerly known as "Chiseling Chiselers," is now "It's In the Air." "The Black Chamber," featuring William Powell, Binnie Barnes and Rosalind Russell, will be called "Rendezvous."

Form Two Companies

ALBANY, Oct. 20.—Two new exhibitor incorporations here are Fenyvessy Enterprises, Inc., Rochester, formed by Florence F. Belinson, Abraham Schulman and Sarah Marimsky, and Eden End., Inc., formed by Louis S. Aldrich, Ann Martin and Lilly Rosenthal.

Silverstone Lines Up Units at Denham

By BRUCE ALLAN

LONDON, Oct. 20.—Murray Silverstone, chairman and managing director of United Artists, Ltd., changed plans for use of the new Denham studios of London Film Prod., Ltd. Out of the five floors planned, London will use two and United Artists producers—Selznick, Lasky and possibly Chaplin—another. Of the two remaining floors one, says Silverstone, will be reserved to British independent units on condition that distribution outside U. K. is reserved to U. A. No guarantee of American distribution will be given, but will be forthcoming for product of sufficient standing.

The fifth Denham floor will presumably be occupied by Twentieth Century-Fox, which, Robert T. Kane recently said, would use the studio after making "St. Joan" at Worton Hall.

RKO Men Shifted

COLUMBUS, O., Oct. 20.—Changes in the local RKO personnel include promotion of Charles E. Winthrop from assistant at the Palace to manager of the Grand, which has opened under circuit operation. Frank Sebrus, Palace treasurer, is Winthrop's assistant. Howard Puckett comes here from Cleveland as treasurer at the Palace.

Lyle Gann, treasurer of the Majestic, becomes assistant manager at the Palace, and will be succeeded by George Gray, at present Majestic's chief of service.

John Bancroft has been named RKO publicity director, handling the Palace, Majestic and Grand, last mentioned house already opened. He has been serving various publicity accounts here and doing part time work in this capacity for the RKO interests in the past.

O'Neill Back in Boston

BOSTON, Oct. 20.—Vaughn O'Neill, formerly assistant manager at Loew's State in Providence, has been appointed assistant at Loew's Orpheum, downtown first run. Arthur I. Tuohy has also returned to this house, as assistant to Manager Vic Morris, from Loew's State uptown.

Atlanta Fox to Reopen

ATLANTA, Oct. 20.—The Fox, recently bought by the city and leased by Lucas & Jenkins, which has been closed since July, will reopen Oct. 25 with "Top Hat." E. E. Whitaker, manager when the house closed, will again be in charge.

Baxter in Vancouver

VANCOUVER, Oct. 20.—Beverley Baxter, former Toronto piano salesman who rose to the editorship of the *London Daily Express*, is here on a visit to the home town of his wife. Baxter is now public relations counsel for Gaumont British.

"Lucky Me" for Vallee

HOLLYWOOD, Oct. 20.—Rudy Vallee will make "Lucky Me" for Warners instead of "Let's Pretend." There is a strong possibility that "Lucky Me" will be filmed in New York, since Vallee refuses to come to California because of legal difficulties with his former wife, Fay Webb.

Film Income Has Big Gain In Australia

Total of £1,740,315 Is Best Since 1930-31

By CLIFF HOLT

SYDNEY, (*By Air Mail, via London*), Oct. 1.—Gross film rentals in Australia have shown a sharp increase for 1934-35 and have reached the highest point since 1930-31. The total for 1934-35 was £1,740,315, above the previous year by £278,509 and within £421,794 of the record total reached during the boom period of 1929-30.

Last year's increase is especially noteworthy because taxes in the form of customs, duties, primage, etc., totaled £315,043, the highest amount in the history of the industry.

The figures were made public by Sir Victor Wilson, president of the M.P.D.A., membership in which includes M-G-M, Paramount, Fox, Warners, RKO, U. A., Columbia and Universal.

The combined net profits of the Australian companies, after taking into consideration monetary exchange expenses on overseas remittances, were £138,597, against £83,328 in the previous year and £208,509 for 1929-30.

The figures show that of £1,740,315 received for the rental of American films during the year practically £1,000,000 was disbursed in Australia and more than 33 per cent went to the Government. This statement deals only with the operations of distributors. Distributors realize about one-third of their grosses, two-thirds being required for working expenses and taxation.

Colombia Duties Cut On Film, Equipment

WASHINGTON, Oct. 20.—Colombian import duties on American motion pictures and equipment are to be slashed under the reciprocal trade agreement signed in Washington on Sept. 15 and made public last week by the State Department.

The treaty is to become effective 30 days after the exchange of ratifications at Bogota, which has not yet occurred.

Analysis of the concessions to be granted by Colombia shows that the rate on prints is to be reduced from 1.60 pesos to 0.60 peso per gross kilo, as is the rate on projectors and parts, a reduction of 62½ per cent. The rate on films for the popularization of scientific or educational matter is to be reduced from 1.60 pesos to 0.25 peso per gross kilo, a cut of 84.4 per cent.

Beach Yarns to Morris

HOLLYWOOD, Oct. 20.—The William Morris office has closed a deal with Rex Beach which gives it exclusive rights to handle all of his stories for stage and screen. This deal includes stories already written as well as his output for the next few years.

N. O. Has 40 Giveaways

NEW ORLEANS, Oct. 20.—Of 40 theatres here 30 are using some form of cash award. The downtown spots as yet are free of the sharing-the-profits idea which has swept the city.

Hike in Sales Tax Foreseen For Missouri

KANSAS CITY, Oct. 20.—Despite statements of Missouri officials that the one per cent sales tax plus liquor revenue will produce enough to take care of old age pension needs in the state, a report from responsible quarters indicates that there won't be income enough to pay more than $3 apiece to each pensioner under Missouri's new old age pension law.

This gives substance to the strong undercurrent throughout the state for a special session for the purpose of hiking the sales tax.

Attorney General Roy McKittrick at Slater, Mo., said that of estimated new revenue above general revenue for 1931 and 1932, $11,000,000 would remain unappropriated after amounts already budgeted had been spent.

Film men, however, are anticipating an increase in the sales tax. At the KMTA directors' meeting with Ed Kuykendall here the sales tax was discussed. It was the general opinion there that support of a sales tax, or an increase, is the best course for exhibitors to follow. It is probably the surest means of obviating being put in a special category for taxation purposes, with a special amusement tax or taxes as the result. Kuykendall pointed out that this is exactly what happened in Mississippi where theatre men opposed the sales tax and found themselves with a special levy as a result.

In Western Missouri, exhibitors pretty generally are collecting the tax, but not in the eastern section. Observers here regard absorption of the tax by theatres as very hazardous, inasmuch as one of the arguments they most frequently use in combatting taxation is their inability to bear a greater burden.

Kansas theatre men, likewise, believe that support of a sales tax will identify them with other taxable groups and will thus avoid their becoming the object of discriminatory levies. This is in case Kansas goes to the sales tax, which has been talked some time. There is considerable pressure now for a special session of the Kansas legislature.

While in Kansas City, Kuykendall admitted that so far as he could learn the sentiment of exhibitors nationally was favorable toward a national sales tax.

Harold Wilkes Laid Up

NEW ORLEANS, Oct. 20.—Harold Wilkes, Paramount branch manager, has been ordered to bed by physicians. He has high blood pressure.

Acquire French Picture

J. H. Hoffberg Co., Inc., has acquired distribution rights to "Le Miracle des Loups" ("Miracle of the Wolves") in French, Italian, Spanish and English versions.

Carroll Heads Pep Club

NEW HAVEN, Oct. 20.—Richard Carroll has been named president of the Paramount Pep Club. Margaret McDonough is secretary and Betty Barger is treasurer.

Out Hollywood Way

HOLLYWOOD, Oct. 20.—HELEN BRODERICK and JAMES GLEASON, Radio's new comedy team, to appear first in "The Puzzle of the Briar Pipe." . . . JAMES VINCENT signed by M-G-M to assist on "Romeo and Juliet." . . . He was KATHARINE CORNELL'S stage manager for seven years. . . . Universal keeping visitors away from "The Invisible Ray" set and few are seeing rushes under EDMUND GRAINGER'S order.

PAUL KELLY has bought 37 acres in the San Fernando Valley. . . . RICHARD PURCELL starts in "Ceiling Zero," Warners. . . . JEAN NEGELISCU, artist, doing special effects for "Captain Blood." . . . PAUL WING pays first visit to Paramount studio since his plane crash last May . . . Will return to work in January.

ETHEL MERMAN and CLAIRE TREVOR recover from flu, former reporting at Paramount for "Anything Goes" and latter to Twentieth Century-Fox for "Buccaneer." . . . BUSTER CRABBE goes directly from "Nevada" to "Drift Fence," Paramount.

JOHN MILJAN builds an 18-foot oil well to amuse his three and one-half year old son, JOHN, JR. . . . New Laurel Canyon home of W. P. LIPSCOMB, British scenarist, center of social activities of English colony. . . . CHARLES BICKFORD, recovering from lion bite, expects to leave hospital in a few days.

EDWARD ARNOLD to be General Sutter in Universal's "Sutter's Gold."

HARPO MARX asked to be guest star at N. Y. Philharmonic concert, he says. . . . ROBERT EDMOND JONES resting at Santa Barbara. . . . CHARLES BUTTERWORTH and MRS. BUTTERWORTH building house at Palm Springs. . . . ADRIAN to do article on modern dress for Encyclopaedia Britannica. . . . STUART ERWIN is selling garden truck to the Brown Derby.

✚

Casting—ROBERT TAYLOR gets lead in M-G-M's "Three Live Ghosts." . . . EDNA MAY OLIVER nurse in "Romeo and Juliet," M-G-M. . . . MARY LOOS to do Indian dance in "Rose Marie." . . . FUZZY KNIGHT and SPANKY MCFARLAND cast by WALTER WANGER in "The Trail of the Lonesome Pine." . . . SAMUEL GOLDWYN signs JACK LARUE for EDDIE CANTOR'S "Shoot the Chutes."

ALISON SKIPWORTH borrowed from Paramount by Republic for "Hitchhike Lady." . . . PHILLIPS HOLMES opposite ANNE SHIRLEY in "Chatterbox," Radio. . . . STEFFI DUNA signed for "Thrill of the Century," Academy.

CHARLES QUIGLEY assigned in "King of Burlesque," also at Twentieth Century-Fox. . . . SLIM SUMMERVILLE to star in PETER B. KYNE story, "Corncob Kelly's Benefit," same studio. . . . KATHERINE DEMILLE in feminine lead of "Drift Fence," Paramount.

✚

Writers—NORMAN KRASNA loaned to M-G-M by Paramount for "Kind Lady" script. . . . DARRYL ZANUCK assigns HOWARD ELLIS SMITH to work with RICHARD SHERMAN on script of "To Mary—With Love."

✚

Songwriters—WALTER DONALDSON and HAROLD ADAMSON assigned to do two songs for "Kind Lady," M-G-M.

✚

Title Change—"Rendezvous" final title of M-G-M's "The Black Chamber," starring WILLIAM POWELL and ROSALIND RUSSELL.

Wurtzel Lining Up Production Schedule

HOLLYWOOD, Oct. 20.—Sol Wurtzel, executive producer in charge of the Sunset Ave. lot for Twentieth Century-Fox, has assigned four films to John Stone, associate producer. They are: "Ramona," starting Nov. 4 under direction of Henry King; "Broadway Co-Ed," starting in early December under direction of Eugene Forde: "Charlie Chan in the Circus" and "Efficiency Edgar."

Wurtzel is supervising the two Claire Trevor films, "Buccaneer" and "Song and Dance Man," which are directed by George Archainbaud and Alan Dwan, respectively. Others on his list are: "Gentle Julia," and "The Country Beyond," starring Buck, the dog featured in "The Call of the Wild."

Roberts Buys a Tract

PORTLAND, Oct. 20.—Stephen L. Roberts, director, has purchased a 100-acre tract on the north bank of the Rogue River, a few miles east of Grants Pass, Ore. He and Mrs. Roberts are both angling enthusiasts.

Cushman to Vermont

ST. JOHNSBURY, Vt., Oct. 20.—E. P. Cushman has been transferred here from the Colonial, Brockton, to manage the Star, recently opened by Interstate.

Five in Pittsburgh Try Raising Scales

PITTSBURGH, Oct. 20.—Five independently-owned neighborhood houses on the Northside, the Atlas, Brighton, Hippodrome, New McClure and Paramount, have agreed to raise their admission prices for a 60-day trial period.

This is the first scale-lifting move in the Pittsburgh territory during this year.

Loew Tips K. C. Scale

KANSAS CITY, Oct. 20.—Loew's Midland has raised its admission price from 15 cents for balcony seats and 25 cents for orchestra to a straight 25-cent level for all seats until 6 o'clock. Evening top of 40 cents still prevails. This is the second first run admission boost within the past month, the Tower having recently raised to 35 cents top from a previous 25 cents straight policy.

Providence Policy Split

PROVIDENCE, Oct. 20.—The Metropolitan has opened under the management of the A. & W. Amusement Co., with an unusual policy. Vaudeville and films will be presented from Thursday through Sunday and a double feature film bill will run from Monday through Wednesday. The pictures will be subsequent runs.

Variety Club

Kansas City

KANSAS CITY, Oct. 20.—"The Days of '49" was a sellout and brought the Club "out of the red," ELMER C. RHODEN told members at the weekly lunch.

A Hallowe'en party will be held Oct. 30 for members and guests. BILL WARNER is chairman.

HARRY TAYLOR, chairman of the New Year's party committee, announced he would be in California to see his mother over the holidays. Another chairman will be appointed.

PAUL PARKER, attorney, talked on the American Royal Horse and Livestock Show.

Bouquets for success of the carnival were given STAN CHAMBERS, BARNEY JOFFEE, MIKE ROTH, BILL WARNER, ARTHUR COLE, MARTIN FINKLESTEIN, T. R. THOMPSON, C. E. SHAFER, ELLIOT JONES, DOC GILLIS, FRANK BOWEN, NAT HECHTMAN, HAROLD LUX, JACK GREGORY, SAM ABEND, EARL JAMESON, GLEN FIELDS, L. J. MCCARTHY, HARRY TAYLOR, CLARENCE SCHULTZ, FRANK HENSLER, ROBERT WITHERS, L. A. JOHNSON, CHARLES JONES, JOHN MUCHMORE, R. R. BIECHELE and L. O. HONIG.

Philadelphia

PHILADELPHIA, Oct. 20.—A women's auxiliary has been formed with MRS. SAM GROSS, president; MRS. BELLE WEINER, vice-president; MRS. JAY EMANUEL, treasurer. Twenty-one women have joined. The group will work with Tent No. 13 where cooperation is necessary. A Ladies' Night may be arranged.

The second entertainment sponsored by the club will be held Nov. 18 at at the Met. JACK GREENBERG and JAMES CLARK are in charge of arrangements.

A nominating committee to report at the meeting, Nov. 8, is composed of AL DAVIS, JAMES CLARK, EDDIE SHERMAN, JACK GREENBERG, CHARLES ZAGRANS, TED SCHLANGER, EARLE SWEIGERT, and DOCTOR LEVY.

Following the election, installation of officers will be held at a special bachelors' dinner.

Profit of the recent *The Exhibitor*-Variety Club tournament was received with acclaim and a vote of thanks for those who ran it.

Next luncheon, inaugurating the fall season, will be held Oct. 30 with DOCTOR LEVY and ELLIS GIMBEL kings for the day.

Sympathy of the club has been extended to Chief Barker EARLE SWEIGERT because of the death of his brother, RONALD, killed in an automobile accident.

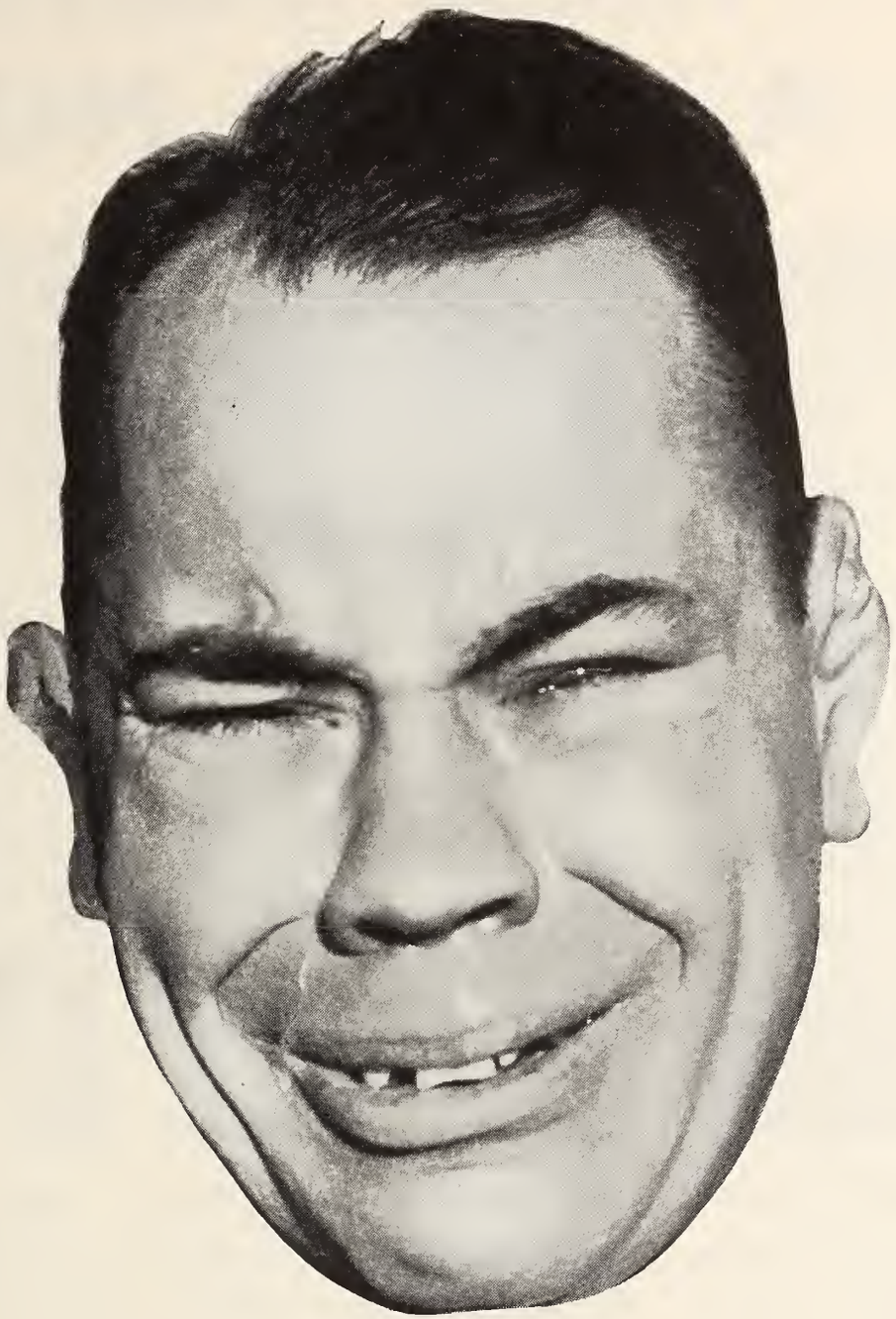
Charter Two N. Y. Firms

ALBANY, Oct. 20. — Instructional Films, Inc., New York, has been chartered by H. H. Wilson, J. L. Kauffman and C. D. Francis.

Armac Amusement Corp. has been formed by Nettie Weisman, Lee Resnick and Elliott A. Weisner.

Miller Back on Old Job

HOLLYWOOD, Oct. 20.—Virgil Miller, who has been head of the Paramount camera department for the last four years, has left that job to resume his former work of first cameraman. Ray Wilkinson, of the Paramount laboratory, has been made camera department head.



NO MATTER HOW TOUGH
OR HARDBOILED YOU ARE
WE *dare* YOU
NOT TO CRY LIKE A BABY
WHEN YOU SEE • • • •

THESE PERFECTLY
IN A STORY NO HUM



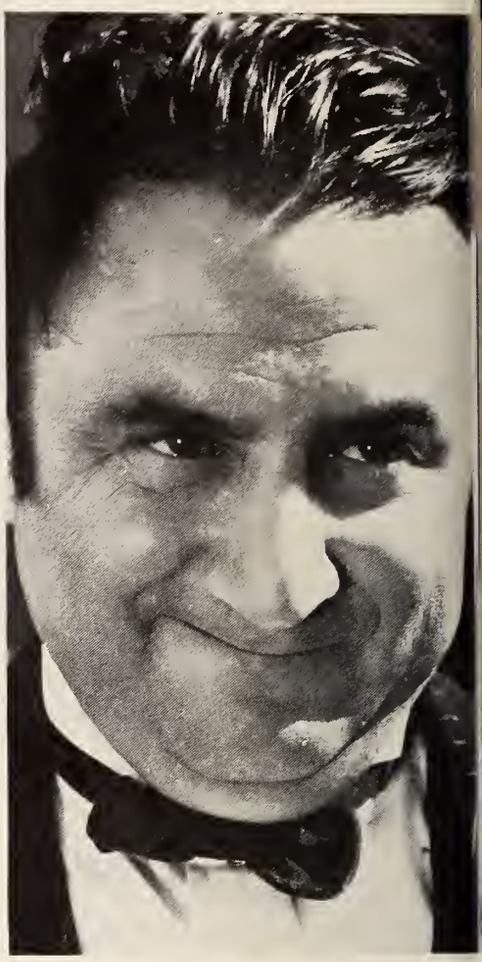
MAY ROBSON

Crowned the Queen of Hearts in her tender role of the world's richest and loneliest spinster, who kidnaps a whole family!



HENRY ARMETTA

You've laughed at him before, but never have you roared as you will when you see him as the panicky barber with a houseful of orphans!



HERMAN BING

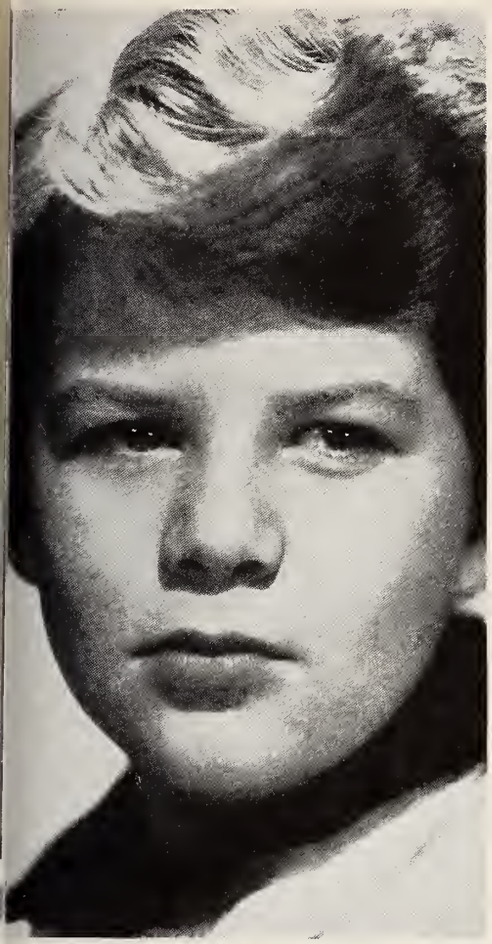
As the gossipy grocer, teamed with Henry Armetta for the funniest comedy combination since "Cohen and Kelly"!

3 KIDS and

with JOHN MILJAN, FERDINAND GOTTSCHALK, WILLIAM BENEDICT, HENRY KOLKER, TOM DUG

A UNIVERSAL PICTURE Presented by CARL LAEMMLE

MARVELOUS PEOPLE
AN BEING CAN RESIST!



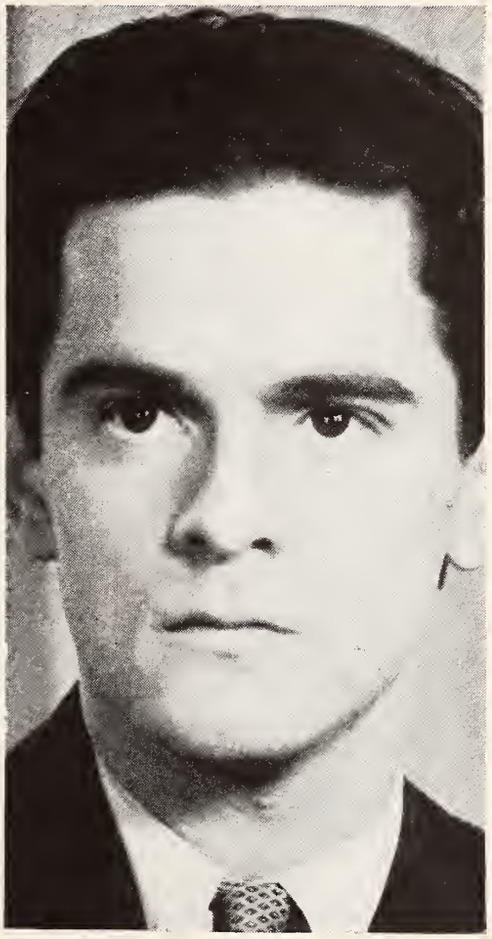
BILLY BURRUD

He'll twine himself around every heart. When he smiles, life takes on a new meaning and the world is a better place to live in!



CHARLOTTE HENRY

As the wistful Hell's Kitchen waif, whose toughest job is to keep her little "brothers" straight in New York's toughest environment!



FRANKIE DARRO

As Tenth Avenue's toughest kid, who is ready to give up his life for the cranky millionairess—because "the old battle-ax is like a mother" to him!

a QUEEN

Screenplay by Barry Trivers and Sam Ornitz

Directed by EDWARD LUDWIG

A Ben Verschleiser Production

Gov't. Winds Up Case Today At St. Louis

(Continued from page 1)

is said. One may be Austin C. Keough, general counsel for Paramount, who was excused last week subject to call. Dinty Moore, local city manager for the three Warner houses, and a few exchange managers, including Lou Ellman of RKO are also on the list to be called for testimony on interstate commerce angles. Whether Keough will definitely be put on the stand is now being determined by Government counsel as they round out their program.

Government men say they could "stop right now" on the evidence, but there are "just a few fringes" which they would like to clean up before officially declaring, "We rest."

18 Have Testified

Of the 40 Government witnesses subpoenaed, 18 already have testified in the 14 days of trial. More than a dozen will not be called, including Spyros Skouras, Milton B. Arthur, Neil F. Agnew, Irving Lesser and Fred Wehrenberg, it is stated. All but Wehrenberg have been excused subject to call. They may, however, be brought back later for the Government's rebuttal. Those who have testified so far are: Harry C. Arthur, Thomas N. Dysart, Clarence M. Turley, Allen L. Snyder, Jack A. Partington, Joseph A. Grand, David Levinson, Jacob Chassnoff, Jules Levy, Cresson Smith, John S. Leahy, Frederick Kreissman, M. A. Rosenthal, Frederick W. Strauss, J. M. Ulmer, Hall Walsh, Maurice Schweitzer and Gordon A. Youngman. All but the last three also testified before the Grand Jury on Jan. 8-10 when the indictments were handed down.

May Not Call Dozen

It is explained it will not be necessary to call a dozen or more of those summoned because the testimony already given has covered the foundation desired by the Government.

Defense counsel are understood to be working on a motion for a directed verdict of acquittal which they will submit to the court immediately upon completion of the Government's case. This formality is usually tried by the defense to avoid the necessity of presenting its case.

Reports in the court corridors have it that the defense will take from three days to one week.

A decision on the admissibility of Skouras Super Theatre contracts of 1928 is slated to be made tomorrow by Judge George H. Moore before Hardy resumes his case.

Twin Marx Openings

ST. LOUIS, Oct. 20.—Twin premieres of "A Night at the Opera" will be held at Loew's State here and Loew's Century, Baltimore, on Nov. 1. The picture will not be released generally until several weeks after this date.

The local Loew house shares the premiere honor because Allen Jones is in the cast. For three years he was the leading man in the St. Louis Municipal Opera.

Circuit Lease Moves to Get Sabath Study

(Continued from page 1)

"particularly rotten," according to Sabath.

"More than 500 instances of theatre lease cancellations occurred in this country during the past few years under the cloak of receiverships," Sabath said. "Many of these receiverships were obtained by collusion and fraud, information in the possession of our committee indicates. Frequently the companies involved were not insolvent."

Sabath related that his committee had met here with eight Federal judges and had discussed this evidence of collusion and fraud and steps that should be taken by the judiciary to prevent its recurrence.

The Sabath committee was appointed to investigate real estate bond reorganizations as carried out under Section 77-B of the bankruptcy law, and will make recommendations to Congress for amendments to correct any abuses of Section 77-B discovered as a result of the investigation. Sabath said that certain to be included in any recommendations made by the committee would be amendments to the law which would place a limitation on fees which could be asked by attorneys, reorganization committees, trustees and others for their services in a reorganization proceeding, and measures which would curb the activities of "chiseling lawyers."

Invincible Winds Up List

HOLLYWOOD, Oct. 20.—The last Invincible picture of the 1934-35 season has been started at Mascot Studios with Henrietta Crosman, Herbert Rawlinson, Polly Ann Young, Russell Gleason, Anita Page and Lela Bliss in the cast. Frank Strayer, director, completes his two years' contract with this one, and probably will free lance.

Wall Street

Eastman Best Stock Gain

	High	Low	Close	Net Change
Consolidated Film	5⅛	5	5	— ⅛
Consolidated pfd..	18	18	18	.....
Eastman Kodak..	159	156½	159	+2¾
Loew's Inc.....	48¼	47⅝	48¼	+ ⅞
Paramount	10⅝	10¼	10½	+ ¼
Paramount 1 pfd.	94	94	94	.....
Paramount 2 pfd.	13	12¾	13	+ ¼
Pathe Film.....	5¾	5⅝	5¾	.....
RKO	5¾	5⅛	5½	+ ½
20th Century-Fox	16¼	16¼	16¼	.....
20th Century pfd	26¼	26	26	— ¼
Warner Bros.....	7¾	7½	7¾	+ ⅜
Warner Bros. pfd.	42½	42	42½	.....

Curb Issues Up Slightly

	High	Low	Close	Net Change
Sonotone	3	2⅞	2⅞	+ ⅛
Trans Lux.....	3¼	3¼	3¼	+ ¼

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	15	15	15	.....
General Theatre Equip. 6s '40 ctf.	14⅝	14⅝	14⅝	— ⅜
Keith B. F. 6s '46.	91½	81½	91½	.....
Loew's 6s '41 ww deb rights.....	105	105	105	.....
Paramount Pictures 6s '55.....	96⅜	96⅛	96¼	.....
RKO 6s '41 pp....	83	83	83	.....
Warner Bros. 6s '39 wd.....	82½	82½	82½	+ ⅜

(Quotations at close of Oct. 19.)

Bomb Vancouver House

VANCOUVER, Oct. 20.—A charge of dynamite exploding beneath the garage of Paul Harmon, independent theatre operator, at his home was the latest note in an intermittent projectionists' war. Harmon is a member of a Detroit projectionists union, but has never affiliated with the Vancouver union and says he has received several anonymous letters and phone calls telling him to get out of town.

Form Silversheet Co.

ST. LOUIS, Oct. 20.—The Silversheet Screen Co., has been chartered by A. M. Pollack, R. D. Hatton, Jr., M. H. Harris, B. J. Huger and L. Kick to deal in theatre supplies.

Government's Key Witness



Motion Picture Daily

Harry C. Arthur (left), the Goverment's key witness in the anti-trust trial now under way in St. Louis. His brother, Milton, has interests in nine western theatres.

New Exhibitor Charges Pour In On Hardy

(Continued from page 1)

and Warners and very few have been registered against Universal, United Artists and M-G-M. No one here would divulge the number of grievances registered against each company or the names of individuals and companies so complaining.

During the past year, it was estimated by a Department of Justice representative, between 125 and 150 complaints have been filed at Washington. All are investigated and many have no grounds for complaint, it was said. About 50 field men are continuously checking on the charges made.

It was pointed out by Government men that, since the local case has been widely publicized in the newspapers, the number of new complaints has more than doubled the heretofore regular flow of "anti-trust" grievances at Washington. Several so-called important cases are expected to reach the courts for trial shortly after the St. Louis criminal and civil actions have been decided.

Brought Four Assistants

Asked what case would be next on the court calendar for trial after the two local suits are disposed of, a Government representative refused to comment other than state:

"If I knew I wouldn't tell you."

Whether or not Russell Hardy, prosecuting attorney in the present trial, will represent the Government in the next case to hit the courts is not known. Assignment of counsel on behalf of the attorney general's office rests with Homer S. Cummings in Washington.

In prosecuting the present action, Hardy has not called upon Harry Blanton, local district attorney, for much assistance. He brought with him four of his own men from the anti-trust division at the capital, namely, William R. Benham, Harold L. Schilz, Dwight L. Savage and John Claggett.

Wisconsin Playdate Law Test Postponed

MILWAUKEE, Oct. 20.—Court action to test the legality of Wisconsin's preferred playdate law enacted by the 1935 legislature is still in the air. No date for a hearing on the case which was indefinitely postponed Sept. 30 by Federal Judge F. A. Geiger has been set.

Both M-G-M and Fox are contesting the law on the ground that it is unconstitutional because it interferes with the rights of the plaintiffs under the U. S. copyright laws. The film companies were granted temporary restraining orders on Sept. 16 preventing state officials from enforcing the new act.

The new statute was sponsored by the I. E. P. A., which is assisting the attorney general's office in defending the act. Present indications are that the Wisconsin law will not be tested until after a decision has been handed down in the Ohio case, which is scheduled for some time in November.

The Lighter Side

ST. LOUIS, Oct. 20.—BEN B. REINGOLD, local Fox exchange manager, had an unlucky day Friday. Breaking away a few minutes to 10 from his office, BEN decided to take a taxi to the court. He did and en route his hat flew out of the window. He wouldn't stop the cab for fear of losing time and so is out a chapeau. During one of the recesses that very same day, he started pitching quarters with JOE GARRISON, local Universal branch head, in the hope of winning a couple of cartwheels, and so to make up for the hat. GARRISON took him over like Grant and his Richmond and now BEN's trying to figure out whether or not to ask the government to make up the loss of his headgear. Some chance, he's got.

+

During one of the arguments between lawyers on the admissibility of certain documents, SAMUEL W. FORDYCE occupied a seat in the empty jury box. He wanted to get an idea of how the case looked from the panel. He's not talking.

+

JIMMY COSTON came all the way from Chicago to spend a day in court the other day and see for himself what was going on. He's a lovable character. If the many handshakes are any indication of his popularity, he has an unlimited acquaintanceship.

+

JACK PARTINGTON, when he was on the stand, was asked by RUSSELL HARDY how HERMAN STARR described HARRY KOPLAR.

This is the way he said Starr explained it:

"He's what a Pelican spits up."

+

Although ALLEN LANE SNYDER, partner in the operation of the Ambassador, Missouri and New Grand Central, with F. & M., is hard-of-hearing, the engineer puts in an appearance every day to hear what's going on.

+

LETO HILL, who directs the management of the St. Louis Amusement Co., is a regular court visitor. Ditto for DINTY MOORE, city manager for the Hi-Point, Orpheum and Shubert Rialto, Warner houses, and a number of other local managers.

+

The jurors have complained that spectators sitting behind them have been bothersome. The bailiffs, therefore, have moved the chairs in back of the tables occupied by the various attorneys, who now find it difficult to hear what the witnesses are talking about. Some fun, but not for the lawyers.

+

BRUCE BROMLEY, who has been ill the past few days, is due here from New York in a day or so.

+

Although his foot is free from dressing and his medico has passed on it as definitely okay, SKOURAS still walks around with his cane. He's so used to it he just can't forget to leave the walking stick at the Coronado.

+

HARRY M. WARNER attended the amateur fights at the Coliseum the other night. He got into the spirit of things, met NAT STEINBERG of Republic Exchange and several others and talked shop between rounds.

+

WARNER is now in the legal class. During the sessions, he doesn't sit with the hoi polloi, but he's right in with Ex-Senator JAMES A. REED, FREDERICK H. WOOD, SAMUEL B. JEFFRIES, ROBERT W. PERKINS and I. LEVINSON.

+

FRANK NEWMAN, Sr., head of Evergreen States of Seattle, spent a week's vacation in court listening to the many angles of the conspiracy trial. He admits it's a lesson in Blackstone for anyone.

+

ROBERT W. PERKINS of the Warner home office legal staff, and I. LEVINSON, one of his assistants, are for the installation of a cooling system in the court room.

+

NED E. DEPINET, who returned to New York over the week-end, went to New Haven to witness a football game. Col. BILL MALLARD objects because he had to spend Saturday and Sunday at the home office working.

+

GRAD SEARS is falling down. He admits he hasn't thought up a new gag in two days.

+

The attendance in the court room is dropping off in comparison with the opening days. The giveaway and bank gag apparently didn't work. So some of the boys are knee deep in thought about booking a triple feature show.

Counsel for Warner Defense



Motion Picture Daily

Praminent in the farmidable legal battery now assembled in St. Louis. Left to right: Robert W. Perkins, Ex-Senator James A. Reed, Frederick H. Woad and Samul B. Jeffries. Perkins is a member of the Warner hame office legal staff; Reed maintains headquarters in Kansas City; Waod is a member of the firm of Cravath, de Gersdorff, Swaine and Wood af New York, and Jeffries is seniar partner of Jeffries, Simpson and Plummer af St. Lauis.

Lederer and "U" Part

HOLLYWOOD, Oct. 20.—Francis Lederer and Universal have arranged a cancellation of the actor's contract to do the featured male role in "Next Time We Live," opposite Margaret Sullavan. The film was scheduled to start Aug. 15, but due to shifts of schedule it has been delayed. Meanwhile Lederer has signed contracts for personal appearances in the East.

Counsel for RKO Defense



Motion Picture Daily

George S. Leisure, a partner in Donovan, Leisure, Newtan and Lambard of New York; Jacob M. Lashly, of Lashly, Lashly and Miller of St. Louis, and Colonel William Mallard, chief attorney of RKO, resident in New York.

Counsel for Paramount Defense



Motion Picture Daily

Louis Phillips, home office caunsel; Samuel W. Fordyce, senior member of the St. Louis firm of Fordyce, White, Mayne and Williams, and William R. Gentry, partner in Watts and Gentry of St. Louis.

Films Lead B'dway; All Houses Open

(Continued from page 1)

Cameo plays Russian films to a proletarian but steady patronage.

North on Broadway from 42nd St., the George M. Cohan started the novelty of displaying star names on the marquee and plastering the box-office and surrounding space with a heavily adjectived re-writing of the feature advertising.

Across on 7th Ave. great activity marks the erection of the new Rialto to open toward the close of the year.

In Times Square the "steady" theatres hold forth led by the Paramount, across the street from which are the lots which formerly were the sites of the Criterion and Loew's New York. A little further north the State, Loew house, is the only theatre in the area presenting vaudeville. Still on Times Square there are the Embassy, newsreel house with prices ranging from 15c. to 25c. Next door is the Palace, now a "double" house, but still the congregating place of various vaudeville acts—under the marquee, of course.

Sixth Avenue Active

On the west side of the street are the Gaiety, burlesque; the Globe, a first run with independent offerings, and the Central, with the same type of offerings as the 42nd St. grind houses. Diagonally across from the Central is Loew's Mayfair with a double feature policy where late Saturday night entertainment seekers can drop in for the last show at 3 A. M.

Back on Broadway there is the Strand, ace Warner house, and nearby the modern Trans-Lux. Eastward on Sixth Ave. are the Rockefeller Center spots, the Music Hall, premiere metropolitan house, and the Center, now back to first run films since the vacating of the operetta, "The Great Waltz."

On 50th St. the Waldorf is a double feature grind house. A little to the north the Roxy is doing quite well.

Back on Broadway there is the Rivoli, hard by the Winter Garden, where "At Home Abroad" is going well. At 51st St. there is the stage show-less Capitol. On the next block, the Hollywood, scene of the biggest opening in years, "A Midsummer Night's Dream," is pulling well, and across the street is the already mentioned New Yorker.

Hard by, in fact, under where the elevated leaps across Broadway, is the Broadway. Originally a film house, it has since housed opera, musical drama, vaudeville and now double features at popular prices.

From 53rd St. up to Columbus Circle there is a canyon of office buildings. At Columbus Circle there is a cluster of theatres all operating on a double bill grind policy to the neighborhood and passing clientele.

Alumnae Like "Legong"

The Motion Picture Bureau of the International Federation of Catholic Alumnae has placed its stamp of approval on "Legong," the Technicolor feature filmed on the island of Bali by the Marquis Henri de la Falaise, now in its fourth week at the World.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Transatlantic Tunnel"

(G.B.)

HOLLYWOOD, Oct. 20.—A strong bid for an alliance between Great Britain and the United States to maintain peace is contained in this film of gigantic engineering feats of the future.

Richard Dix, American engineer, persuades the international money powers to finance his scheme to build a tunnel under the Atlantic. The huge enterprise monopolizes his time to the exclusion of his wife, Madge Evans, and his son. Leslie Banks does a sympathetic portrayal as Dix's loyal friend hopelessly in love with Miss Evans. When his prolonged absences drive Miss Evans to desperation, Banks advises her to work. She becomes a nurse in the tunnel and is stricken with a baffling tunnel sickness which blinds her and causes her to disappear rather than to appeal to Dix's sympathy.

The film boils to a great tension as the huge bore, nearing completion, runs into a submarine volcanic region and an armament maker manipulates the stock to get control away from the peace advocates. Scenes in the tunnel are realistic and most impressive as swarms of gas-masked men operate strange machines of the future and speak on television phones and battle giant explosions.

Helen Vinson does a more sympathetic part than usual as the other woman. C. Aubrey Smith is telling as a crusty peace advocate. George Arliss plays the prime minister of Great Britain and Walter Huston appears as the President of the United States.

Kurt Siodmak did the screen story from a novel by B. Kellerman, with dialogue by L. DeGarde Peach and Clemence Dane. Maurice Elvey directed for steadily building interest. Human conflict as well as the battle with machines are the exploitation angles on this unusual offering.

Production Code Seal 0710. Running time, 94 minutes. "G."

"Ship Cafe"

(Paramount)

HOLLYWOOD, Oct. 20.—This is only a mildly entertaining comedy-drama. However, the film sparkles periodically with snappy dialogue and is marked with good performances. The picture only rates program classification and will need selling to put it over.

Carl Brisson starts out as a handsome hard-hitting ship's stoker who gets in a jam through a fight aboard ship and is fired. William Frawley hires him as a bouncer in his ship cafe and he graduates to a crooner. Romance comes into his life through Arline Judge, an entertainer in the cafe. Romantic friction occurs when Mady Christians, a rich, hero-worshipping countess, starts him off in society and tries to promote him into the big money class. Brisson gets sick of holding lap dogs, etc., and ducks the countess without getting a substantial taste of the big time, following a ribbing by Miss Judge. Broke and down at the mouth, Brisson runs into Miss Judge's girl friend, Inez Courtney, who manages to get his old job back for him. He simultaneously gets the girls and his first mate's papers and all ends well with Brisson and Miss Judge checking out on a boat at the fadeout.

Production Code Seal No. 1,612. Running time, 65 minutes. "G."

"The Murder of Dr. Harrigan"

(Warners)

HOLLYWOOD, Oct. 20.—Murder and romance combine in a hospital to make a smoothly running mystery with a nice cast giving the usual number of screams over clutching hands and disappearing bodies.

Kay Linaker is nurse to a millionaire druggist who is planning to try a new secret anaesthetic on himself. Two doctors, intent upon stealing the formula of the secret, turn up in mysterious places, with the plot pleasantly complicated by interlocking romances. Suspicion is thrown on Miss Linaker when her patient disappears on the way to an emergency operation and turns up in a morgue in place of a charity patient. Ricardo Cortez as the romantic doctor stands by while police search the hospital for the murderer who has turned his attention to different people.

Anita Kerry, Philip Strange, Johnny Arthur, Frank Reicher and Joseph Creehan play important parts under the nicely timed direction of Frank McDonald. Peter Milne and Sy Bartlett wrote the screenplay from the story by Mignon G. Eberhard. Bryan Foy produced. The lighting and photography are exceptionally good in giving the subdued atmosphere of a hospital. The best exploitation angle is the new background for the thriller.

No production code seal. Running time, 65 minutes. "G."

(Reviews continued on page 17)

Seek Reorganization Through Bankruptcy

ST. LOUIS, Oct. 20.—Federal Judge George H. Moore on Saturday approved an involuntary petition in bankruptcy filed by the bondholders' protective committee for the Theatre Realty Co., owner of the Fox, as an initial move for reorganization of the property under Section 77-B of the bankruptcy act.

James T. Blair and Edmond Koeln, who have been receivers for the property, were appointed trustees, and John S. Leahy was made counsel for the trustees.

The petition was opposed by Max Kramer, representing three independent bondholders, who, he said, held $20,000 worth of the company's securities. Kramer also had filed an involuntary petition along the same lines as the bondholders' committee and a motion to dismiss it by Henry Kaltenbach, attorney for the protective committee, was granted by Judge Moore. Kaltenbach charged "bad faith" and no standing of two of the three bondholders represented by Kramer. He added that the two men previously had deposited their bonds with the committee.

A plan of reorganization for Theatre Realty will be filed in four to six weeks, Donald Henderson of the New York office of Halsey, Stuart & Co. said at the hearing. He also asserted that the former receivers of the theatre property have been successful in having the annual rental reduced from $60,000 to $21,500. After Jan. 1, next, he said, the yearly rent will be increased $1,000 until it reaches a maximum of $40,000.

M. & P. Leases Majestic

BOSTON, Oct. 20.—The Majestic, former Shubert house, has been leased by M. & P.-Publix with the idea of staging a number of roadshow engagements there. "A Midsummer Night's Dream" is set to follow "The Crusades." "The Last Days of Pompeii" is mentioned as another booking.

Management of the Majestic has been put under the jurisdiction of District Manager R. M. Sternberg, who covers all Boston theatres with the exception of the Metropolitan. Henry Taylor, Paramount Theatre manager, is acting as house manager, while Harry Brown, Jr., is publicist.

Holdevers Irk N. H. Men

NEW HAVEN, Oct. 20.—Neighborhoods are complaining that holdovers at the College at lower admission prices have caused receipts on expected hits to drop off considerably. This was true, they say, of "China Seas," which opened in several spots recently and did poor business. The College has had consecutive second weeks on "China Seas," "Anna Karenina," "Top Hat," "Steamboat 'Round the Bend." "She Married Her Boss" and "Broadway Melody of 1936."

Coast Expects Justin

HOLLYWOOD, Oct. 20.—Sidney Justin of the Paramount home office legal department, is expected here Oct. 28 to take the post of assistant to Jacob Karp, local legal chief.

Texas Meeting On

SAN ANTONIO, Tex., Oct. 20.—Allied of Texas launches into a two-day convention here Monday and Tuesday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 95 NEW YORK, TUESDAY, OCTOBER 22, 1935 TEN CENTS

Patent Probe Does Not Sit; Believed Over

Lack of Funds Put Limit On Calling Witnesses

The Sirovich Congressional committee for the investigation of patent pools and cross licensing agreements failed yesterday to resume its scheduled hearings at the Fifth Ave. Hotel and present indications are that the committee will remain inactive.

A member of the Sirovich committee said yesterday that the limited appropriation which had been allotted it by Congress was making it difficult to obtain witnesses from distant points whose testimony was desired. The Congressman said that witnesses wanted were in California and the committee was debating whether or not it could afford to pay the cost of bringing them to New York. The committee was given a $15,000 appropriation.

Hearings on patents relating to the film industry were permanently halted

(*Continued on page 7*)

Coast Production In Seasonal Slump

HOLLYWOOD, Oct. 21.—Slackening of the production pace which has kept studios buzzing for the past five months, was evident last week. Films in work hit a new low for the season. The weekly survey charted 30 features and four shorts as against 37 features and two shorts for the preceding week.

Paramount registered the most activity with seven features shooting, with the other studios sharing equally in the production lapse. Columbia had three features before the cameras, three in preparation and five in the cutting room. Fox had four, two and three; Goldwyn, one, zero and one;

(*Continued on page 7*)

Brooklyn Paramount Valued at $800,000

The present value of the Brooklyn Paramount, which represented a $4,900,000 investment in 1929, was placed at "about $800,000" by William M. Greve, a trustee of Allied Owners Corp. at the continuation yesterday of hearings before Federal Judge Robert A. Inch in Brooklyn on an order to confirm the proposed sale of the theatre to Si Fabian for $1,500,000.

When asked to explain the discrepancy between his own and the assessed

(*Continued on page 7*)

Hardy Delays Closing U. S. St. Louis Case

Both Sides Score; Trial Enters 15th Day

By BILL ORNSTEIN

ST. LOUIS, Oct. 21.—Both sides scored two points today as the Government was forced to delay closing of its case until tomorrow because of lengthy arguments over the admissibility of certain exhibits by Russell Hardy, prosecuting attorney in the anti-trust suit here. Another debate on the introduction by the Government of a list of all Warner theatres was left undecided at 5:10, when court adjourned. Judge Moore said he will rule on this tomorrow morning.

As the court convened for the fifteenth day of the trial, Judge Moore announced the first victory for Warners by sustaining objections to admitting franchises and contracts of Skouras Super Theatres which were entered into in 1928 and canceled by Warners four years later. Two previous arguments have been held on this subject and over the weekend Judge

(*Continued on page 4*)

Union in Milwaukee Threatens a Strike

MILWAUKEE, Oct. 21.—Union operators have threatened a walkout in about 50 houses here on Thursday unless they are given a seven and one-half per cent raise in all classifications as of Sept. 1, with the accumulated pay in their envelopes next Saturday.

Exhibitors have refused to accede to the demand, but have offered to negotiate.

Spyros the Flop

St. Louis, Oct. 21.—When Spyros Skouras was advised he would not be called to take the stand as a Government witness after spending about three weeks in court, he approached Russell Hardy, prosecuting attorney, and mournfully denounced himself, saying:

"You know, Mr. Hardy, I feel I'm a big flop."

RKO Ready to Defend Suits On "Top Hat"

ST. LOUIS, Oct. 21.—RKO is ready to go to court and defend itself on any suits filed by exhibitors or exhibitor organizations in connection with "Top Hat," it has been revealed here.

The company promised two Astaire-Rogers pictures last season and the brace has been delivered, it was stated by an important RKO executive attending the antitrust trial. They were "Roberta" and "The Gay Divorcee."

According to the announcement book last season, RKO listed "The Gay Divorcee" and "The World by the Tail," the latter based on "Ringstrasse," a story of Vienna, as the two in the Astaire-Rogers group. Later, the company announced production of "Roberta," but when it decided to cast Fred Astaire and Ginger Rogers in the picture, this was meant to serve as the second in this co-star group, it was said. "The World by the Tail" has never been made.

According to RKO-ites here, some

(*Continuel on page 7*)

H. G. Tasker Is Reelected As the President of SMPE

By W. A. WHITNEY

WASHINGTON, Oct. 21. — H. G. Tasker was reelected president of the S.M.P.E. at the opening session of the semi-annual convention at the Wardman Park Hotel here today. The rest of the last year's slate of officers also was reelected.

The other officers are: Executive vice-president, Emery Huse; editorial vice-president, J. L. Crabtree; convention vice-president, W. C. Kunzmann; secretary, J. H. Kurlander; treasurer, T. E. Shea.

E. R. Geib, chairman of the membership committee, reported a total of 288 new names on the roster, bringing the total membership to 1,182, the largest in the organization's history.

The morning session got underway at 10 o'clock, following registration. The following papers were read: "Microphotographic Duplication in the Service of Science," W. Davis, director of Science Service, Washington; "Some Technical Aspects of Photomicrography," R. H. Draeger, U. S. Department of Agriculture; "A Visual Education Program," by F. H.

(*Continued on page 2*)

Report Move To Levy Tax On Theatres

Said to Be City Aim in Distributor Dispute

The city comptroller's office was reported yesterday to be preparing to serve metropolitan theatres with city sales tax assessments based on film rentals paid to local exchanges during the past year.

An official of the city finance department, questioned concerning the report, would neither affirm nor deny it but asserted that under the city law governing the collection of the sales tax such a course could be pursued if the taxes were not collected from the exchanges. The official said that the law provides that if the sales tax is not paid by a vender it may be collected from a vendee.

Reports that notices of an assessment against RKO theatres amounting to more than $100,000 had already been served on the circuit by the city sales tax department could not be verified at RKO. Major I. E. Lambert of the circuit's legal department, said that no such assessment had been brought to his attention.

B. F. Keith, K-A-O Quarter Profits Up

Marked improvement in the condition of both the B. F. Keith Corp. and Keith-Albee Orpheum Corp. is shown in the reports of the two companies for the 26 weeks ending June 29.

B. F. Keith showed a profit of $132,797.73 after all charges including depreciation of $336,530.29 and provision for income taxes of $23,975. For the same period last year the company showed a net loss of $59,198.24.

For the same period K-A-O showed a net profit of $113,408.21 after deducting $417,997.25 for depreciation and $33,625 for income taxes. Last year for the same period the company's net was $485.73.

Consolidated Net $345,362, 3 Months

For the three months ending Sept. 30, 1935, consolidated net earnings after deducting all charges including depreciation and Federal taxes of Consolidated Film Industries and subsidiaries amounted to $345,362.25 which is equal to 50c per share on 400,000 shares of preferred stock out-

(*Continued on page 7*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 22, 1935 No. 95

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative: Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Flinn Coordinating Rogers Fund Effort

HOLLYWOOD, Oct. 21.—Coordination of plans for the drive for funds for the Will Rogers Memorial Commission is being worked out here by John C. Flinn, secretary of the Operations Committee. The drive will start Nov. 4, Rogers' birthday.

Incorporation in Washington is being discussed. Special Will Rogers Memorial Accounts will be opened in 17,000 banks by Capt. Eddie Rickenbacker.

Fay Heads Rogers Group

PROVIDENCE, Oct. 21.—Edward M. Fay has been named active state chairman of the Will Rogers Memorial Committee, by Gov. Theodore Francis Green. The chief executive, a personal friend of the late comedian, is honorary chairman.

"Dream" Book a Marvel

S. Charles Einfeld of Warners has turned out a press book for "A Midsummer Night's Dream" that is a landmark in efforts of its kind. It's a volume, with cardboard covers done in blue and silver and measuring 20 in. x 18 in.

The book is bound with wire and contains complete statistics of the picture with free use of production stills and color work, with seven pages of "salient information," 17 pages of exploitation, 20 pages of advertising, 20 of publicity and 10 of accessories.

—J. M. J.

H. G. Tasker Is Reelected Head of SMPE

(*Continued from page* 1)

Conant, Massachusetts Institute of Technology, and "Is the Federal Government Interested in Educational Films?" C. M. Koon, U. S. Department of the Interior.

At an informal luncheon tributes were paid to the engineers by A. Julian Brylawski, Congressman Sol Bloom, and Capt. John G. Bradley of the Division of Motion Pictures and Sound Recording of the National Archives.

An evening session was held at which there was a screening of features and a demonstration of 16-mm color films by H. H. Jones of Buffalo.

Address by Tasker

Following the election of officers, President Tasker, chief engineer for the United Research Laboratories, Inc., delivered his address.

Many speakers, said President Tasker, review the past, then attempt to prognosticate what the future might hold in store. But to be different, and no less substantially founded, he told his audience that he would tell what 1940 held in store for the motion picture industry, and then briefly look back through the years for verification of his forecasts.

Nineteen forty, he declared, will reveal a much greater realism in sound recording and reproduction, with the added attribute of what is known as "sound perspective," now in its experimental stage. In purely photographic lines, he declared distinct advances would be made in camera work through the utilization of much finer grained stock and that stereoscopic effects and color would be the accepted rule.

These commonplaces of 1940 are no wild dream, but merely logical outcomes of a line of research started years ago when Eugene Marey first attempted to picture the progressive changes observable in an eclipse of the sun by the planet Venus, he added.

While firmly advancing these attainments as actualities of 1940, President Tasker used them as illustrative of scientific advancement exemplified by the Progress Medal which will be awarded for the first time on Wednesday evening at the semi-annual banquet.

Gillette Reads Paper

In designing the medal Alexander Murray of Eastman has symbolized the goal of modern motion picture engineers—the continual betterment of sight and sound in cinema entertainment,—going back to the time of Marey for his ultimate inspiration.

Formal presentation of papers was started by Major M. E. Gillette of the U. S. Army, who described the utilization of motion pictures in the World War to describe the activities of the army. Since the close of the war, the most important application of films in military affairs has been in the instruction of enlisted and officer personnel, he said. Among the pioneers in the making of educational pictures, Major Gillette declared, the army has been among the foremost, using more than a hundred reels of special material, as well as scenes of events abroad.

The use of motion picture film in the microphotographic duplication in the arts and sciences engaged a great share of the attention of the engineers at the morning session. Watson Davis, director of Science Service, told how the process of microphotographic duplication was becoming more and more important especially where large numbers of priceless documents must be preserved and in as small a space as possible.

The common suggestion, Davis said, was to use standard two-side perforated 35 mm. film, with the object reduced in a ratio of 12 to 1. Such pictures can be made for less than a cent a frame. With the further improvement in materials and methods, a further reduction might be effected. In the use of this type of duplication, where a small number of copies are required, Davis sees a co-ordinated service with libraries, scientific journals, and institutions.

R. H. Draeger, of the Department of Agriculture, also discussed photomicrography.

Reviewing the film activities of the Federal Government, C. M. Koon, of the Department of the Interior, pointed out the vast field open for educational pictures and indicated the role which the government might play in its development.

Animation Discussed

How animation and the technique of its application has actually been used was described by F. H. Conant, of the Massachusetts Institute of Technology. The first of a series of films showed the behavior of an electric wave traveling along a 250-mile power transmission line. A picture which graphically represents machine operations was described in its relation to mechanical drawing. One of Conant's projects is the use of animation in a problem in descriptive geometry for the use of those students who find it hard to visualize geometric reasoning.

H. Ketchem, of New York, presented a paper on the scientific application of color to films.

The theoretical conditions and practicability for accurate reconstruction of the binocular visual image, with particular reference to the educational field, was discussed by C. Kennedy, of Smith College, in a paper on the development and uses of stereo-photography for educational purposes.

Other papers of the day included a discussion, with demonstration, of photography by means of polarized light, by J. W. McFarlane, of Eastman Kodak; of new multiple-level theatre seating by Ben Schlanger, who developed the idea of reverse slope floors. All seats would be in a range of effortless vision, through the new design, he said. A slightly reverse sloped floor would be used.

Today's Program

The program for tomorrow follows:

9:30 A.M. *Screen Brightness Symposium* (Wardman Park Theatre).
Report of the Projection Screen Brightness Committee, C. Tuttle, chairman.
"Screen Brightness and the Visual Functions," E. M. Lowry.
"An Experiment to Determine the Screen Brightness Requirements of the Public," B. O'Brien and C. Tuttle.
"A Review of Projector and Screen Characteristics, and Their Effects Upon Screen Brightness," A. A. Cook.
"An Analysis of Theatre and Screen Illumination Data," S. K. Wolf.
"Density Measurements of Release Prints," C. Tuttle.
"Photometry and Brightness Measurements," R. P. Teele.
"A Resume of Methods of Determining Screen Brightness," W. F. Little and A. T. Williams.

2:00 P.M. *Technical Session,* Lyman J. Briggs, director of the U. S. Bureau of Standards, presiding (Bureau of Standards Auditorium).
"The Measurement and Specification of Color," K. S. Gibson.
"Color Blindness and Anomalies of Vision," D. B. Judd.
"16-MM Pictures in Natural Color with Third-Dimensional Effect, Using Kodachrome Film," R. C. Phillips.
"Visual Tests of Cellulose Films and their Reproducibility," S. E. Sheppard, P. T. Newsome, and S. S. Sweet.
"Equipment for Developing and Recording Sensitometric Tests," D. R. White.
"A Note on the Measurement of Photographic Density with the Barrier Type Photocell." B. C. Hiatt and C. Tuttle.
"The Brewster Color Process," P. D. Brewster.
Inspection tour of the Bureau of Standards.

8:00 P.M. *Film Program* (Wardman Park Theatre)
Exhibition of recent features and shorts.

Officials to Attend St. Louis Premiere

ST. LOUIS, Oct. 21.—Principal state and city officials in addition to numerous educators, will attend the premiere here of "A Midsummer Night's Dream" at the Shubert-Rialto Thursday night. Joseph Bernhard and Mort Blumenstock are due here Tuesday in advance of the opening. Frank E. Cahill, in charge of sound and projection for the Warner circuit, and D. Leonard Halper, head of the mid-west theatre maintenance department with headquarters in Cleveland, are here preparing for the big night.

Among those who will be present are: Gov. Guy B. Park, Mayor Bernard Dickmann, City Counselor Charles M. Hay, Circuit Attorney Franklin Miller, Judges Joseph Simpson and George D. Vest, a contingent of deans and professors from Washington and St. Louis Universities and Principia College, 68 presidents of as many different women's organizations, representing 250,000 members in the middle west; Lila Schofield, local secretary of the Film Board of Trade, who will represent the Hays office; Ex-Senator James A. Reed, film leaders in town from the east, Fred Wehrenberg, head of the local M.P.T.O.

A number of exhibitors, including one from Cairo, Ill., 350 miles from here, have purchased tickets, according to local Warner officials.

Harry M. Warner is taking an active part in arranging the event.

ATO of Indiana to Convene on Oct. 28

INDIANAPOLIS, Oct. 21.—The annual convention of the Associated Theatre Owners of Indiana will be held Oct. 28 in the Claypool Hotel, according to Charles R. Metzger, attorney and general manager.

The session will be preceded by a joint luncheon with the Variety Club of Indianapolis.

Repeat Boston Bombing

BOSTON, Oct. 21.—A second stench bomb within two weeks was exploded at the Park, local Minsky house, yesterday. Minsky has been having trouble with operators', musicians' and stagehands' unions.

THE CROWNED HEADS OF EUROPE!

(*"Bonnie Scotland" makes them* TOPS *over there, too!*)



Congratulations boys! Not only are you America's favorite sons of fun, but now "BONNIE SCOTLAND" has broken all your previous records in Europe. It's doing the biggest business of ALL Laurel-Hardy feature-length comedies. Our tip to theatres who haven't played it yet is to give it the works. There's no comedy team in the world to equal these boys and your folks love 'em! (So does producer Hal Roach, shown below, and Leo of M-G-M.)

Hardy Delays Closing U. S. St. Louis Case

(Continued from page 1)

Moore studied various citations before handing down his decision.

Clarence D. Hill, Columbia branch manager, was the first of five exchange men to be put on the stand. He testified as to his duties and then stated that the company distributed 37 features in 1934-35, 35 in 1933-34, and 36 in 1932-33.

Next was Clayton D. Lynch, M-G-M manager. He testified along the same line as Hill and asserted the company released 41 features in 1934-35, 39 the year previous and 44 in 1932-33. Joseph Garrison of Universal testified he has been branch head since July, 1932, that his company handled 36 features in 1934-35, 35 in 1933-34, and 26 in 1932-33. Ben B. Reingold of Fox was next. He said Fox had 49 pictures in 1934-35, 51 in 1933-34, and 44 the year before. William Feldstein of United Artists was the last exchange manager. He stated the company distributed 23 features last season, 17 in 1933-34, and 13 in 1932-33.

Introduces Three Letters

Hardy then introduced three letters, one dated March 29, 1934 to George J. Schaefer and signed by Abel Carey Thomas, another (a photostatic copy) dated July 26, 1934, signed by Lester Kreiger to Schaefer, and the last dated July 26, 1934, to Ned E. Depinet and signed by Kreiger. Frederick H. Wood, Warner counsel, then produced five other documents subpoenaed by the Government.

Leases on the Orpheum and Shubert-Rialto were then offered by Hardy, who read one clause of the latter contract which mentions relief of the obligation in the event Warners acquired the Ambassador, Missouri and New Grand Central. Ex-Senator James A. Reed objected to reading only one paragraph unless the entire document was read to the jury. The prosecuting attorney then began to go over all the clauses and after 15 minutes turned the task over to his assistant, Harold Schilz. By the time Schilz completed reading all the leases noon recess was declared.

Reed Is Sustained

In the absence of Austin C. Keough, Paramount secretary, local counsel stipulated as to the corporate setups of the various affiliated companies indicated. Louis Phillips advised the court that although mentioned in the indictment Paramount Pictures Distributing Corp. never existed. In the case of Warners, Wood declared that one of the subsidiaries was mentioned by two different names and inasmuch as there never had been a company by the name of Warner Brothers Circuit Management Corp., this name should be scratched off the list. This was done. Jacob M. Lashly stipulated for RKO Distributing Corp. Charters of the various companies were also placed in the record as well as the executive structures.

The second defeat for the Government came when Reed objected to the introduction of Warners' financial report dated Aug. 25, 1934, and was sustained. The jury was excused while lengthy arguments took place by Hardy and Reed.

Hardy stated, "The Government wanted to show the resources of Warners, its size and calibre and that it was capable of effectuating this conspiracy by carrying out the threats testified to by witnesses."

Reed contended that it was "irrelevant, immaterial and calculated to inflame and prejudice the jury."

The former Senator referred to another case in which he played a part and said that he introduced financial reports in trying to make a witness testify. Later the courts held this to be "a reversible error," he said. Reed also declared that if the Warner financial statements were brought in the same result would follow. He added, "The question before us is whether these corporations and individuals joined to restrain trade in St. Louis. The power to do it is not the question. The only thing before us is, did they prevent trade."

Argue Without Jury

Hardy countered with, "In this case the Government is not making a general fact about the wealth of Warners. If this company were poor, it wouldn't have been able to make a conspiracy effective. We wish to be permitted to show the resources of Warners and the power to do the things they threatened.

"Warners threatened to use their entire resources to destroy these men and to strike terror in any small corporation," Hardy said, and then cited the case of U. S. against Swift & Co.

Again Reed retaliated, declaring that the case mentioned by the Government was a monopoly case and had nothing to do with the issue before the court. He said, "Hardy some time ago stated he was not trying to prove a monopoly and yet he cites a monopoly case."

"The question is not whether we struck terror into others, but whether we restrained trade and not whom we scared," the ex-Senator concluded.

The two Government victories came in succession when Hardy attempted to introduce lists of the bondholders in Central Properties Corp. and St. Louis Properties Corp. in addition to submitting an intervening petition by Warners against the reorganization plan of the bondholders' committee for the Ambassador, Missouri and New Grand Central. Objections by Wood in both instances were overruled.

Wood's first objection was based on the fact that the purchase of bonds was not an unlawful act. Warners bought them, he said, to protect its interests, which he asserted they had a right to do. He added Warners repeatedly made efforts to come to an agreement with the bondholders on a plan and that the committee "was unwilling to give the company a chance to salvage any of its losses."

Judge Moore Intervenes

Judge Moore intervened at this point and said, "The fact that it was not unlawful to gain certain properties Warners was interested in does not show any violation of the Sherman Act."

Wood then said that the complete lack of proof in connection with the purchase of the bonds tends to show the slight degree Warners had conspired with Paramount and RKO to restrain interstate trade here.

"The purchases of the bonds is wholly foreign to the issue here," Wood added.

The prosecuting attorney attempted to break down the Warner attorney's argument by saying, "Warners bought the bonds to oppose the reorganization bid by Allen L. Snyder and to have the committee turn the three theatres over to them. These bonds were used to destroy the properties of someone else."

Wood answered this, saying Warners sought the bonds before the receivership action and continued to buy them after a receiver was appointed. He declared Warners had a third mortgage equity in the houses and was building up its interest in them, which "is no evidence to show we conspired to restrain trade."

When the matter of the Warner theatres throughout the county was brought up, Reed entered objections along the same lines as previously stated for denying inclusion of the financial reports.

Demurrers Expected

Hardy, in rebuttal, asserted he wanted the enumerated theatres in the record because of the testimony of Jack Partington and Harry C. Arthur. Partington testified that, "F. & M. was a small company," and Arthur had stated Depinet told him the reason for selling RKO product to Warners was, "Because they put the pressure on me. Warners are our biggest customers."

"We want to show exactly how big they are," Hardy said.

Outside of the five witnesses put on the stand today, no others for the Government will take the stand, although some of those who have testified, and a number of those who have not, appear daily in court.

As soon as the Government announces, "We rest," defense counsel will enter demurrers. Attorneys for Warners, Paramount and RKO have been working on dismissal briefs over the weekend and will finish them tonight.

It is expected the demurrers will be denied by Judge Moore. Warners are ready to start first in rebuttal with Paramount and RKO following in the order named.

L. K. Brin, former operator of the Garden and Majestic, Milwaukee, appeared in court today for a conference with the prosecuting attorney. He told MOTION PICTURE DAILY he intends to spend several days here during which he will file a formal complaint with Hardy in connection with his being "forced out of business." Depinet and William Mallard, general counsel for RKO, returned last night from New York. Doris Warner LeRoy, accompanied by Gwen Heller, arrived from the coast today to spend a day with her parents and tomorrow leaves for New York.

Annual Event

Joan Crawford, leaning on the arm of Franchot Tone with a burly policeman as an escort threw shoppers at Macy's into a near pandemonium yesterday afternoon.

Snorted one of the salesgirls in the sheet music department.

"She does that every year and has hysterics every year from the strain, too."

Zeidman to Produce 16 for Independents

HOLLYWOOD, Oct. 21.—B. F. Zeidman Productions will produce and release 16 features to the independent market this season. Plans for the program have been completed by J. L. Schlaifer, vice-president in charge of distribution, who is now in Manhattan. Twelve of the program are designated as Class A features. The remaining four will be a series of Bret Harte stories. For production are: "St. Elmo," "Battleship Molly," two Edgar Allan Poe stories, "The Gold Bug" and "Mystery of Marie Roget," "Pride and Prejudice," "Woman in White," "The Captain Comes to Town," "Tempest and Sunshine," "They Walked Alone," "In His Step," "Rogues Gallery," "Fantomas," "Five Little Peppers." The Harte series includes: "Outcasts of Poker Flat," "Bell Ringer of Angels' Gulch," "Tennessee's Partner" and "Luck of Roaring Camp." "St. Elmo" starts about Dec. 1, with release date Jan. 15. The first Harte film will be delivered about Feb. 1. Zeidman personally will supervise all production.

Sabath Committee Starts Boston Probe

BOSTON, Oct. 21.—The case of Boston Metropolitan Buildings, Inc., involving more than $4,100,000 worth of bonds, was heard first here today as the Sabath Congressional Committee investigating real estate reorganizations began local hearings. The Metropolitan, largest New England film house, operated by M. & P. Publix, is owned by the building company.

Cross examination of witnesses is not to be allowed, declared Chairman Sabath. Herbert T. Mintz, head of the company, testified that the $6,000 weekly paid by Paramount Publix to the building firm for several years up to Dec. 15, 1932, was not a rental but was to be paid only if the cash was available from the theatre's earnings. Payment ceased when Paramount went into receivership. Herbert Davis, local public accountant, expressed the belief that the present reorganization plans cannot be carried out, and that the interest on new bonds would not be earned while the loss of the theatre continued. Last year's loss to the building firm was $270,000, it was said.

To Show French Film

"La Croisiere Jaume," a film of the Central Asian expedition of French scientists, will be shown to an invited gathering on the *Normandie* tonight. The showing is under the patronage of the French Line and the National Geographic Society, and the invitations are being handled by the French Chamber of Commerce.

Condemn St. Louis Spot

ST. LOUIS, Oct. 21.—The Pershing, owned by the St. Louis Amusement Co., neighborhood circuit, has been condemned by the city and will be demolished shortly.

The theatre has a seating capacity of 1,700 and originally cost $150,000.

Laura LaPlante Rescued

DORKING, Eng., Oct. 21.—Laura LaPlante had a narrow escape today when her thatched roof cottage caught fire. She was carried out by her physician, Dr. C. E. Beare.



One of America's most famous artists gives his pictorial impression of one of the most beautiful love stories ever filmed.

"SEE THIS PICTURE WITH SOMEONE YOU LOVE!"

That is the headline which exhibitors should use in advertising "THE MELODY LINGERS ON" . . . . .



Here is a story that will tug at your heart...a story so human, so down-to-earth, so beautifully woven that your theatre public will give this picture word of mouth importance of inestimable value.

In addition to JOSEPHINE HUTCHINSON'S inspired performance a new star has risen in the motion picture firmament . . . GEORGE HOUSTON with a glorious voice and a magnetic personality that will bring hushed plaudits from all within the sound of his voice.

HARRY M. GOETZ
presents

The Melody Lingers On

WITH

JOSEPHINE HUTCHINSON · GEORGE HOUSTON

John Halliday · Mona Barrie · Helen Westley · Laura Hope Crewes
William Harrigan · David Scott · Walter Kingsford · Ferdinand Gottschalk

An **EDWARD SMALL** *Production*

A Reliance Picture · Directed by David Burton

Released thru **UNITED ARTISTS**

Reproductions of the Howard Chandler Christy portrait on the previous page are available from your nearest UNITED ARTISTS exchange. Be sure and get your copy of the comprehensive press book prepared on this beautiful love-story.

LITHO. IN U.S.A.

RKO Ready to Defend Suits On "Top Hat"

(Continued from page 1)

exhibitors are claiming "Top Hat" is a replacement for the picture not made, but distribution officials hold that, although RKO has not produced the pictures set out in the announcement book, the book also states the list is subject to change. "Roberta" actually was substituted for "The World by the Tail," which RKO contends was within its rights and that "Top Hat," therefore, has nothing whatsoever to do with the 1934-35 lineup.

"Top Hat" in Run Test

Los Angeles, Oct. 21.—A test case to decide whether runs for subsequent shows may run day and date is under way here with issuance of a temporary restraining order against the President and Tower on behalf of Robert Gumbiner, operator of the third run Cameo, on current day and dating of "Top Hat."

Superior Court Judge Emmett Wilson has issued a 10-day restraining order which Jules Holdstone, Gumbiner's attorney, expects to be merged into an injunction prohibiting any day and dating in subsequent runs until the trial is heard several months hence. The contention is that the Cohen Brothers, operators of the President and Tower, by playing day and date in the same zone, constitute a third run and thus would squeeze out the Cameo entirely from playing the picture.

Brooklyn Paramount Valued at $800,000

(Continued from page 1)

valuation of $4,800,000 on the property Greve said that the $2,000,000 original cost of the land was "outrageous" and that the cost of the building, $2,900,000, represented the peak construction costs of 1929. Greve said that he did not believe the land would bring $205,000 today and that it would be impossible to estimate present day building costs of the structure because "no one would build such a building now."

Greve said that the $510,000 in Federal transfer taxes which it is possible to save under the proposed deal with Fabian "means that that amount of bonds can be retired and five per cent interest on them saved over a long period of years."

Net income of the Brooklyn Paramount for the year ended Aug. 31, 1934, was $32,688, and for the year ending Aug. 31, 1935, it was $64,468, Stephen Callaghan, an Allied Owners' trustee, testified. The hearing will resume on Wednesday.

Keaton Has Breakdown

Los Angeles, Oct. 21.—Buster Keaton is in the psychopathic ward of the National Military Home at Sawtelle in what his doctor describes as "a very confused mental state" because of a nervous breakdown.

Keaton has been suffering from influenza lately. It is reported that a straitjacket was necessary to get him to the hospital.

Purely Personal

Winfield and Mrs. Sheehan (Maria Jeritza) Fredric and Mrs. March, Mrs. Mark Ostrer, Charlotte Greenwood, Harry Horner, and film star mothers, Mrs. Daniel Sully (Douglas Fairbanks) and Mrs. Elizabeth La Plante are all on board the *Majestic* arriving here this afternoon.

•

Fritz Leiber, Shakespearian actor, who recently completed "Dr. Socrates," leaves today for Hollywood to begin work on Warners' "Anthony Adverse."

Quip of the Day

Hollywood—*Joe Cunningham, Broadway and Hollywood humorist, at the testimonial dinner given Gabe Yorke by his friends, convulsed his audience with his distinctive brand of wit, smart and warm.*

"Imagine," said Joe, "The guy who wrote 'Les Miserables' couldn't make the grade in Hollywood."

"Victor Hugo had to open a restaurant."

Mme. Ernestine Schumann-Heink arrived yesterday from the coast to begin rehearsals for a radio program sponsored by the NBC to be broadcast Oct. 25.

•

Mort Blmenstock flew to St. Louis from Philadelphia yesterday for the opening of "A Midsummer Night's Dream" at the Shubert Rialto.

•

J. R. McDonough decided against a return trip to the coast last weekend and is now planning to remain a few more days.

•

Arthur Dickinson of the Hays office and J. S. McLeod of M-G-M left for Washington yesterday to attend the S. M. P. E. meeting.

•

Joseph Joel, a veteran in the industry for 30 years, who has been with First Division since its inception, celebrates his 68th birthday today.

•

Thomas Jones of Paramount International arrived on the *Normandie* yesterday.

•

Vivian Moses has taken on the publicity and advertising for the New Yorker Theatre.

•

Sam Morris, Warner foreign representative, gets in today on the *Majestic*.

•

William Brandt's condition was reported good at the Jewish Hospital yesterday.

•

Frank N. Phelps of the Warner home office is back from a Pennsylvania trip.

•

Herb Yates, Jules Levy, free of St. Louis for awhile anyway; Leslie E. Thompson, Lillian Bond at "21."

•

Ed. Levy of New Haven made yesterday his calling day here.

•

Brian Marlow is at the Warwick. He just came in from Hollywood.

Consolidated Net $345,362, 3 Months

(Continued from page 1)

standing and 28c per share on 524,973 shares common stock outstanding.

For the nine months ending Sept. 30, the net earnings after deducting depreciation and Federal taxes amounted to $823,019.64 which is equal to $1.50 per share on the 400,000 shares of $2.00 preferred stock outstanding and 42c per share on the 524,973 shares of common outstanding.

Last year for the three months ending Sept. 29, the net, before deducting Federal income taxes, was $356,971. For the nine-month period the net, after deducting Federal income taxes, was $1,506,212.67.

Coast Production In Seasonal Slump

(Continued from page 1)

M-G-M, five, zero and 12; Paramount, seven two and eight; Radio, three, four and four; Roach, one, zero and zero; Universal, two, two and two; Warners, four, one and 10; independents, zero, one and one.

Short subject activity gained slightly. Columbia had one shooting, two in preparation and three being edited. M-G-M had three, three and four; Radio, zero, zero and five; Roach, zero, one and three; Universal, zero, one and zero; independents, zero, one and zero.

Botsford to Produce

Hollywood, Oct. 21.—A. M. ("Bots") Botsford has been made a producer at Paramount under Harold Hurley and has been placed in charge of 13 pictures. He was formerly Henry Herzbrun's assistant.

Most Distributors Favor Longer Reels

All national distributors except Warners and Universal are ready to approve the proposed adoption of the 2,000-foot reel at the Nov. 1 deadline on acceptance or rejection of the changeover, it was learned yesterday.

Universal is said to be opposed to the change because of the costs involved, while Warners are said to be dubious of the benefits to be realized. It is understood that unanimous acceptance of the 2,000-foot reel is not necessary to effect the changeover and indications are that it will probably be adopted by other companies though it may be rejected by a few.

National distributors have been asked to signify their attitude by Nov. 1, following which another meeting of managers of exchange operations will be called to discuss the steps required to place the changeover in work, insofar as exchanges are concerned, by April 1 next.

Patent Probe Now Is Believed Over

(Continued from page 1)

last Friday after the attention of members of the committee had been called to the fact that its counsel, David G. Berger, was counsel for six litigants seeking $27,000,000 damages from A. T. & T. and subsidiaries, and that its "investigator," Robert Robins, was an associate of Berger's. The association of both Robins and Berger with the committee has now been ended. The cessation of the film patents' hearings was wholly unscheduled. Ten or more prominent film executives who had been subpoenaed were not heard.

NATIONAL
Suprex
CARBONS

High Intensity
D.C. Projector Carbons
for operation in the
40-65 ampere range

FOR ALL HIGH INTENSITY LAMPS WITH NON-ROTATING POSITIVES

IMPROVED PROJECTION for black and white productions

PERFECT REPRODUCTION of color values from the new color process films.

IMMEDIATELY COMFORTABLE VISION No annoying blindness on entering theatre. No stumbling. No groping.

ADOPT HIGH INTENSITY PROJECTION

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide and Carbon Corporation
Branch Sales Offices:
New York Pittsburgh Chicago San Francisco

Variety Club

Omaha

OMAHA, Oct. 21.—Ladies' Day was observed today with D. V. McLUCAS king for day. Principal speaker was Rev. LEO MULLANEY, S.J.

Following luncheon, bridge was played in the club rooms. Mrs. McLUCAS, Mrs. E. R. CUMMINGS and MISS REGINA MOLSEED were in charge of the bridge arrangements.

At today's luncheon, the Missouri Quartet from Major Bowes' amateur unit, entertained and JOE JACOBS was king for day.

Pittsburgh

PITTSBURGH, Oct. 21. — Delegates named for the national convention in April are: DR. A. I. WISE and H. C. LUND. Alternates are: DR. M. GOLDMAN and IRA COHN.

A banquet has been set for Nov. 10 following the Army-Pitt game Nov. 9. There'll be golf and entertainment in the afternoon. Reservations are already coming in for the dinner.

Rites for Mo Glanz

PITTSBURGH, Oct. 21.—Officers of Variety Club served as honorary pallbearers at the funeral of Mo Glanz, veteran theatrical agent. Glanz was one of the earliest members of the Variety Club and had served as a director several times.

Originally an agent, holding a Keith franchise in this territory, Glanz transferred his activities to New York some 20 years ago, returning to Pittsburgh in 1921 to head the Select Pictures exchange here. When that collapsed, he formed the Glanz Theatrical Agency. He is survived by his mother, who is 83 years old, and four sisters.

Moxley A. Hill Dead

PORTLAND, ME., Oct. 21.—Moxley A. Hill, retired veteran film man and theatre manager formerly connected with United Artists, died at his home here today. He was 60 years old and is survived by his widow, two sons and a sister.

Mrs. Boland Passes

Mrs. Mary Cecelia Boland, mother of Mary Boland, died Saturday night at the Leroy Sanitarium from bronchial pneumonia. She was 79. In addition to her daughter she is survived by two grandsons, George B. Kummer and Gilbert Stone.

Delay Grainger Dinner

HOLLYWOOD, Oct. 21.—Universal Studios and the local Universal Exchange had scheduled a testimonial dinner to James R. Grainger at the Beverly-Wilshire Hotel tonight, but it was postponed due to Grainger's sudden departure for San Francisco on a F.W.C. deal. Grainger will meet with all managers affiliated with operation of F.W.C. houses in San Francisco.

Herbert Higgins to Talk

WORCESTER, Oct. 21.—Herbert Higgins, Warners' chief booker in Boston, has been invited to speak before the Worcester Academy on the progress of educational films tomorrow night. He will talk each month during the school season.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Thanks a Million"

(Twentieth Century-Fox)

HOLLYWOOD, Oct. 21.—Spangled with star names, laden with melody and crammed with laughter, Darryl F. Zanuck's musical production kidding the politicos is a grand, engaging show with cash entertainment aplenty.

Judged by any showmanship standard it should register high, keep cashiers busy and give "Top Hat" and "The Broadway Melody" a run.

Jot down Fred Allen as a permanent screen fixture. His personality and deadpan quips stamp him for feature stardom. Dick Powell's attractive charm shines merrily in the song and romance. Paul Whiteman's band, The King's Men, Ramona's singing and piano playing, Rubinoff's fiddling and the Yacht Club Boys score decisive hits. Ann Dvorak opposite Powell and Patsy Kelly foiling for Allen and Raymond Walburn as a rum-soaked candidate add to the show's lilt and gaiety.

The story centers around Allen's idea of using his stranded band to entertain crowds at political rallies for Walburn. Because of Walburn's condition Powell is forced to deliver the candidate's speech and is maneuvered into accepting the candidacy for governor. The troupe barnstorms the state in vaudeville fashion. The opposition gets Whiteman. Miss Dvorak leaves Powell, who, unable to stand for the political graft and corruption, denounces the politicos on the eve of election. Escaping, pursuing motorcycle cops congratulate him on his election.

Nunnally Johnson's distinctive screen play has vitality, broad and sly humor. Written with polish and verve the yarn is a darb.

Roy Del Ruth's direction is topnotch, smooth and fast, extracting every ounce of showmanship for audiences' responses. Benny Baker, Andrew Tombes, Alan Dinehart, Margaret Irving and Charles Richman support. Numbers written by Arthur Johnston and Gus Kahn are: "Thanks a Million," "Sitting High On a Hilltop" and "I've Got a Pocket Full of Sunshine," all of which look like hits. Original numbers, "Square Deal Party" and the "Alphabet" song by the Yacht Club Boys are gay and robust, delivered superbly. Zanuck has spared nothing in producing his first popular musical since the merger. Most apt for congratulations from showman to Zanuck seems the title of the film.

Production Code Seal No. 1,545. Running time, 87 minutes. "G."

Looking 'Em Over

"La Maternelle"

(Metropolis)

A touching and heart appealing picture in French has been made of the novel of the same title by Leon Frapie, which, translated, means "Children of Montmartre." There is no obstacle to ready understanding of the story by reason of the language, since there are plenty of superimposed subtitles in English.

For discriminating audiences this is something definitely worth while, with a touch of pathetic comedy in its delineation of the lives of the small children of a Paris district, who spend their time at the "school," for one unpleasant reason or another, as a result of their parents' misfortunes, or a lack of parents.

Madeleine Renaud plays the part of the once wealthy girl who, her family gone and penniless, takes service as a maid at the school. There the children become very fond of her, and romance develops for her with the kindly director. A child, played by Paulette Elambert, whose mother is a woman of the streets, and who is starved for affection, becomes more than usually attached to Miss Renaud and the feeling is reciprocated. The conclusion finds the child reconciled to the fact that her benefactress is loved by another.

A fine human story, well handled, the picture is to be considered one of the better products from France. It was produced by Studios Photosonor. Jean Benoit-Levy directed.

No production code seal. Running time, 80 minutes. "G."

Cohen to Columbia

HOLLYWOOD, Oct. 21. — Emanuel Cohen, former vice-president in charge of production for Paramount, has closed a deal with Columbia to produce a Bing Crosby picture for the company.

Set Darmour Franchise

LOS ANGELES, Oct. 21.—Far West Exchanges have taken the first franchise on the new Larry Darmour series. Sam Berkowitz represented Far West here and Mel Hulling in San Francisco.

Short Subjects

"On Your Radio Dial"

(Universal)

A Mentone subject, featuring Dave Schooler as master of ceremonies supposedly in a radio studio, this provides a reasonable amount of diversified entertainment. Mills and Martin and their stooge, Jan Peerce, an excellent tenor, the singing Charioteers, colored, the blond singer, Benny Venuta and June Carr, dancer, make up the cast of entertainers, who do their stuff with a maximum of pep and some novelty. Production Code Seal No. 0666. Running time, 19 mins. "G."

"Camera Hunting"

(Vitaphone)

Some odd and not so odd natural history facts make this effort mildly interesting. There are shots of alligator roping, cigarette smoking toads, the affection of a monkey for a cat, an Alabama farmer who carries an 800-pound bull around and a child's fearless handling of snakes. The piece winds up with shots of bear cubs and dam building beavers. It should make a good filler. Production Code Seal No. 0608. Running time, 11 mins. "G."

"Fox and the Rabbit"

(Universal)

One of the Color Cartune series, this is lively and entertaining, especially for the youngsters. The little rabbit goes off to school, after being warned by his mother not to play hookey. But a fox's lure of painted carrots gets the better of him and he goes after them, thereby getting into real trouble with the fox. His mother finally comes to the rescue, but the little rabbit gets what he deserves. Production Code Seal No. 938. Running time, 8 mins. "G."

"Hey Diddle Diddle"

(Educational)

Various characters of the fairy tales come to the screen in this cartoon subject, which should be found pleasing to the youngsters, especially. The cow jumping over the moon, the dish and the spoon, Mary and her lamb, and all of them at school with a most unusual teacher serve to provide rather entertaining cartoon material. No production code seal. Running time, 6 mins. "G."

"Quail Hunt"

(Universal)

An entertaining number of the Oswald cartoon series, in which Oswald, with his dog, goes after quail. But the tricks the birds play on both the hunter and his dog are not according to the Hoyle of hunting, and the result is amusing. Eventually the dog saves the bird from the attack of an eagle, and everyone is friendly. Production Code Seal No. 1146. Running time, 8 mins. "G."

"Harmony Lane" to Open

"Harmony Lane," musical film based on the life and loves of Stephen Collins Foster, composer of hundreds of songs that have become American classics, will open a run at the Astor tonight at 9:30 o'clock. Douglas Montgomery, Evelyn Venable, Adrienne Ames, Joseph Cawthorne and others are in the cast.

"Melody" Big Chicago Hit; Gets $22,000

CHICAGO, Oct. 21. — "Broadway Melody of 1936" was a knockout at the Roosevelt. The $22,000 take was 100 per cent over normal and the lines outside were just as long at the end of the week as at the start.

"Top Hat" closed its sixth week at the Palace with $18,100 and set up a record for the house. Eddie Peabody and his revue were on the stage.

"Murder Man" was strong at the Oriental, the take going to $18,200, and "Anna Karenina" was well on the profit side of the line at $20,500 in the United Artists. "Storm Over the Andes" took a par $13,000 at the State-Lake.

Total first run business was $131,800. Average is $117,000.

Estimated takings:

Week Ending Oct. 17:

"SPECIAL AGENT" (W.B.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Gertrude Niesen and stage revue. **Gross:** $32,000. (Average, $32,000)

"MURDER MAN" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Zorine and her Nudists. **Gross:** $18,200. (Average, $15,000)

"TOP HAT" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days, 6th week. Stage: Eddie Peabody and Revue. **Gross:** $18,100. (Average, $19,000)

"ANNA KARENINA" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $20,500. (Average $17,000)

"SHE MARRIED HER BOSS" (Col.)
GARRICK—(900), 25c-35c-50c, 7 days, 3rd week. **Gross:** $4,000. (Average, $5,500)

"BONNIE SCOTLAND" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

Week Ending Oct. 18:

"BROADWAY MELODY OF 1936" (M-G-M)
ROOSEVELT — (1,591), 30c-40c-60c, 7 days. **Gross:** $22,000. (Average, $11,000)

"STORM OVER THE ANDES" (Univ.)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Dave Harris, Ann Lester and Revue. **Gross:** $13,000. (Average, $13,000)

'Melody' $4,500 in 3 Days, Charlotte

CHARLOTTE, Oct. 21.—"Broadway Melody of 1936" continued its record making run at the Carolina with a take of $4,500 in three days the first half of the week, breaking par by $2,500.

"Shipmates Forever" had a good run at the Broadway with a take of $6,000 for the week, over by $2,000.

Total first run business was $15,500. Average is $11,000.

Estimated takings for the week ending Oct. 19:

"SHIPMATES FOREVER" (F. N.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $6,000. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
CAROLINA—(1,400), 25c-40c, 3 days. **Gross:** $4,500. (Average, $2,000)

"CASCADES REVUE OF 1936" (Stage)
CAROLINA—(1,400), 30c-40c, 3 days. **Gross:** $2,000. (Average, $2,000)

"DIAMOND JIM" (Univ.)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,000)

Made Fire Commissioner

SOUTH NORWALK, Oct. 21.—Albert Hamilton, manager of the Empress, has been appointed as city fire commissioner by Mayor Frank T. Stack.

Bankers Satisfied With St. Louis Fox

ST. LOUIS, Oct. 21.—Management of the Fox is in proper hands, Donald A. Henderson of Halsey, Stuart & Co., New York, stated in Federal District Court when Judge George H. Moore approved an involuntary bankruptcy petition by the committee for Theatre Realty Co., owners of the theatre. F. & M., through its subsidiary, Eden Theatre Co., has been operating since Jan. 25, 1934.

In notifying the court of the committee's plans to reorganize within four to six weeks, Henderson asserted that before the committee drew up the plan it wanted to be sure that Fox was in proper hands. He said another reason for not drafting a rehabilitation program was "insufficient funds." Both have been taken care of, he said.

Henderson is chairman of the bondholders' protective committee which includes Tom Sweeney and George Purvis. He also declared that $3,352,000 worth of bonds, or 75 per cent, have been deposited with the committee and one of the most troublesome problems he has experienced in connection with the theatre has been purchase of films.

Henderson also pointed out that at no time had receivers' certificates been issued, that the bonds are being quoted between $17 and $19, and that the ground lease has 80 more years to run.

Asked by Max Kramer, attorney for three independent bondholders, who separately filed an involuntary petition in bankruptcy which was dismissed, whether he had refused to return bonds to a number of subscribers, Henderson admitted he had turned down about eight persons. He gave as his reasons the fact that he wanted them to first look over the reorganization plan and then if they wanted to withdraw they could.

John S. Leahy, counsel for the trustees, John T. Blair and Edmond Koeln, former receivers, told the court that the Fox is now averaging a profit of $1,300 a week and that if the bondholders hold on to their securities for eight years they will be paid "in full."

Cole Urges Allied Unit Aid Pettengill

SAN ANTONIO, Oct. 21.—Sixty-five members of Allied Theatres Owners of Texas convened here today, with H. A. Cole of Dallas, president, presiding. Cole's report covered the efforts of the officers in the past year to obtain the assistance of the Government to curb the alleged trust development in the industry in Texas. Cole urged support of the Pettengill and Duffy bills.

The national Allied deal with Alexander Film Co. was ratified. Sack Amusement Enterprises entertained with a cocktail party today. Attendance was reported as improving by the members. The election of officers will be held tomorrow.

Fisher to Be Ampa M. C.

Thornton Fisher, cartoonist, sports writer and radio commentator, will be master of ceremonies at the weekly Ampa luncheon at Jack Dempsey's on Thursday.

Warner Dance Set. Nov. 1

CHICAGO, Oct. 21.—E. H. Arkin, president of the Chicago Warner Club, says the annual fall dance will be held at the Medinah Club Nov. 1.

"Solomon" and Armetta Lead Boston Takes

BOSTON, Oct. 21.—"King Solomon of Broadway," plus a smart booking on the part of the RKO Boston that brought Henry Armetta here in person during the Sons of Italy convention, gave that house a big $18,000 last week. This tops normal by $6,000.

"Shipmates Forever" was also in the money at the Metropolitan, with a stage show to help out. The $27,000 take was up by $5,000.

Total first run business was $86,000. Average is $80,500.

Estimated takings for the week ending Oct. 18:

"HERE'S TO ROMANCE" (Fox)
"LITTLE AMERICA" (Para.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"DIAMOND JIM" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 5 days, 2nd week. **Gross:** $6,000. (Average, $12,000)

"SHE MARRIED HER BOSS" (Col.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000)

"SHE MARRIED HER BOSS" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days **Gross:** $12,000. (Average, $12,000)

"SHIPMATES FOREVER" (F. N.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Jimmy Lunceford and His Harlem Express. **Gross:** $27,000. (Average, $22,000)

"HERE'S TO ROMANCE" (Fox)
"LITTLE AMERICA" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"KING SOLOMON OF BROADWAY" (Univ.)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Henry Armetta, Rene Villon and other acts. **Gross:** $18,000. (Average, $12,000)

"Barbary" Grosses $11,000, Buffalo

BUFFALO, Oct. 21.—"Barbary Coast" got off to a good start at the Great Lakes and passed par by $3,700 on a gross of $11,000.

A dual, "Case of the Lucky Legs" and "Thunder Mountain," was strong on a take of $6,700, over normal by $1,100.

Total first run business was $51,000. Average is $37,900.

Estimated takings for the week ending Oct. 22:

"SHIPMATES FOREVER" (W.B.)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $10,800. (Average, $12,000)

"HERE'S TO ROMANCE" (Fox)
"VIRGINIA JUDGE" (Para.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5,500. (Average, $7,300)

"BARBARY COAST" (U. A.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $11,000. (Average, $7,300)

"CASE OF THE LUCKY LEGS" (W. B.)
"THUNDER MOUNTAIN" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,700. (Average, $5,600)

"SHE MARRIED HER BOSS" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $17,000. (Average, $5,700)

National Men to Meet

Divisional operating heads of the various National Theatre units will meet in New York Wednesday with Spyros Skouras. Those attending will include Charles Skouras and Arch Bowles of the California office, Rick Ricketson, Denver; Elmer C. Rhoden, Kansas City; Harold J. Fitzgerald, Milwaukee; Frank L. Newman, Sr., Seattle and David Idzal, Detroit.

"Jalna" and Show Cleveland Smash

CLEVELAND, Oct. 21.—"Jalna" on the screen and the second week of "Folies Bergere" on the stage upped the $15,000 average at the RKO Palace to $21,500.

"I Live My Life" went to $14,000 at Loew's State where $10,000 is the usual. "Shipmates Forever" at Warners' Hippodrome went $2,500 over the line to a $10,500 take. "Broadway Melody," in its third week downtown, outgrossed the third week of "China Seas," bringing the week's gross $2,900 above average to $6,900.

Total first run business was $58,700. Average is $40,000.

Estimated takings for the week ending Oct. 18:

"SHE MARRIED HER BOSS" (Col.)
ALLEN—(3,300), 30c-35c-42c, 7 days, 3rd week. **Gross:** $5,800. (Average, $3,000)

"SHIPMATES FOREVER" (F. N.)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $10,500. (Average, $8,000)

"JALNA" (Radio)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Second week of "Folies Bergere." **Gross:** $21,500. (Average, $15,000)

"I LIVE MY LIFE" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $14,000. (Average, $10,000)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 3rd week. **Gross:** $6,900. (Average, $4,000)

"Shanghai" Pulls $5,000, Oklahoma

OKLAHOMA CITY, Oct. 21.—"Shipmates Forever" was the only attraction in town to demonstrate any strength last week. It went to a par $5,000 at the Criterion.

"Dr. Socrates," at the Midwest, and "Charlie Chan in Shanghai," at the Capitol, were both weak, and "Powder Smoke Range" and "The 39 Steps," splitting the week at the Liberty, failed to stir up any excitement.

Total first run business was $12,050. Average is $13,500.

Estimated takings for the week ending Oct. 19:

"SHIPMATES FOREVER" (F. N.)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $5,000. (Average, $5,000)

"DR. SOCRATES" (W. B.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

"CHARLIE CHAN IN SHANGHAI" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,900. (Average, $2,000)

"POWDER SMOKE RANGE" (Radio)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,500. (Average week, $2,500)

"39 STEPS" (G. B.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $650. (Average week, $2,500)



PEERLESS FILM PROCESSING CORP., 130 West 46th St., now processing film for: DeLuxe Laboratories, Inc., Columbia Pictures, Twentieth Century-Fox, Educational Films, United Artists, Gaumont British.

"Diamond" Is Twin Cities' Biggest Draw

MINNEAPOLIS, Oct. 21.—"Diamond Jim" walked away with the big business of the week on both sides of the river. At the Orpheum here it grabbed $6,500, up by $1,000, and at the St. Paul Orpheum it garnered $6,000, over the line by $2,000.

"Wanderer of the Wasteland" was profitable but not outstanding. It reached $1,700 at the Lyric here and took a par $1,500 at the St. Paul Tower. "Special Agent," also showing in both cities, failed to make much of an impression.

Total first run business in Minneapolis was $21,200. Average is $19,500. Total first run business in St. Paul was $19,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Oct. 17:

"SPECIAL AGENT" (W. B.)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"WANDERER OF THE WASTELAND" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

Week Ending Oct. 18:

"DIAMOND JIM" (Univ.)
ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"BIG BROADCAST OF 1936" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"THE 39 STEPS" (G. B.)
WORLD—(400), 25c-55c, 7 days, 3rd week. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Oct. 18:

"BIG BROADCAST OF 1936" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"SPECIAL AGENT" (W. B.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,700. (Average, $3,500)

"WANDERER OF THE WASTELAND" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"DIAMOND JIM" (Univ.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

"THE 39 STEPS" (G. B.)
WORLD—(400), 25c-35c, 7 days, 2nd week. **Gross:** $1,800. (Average, $1,500)

"Shipmates" Gets Indianapolis Top

INDIANAPOLIS, Oct. 21.—"Shipmates Forever" proved the biggest draw of the week. It ran the Indiana total up to $8,500, thereby passing par $1,500.

"Big Broadcast of 1936" held up to $4,500 at the Circle after playing a first week at the Indiana. "Two Fisted" also was in the money on an $8,000 gross at the Lyric.

Total first run business was $30,000. Average is $27,500.

Estimated takings for the week ending Oct. 19:

"THIS IS THE LIFE" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"BIG BROADCAST OF 1936" (Para.)
CIRCLE—(2,800), 25c-40c, 2nd week. First week at Indiana. **Gross:** $4,500. (Average, $4,000)

"SHIPMATES FOREVER" (W. B.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

"I LIVE MY LIFE" (M-G-M)
"PUBLIC MENACE" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"TWO FISTED" (Para.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,000. (Average, $7,000)

"Melody" Is Seattle Bet In 4th Week

SEATTLE, Oct. 21.—Grosses fell off last week, but "Broadway Melody of 1936" made the best comparative showing on a take of $4,350 at the Music Box in its third week of an extended run from the Fifth Avenue.

The only other spot to show anything in the way of a profit was the Paramount which had "Thunder in the Night" and "Freckles" and took $5,400, up by $400.

Total first run business was $31,500. Average is $32,500.

Estimated takings for the week ending Oct. 12:

"SPECIAL AGENT" (W. B.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $3,750. (Average, $4,000)

"HERE'S TO ROMANCE" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,400. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 4th week. **Gross:** $4,100. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Fifth Avenue. **Gross:** $4,350. (Average, $4,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
ORPHEUM—(2,450), 25c-30c-40c-55c, 7 days. **Gross:** $5,100. (Average, $6,000)

"THUNDER IN THE NIGHT" (Fox)
"FRECKLES" (Radio)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $5,400. (Average, $5,000)

"HOPALONG CASSIDY" (Para.)
REX—(1,500), 15c-20c-30c, 7 days. Stage: "Night in Avalon" revue, featuring Western & Knight. **Gross:** $2,400. (Average, $2,500)

Bowes' Shows Big Grossers in Omaha

OMAHA, Oct. 21.—Major Bowes' amateurs just about swept the town last week. At the Orpheum one of the stage units appeared with "Two for Tonight" on the screen. The $16,250 take was $7,250 above normal.

At the Brandeis one of the screen shorts showing the amateurs made up the bill with "Shipmates Forever" as the feature. The $7,250 take here was over par by $3,250.

Total first run business was $28,700. Average is $18,000.

Estimated takings:

Week Ending Oct. 16:

"SHIPMATES FOREVER" (F. N.)
"MAJOR BOWES AND AMATEURS" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $7,250. (Average, $4,000)

"I LIVE MY LIFE" (M-G-M)
"THE RAVEN" (Univ.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

Week Ending Oct. 17:

"TWO FOR TONIGHT" (Para.)
ORPHEUM—(3,000), 35c-55c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $16,250. (Average, $9,000)

Gets 8 Winnipeg Spots

WINNIPEG, Oct. 21.—Jack Miles is now the super-showman of Winnipeg with no less than eight theatres under his control. The Lyceum, Starland and College were recently acquired from Universal by the Canadian Film Co., of which Miles is general manager. He also operates five other houses through Allied Amusements, Ltd., of Winnipeg.

"Bad Boy" $6,300 Milwaukee Leader

MILWAUKEE, Oct. 21.—"Bad Boy" with Dave Apollon and His Varieties at the Fox Palace copped high honors for the week with a $6,300 take, $1,300 above par, in what otherwise was a sickly seven days' business.

The best the Wisconsin could do with "I Live My Life" was $6,000, while all other houses along the street dropped below par as well. Weather was fair and mild.

Total first run business was $22,100. Average is $24,250.

Estimated takings for the week ending Oct. 17:

"BAD BOY" (Fox)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Dave Apollon's Varieties; Ginc, Dequincey and Lewis, Johnny Woods, Harold Aloma, Selma Marlowe, Signot Winces, Ramon and Ruth, Laura Hoffman, Don Morrell, Arabian Sheiks, Bines Dancing Beauties. **Gross:** $6,300. (Average, $5,000)

"STREAMLINE EXPRESS" (Mascot)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: The Great Blackstone. **Gross:** $4,500. (Average, $5,000)

"I LIVE FOR LOVE" (W. B.)
"FIGHTING YOUTH" (Univ.)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,000. (Average, $1,250)

"SPECIAL AGENT" (W. B.)
"JALNA" (Radio)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)

"I LIVE MY LIFE" (M-G-M)
WISCONSIN—(3,200), 25c-35c-55c, 7 days. **Gross:** $6,000. (Average, $8,000)

"Shipmates" Pulls $7,800, New Haven

NEW HAVEN, Oct. 21.—"Shipmates Forever" and "Personal Maid's Secret," on a dual at the Roger Sherman were the money-makers of the week with a gross of $7,800, over par by $3,200.

"Bonnie Scotland," helped by Major Bowes amateur unit No. 3, went above normal $500 for a take of $7,000 at the Poli and "Redheads on Parade" and "Thunder Mountain" were the same amount over the line with a take of $3,200 at the College.

Total first run business was $23,100. Average is $18,500.

Estimated takings for the week ending Oct. 18:

"REDHEADS ON PARADE" (Fox)
"THUNDER MOUNTAIN" (Fox)
COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $3,200. (Average, $2,700)

"THE LAST OUTPOST" (Para.)
"STREAMLINE EXPRESS" (Mascot)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $5,100. (Average, $4,800)

"BONNIE SCOTLAND" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. Stage: Major Bowes Unit No. 3. **Gross:** $7,000. (Average, $6,500)

"SHIPMATES FOREVER" (W. B.)
"PERSONAL MAID'S SECRET" (W. B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $7,800. (Average, $4,500)

"Pompeii" Date Set

ST. LOUIS, Oct. 21.—"The Last Days of Pompeii" will open here at Warners' Shubert Rialto Nov. 8 at popular prices.

"The Crusades" will make its local debut at the Orpheum at "pop" admissions starting Nov. 1. Both will have one week runs.

Krupa Goes to Coast

Victor Krupa of Peerless Film Processing Co. has arrived on the coast to supervise the installation of four new processing machines in the Horsley Laboratory, which is owned by Columbia.

"Chan," Show Detroit High; Get $24,300

DETROIT, Oct. 21.—"Charlie Chan in Shanghai," helped by a stage show which included "Goose" Goslin and Ty Tyson with Cab Calloway's band, was the only big draw of the week here. The $24,300 at the Fox was above par by $9,300.

"The Rainmakers" and "Waterfront Lady," on a dual at the RKO Downtown were $1,300 to the good on a take of $11,300. "Shipmates Forever," and a vaudeville bill, managed to get $21,200 at the Michigan, but elsewhere business was off.

Total first run business was $77,300. Average is $67,500.

Estimated takings for the week ending Oct. 17:

"HOT TIP" (Radio)
"THUNDER IN THE NIGHT" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"CHARLIE CHAN IN SHANGHAI (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: "Goose" Goslin & Ty Tyson, Cab Calloway's orchestra. **Gross:** $24,300. (Average, $15,000)

"SHIPMATES FOREVER" (W. B)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: 5 acts of vaudeville. **Gross:** $21,200. (Average, $20,000)

"THE VIRGINIA JUDGE" (Para.)
"WANDERER OF THE WASTELAND" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,600. (Average, $5,000)

"SPECIAL AGENT" (W. B.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $9,200. (Average, $10,000)

"UNFINISHED SYMPHONY" (G. B.)
LAFAYETTE—(2,000), 10c-40c, 7 days **Gross:** $2,200. (Average, $2,500)

"THE RAINMAKERS" (Radio)
"WATERFRONT LADY" (Mascot)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $11,300. (Average, $10,000)

Wall Street

Eastman Best Stock Gain

	High	Low	Close	Net Change
Columbia	66¾	66⅜	66⅜	+ ⅜
Consolidated	5⅞	5	5⅝	+ ⅝
Consolidated, pfd.	19⅜	18	19⅛	+1⅛
Eastman Kodak	161¾	159½	161¾	+2¾
Loew's, Inc.	49¾	48½	49¾	+1½
Loew's, pfd	108¼	108¼	108¼	— ½
Paramount	10⅞	10⅜	10⅝	+ ⅛
Paramount, 1 pfd.	94½	94	94	.....
Paramount, 2 pfd.	13⅛	12⅝	13⅛	+ ⅛
Pathe Film	6⅛	5½	6	+ ¼
RKO	6	5½	6	+ ½
20th Century-Fox	16¾	16¼	16½	+ ¼
20th Century, pfd.	26¼	26	26	.....
Universal, pfd	35	34	34	.....
Warner Bros.	8⅛	7⅝	8	+ ¼
Warner, pfd	45½	42½	45	+2½

Curb Issues Gain Slightly

	High	Low	Close	Net Change
Sonotone	3	2⅞	2⅞	+ ⅛
Technicolor	19½	19¼	19½	+ ¼
Trans-Lux	3½	3⅛	3¼	.....

Little Change on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	15	15	15	.....
General Theatre 6s '40, ctf	14¾	14½	14½	+ ⅛
Keith B. F. 6s '46	91½	91	91¼	— ¼
Loew's 6s '41 ww deb rights	105⅛	105	105	.....
Paramount B'way 3s '55	61⅛	61⅛	61⅛	.....
Paramount Pict. 6s '55	96¾	96¼	96½	+ ¼
RKO 6s '41 pp	83	83	83	.....
Warner Bros. 6s '39 wd	83⅜	82	82¾	+ ¾

(Quotations at close of Oct. 21)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 96 NEW YORK, WEDNESDAY, OCTOBER 23, 1935 TEN CENTS

Screen Light, Color Feature SMPE Papers

Measurements and Other Problems Described

By W. A. WHITNEY

WASHINGTON, Oct. 22.—Screen brightness and technical aspects of color were the principal subjects up for discussion at the second day's session of the S. M. P. E. semi-annual convention at the Wardman Park.

Clifton Tuttle of Eastman Kodak, chairman of the Projection Screen Brightness Committee, gave data on the transmission characteristics of release prints and pointed out that this information is necessary to the committee's work. An apparatus for measuring screen brightness was described.

Alan A. Cook of the Bausch & Lomb Co. declared that there were two fundamental factors that determine the light output of a projector—source brightness and the effective aperture of the projection optical system. When these are known accurately, he said, the number of lumens available for screen illumination can

(*Continued on page* 4)

Giveaways Gaining In Conn. Theatres

BRIDGEPORT, Oct. 22.—The Loew organization has purchased Bank Night for the Globe and Screeno for the Lyric. It has also been reported that five other Bank Night contracts are being considered over the Poli New England circuit, including the Bijou, New Haven.

This is Loew's first venture in the territory into any special inducement plan other than amateur and other special stage shows.

The Rialto and Hippodrome are the only other Bridgeport theatres to feature giveaways.

Old Country Store has been instituted at the Lyric, another Poli house.

Fisher Assures Many Sportsmen for Ampa

Thornton Fisher has lined up a number of sport celebrities for the Ampa luncheon tomorrow, and expects to get two or three more.

His present lineup follows: Elmer Oliphant, West Point All-American football star; Vincent Richards, former tennis champion; Joe Ruddy, captain, N. Y. A. C. water polo team; Jack McAuliffe, first American lightweight champion; Jimmy Crowley,

(*Continued on page* 14)

England Is Contender for Hollywood Honors: Sheehan

England now is a definite competitor of Hollywood for the world's film trade, Winfield Sheehan said yesterday on his arrival here aboard the *Majestic* after a three months' sojourn abroad.

"American moving pictures continue to be the popular and most pronounced entertainment in Europe," Sheehan said. "Hollywood is recognized as the world's creative amusement capital, but there is competition in the field.

"England is making a strong campaign to capture the world's moving picture trade. The British government, press and public are furnishing loyal and practical support to their film industry.

"British picture production is gaining by experience and improving its entertainment quality," he said. "In England today there are more individual picture producing companies than in America and many millions of

(*Continued on page* 14)

Fields Re-Signed

Hollywood, Oct. 22.—W. C. Fields has signed a new one-year contract with Paramount. He expects to make three pictures during that period.

English Seek Solution of Booking Row

By BRUCE ALLAN

LONDON, Oct. 16.—Conferences are under way between the Kinematograph Renters' Society and the Cinematograph Exhibitors' Ass'n. with a view to finding a solution to the booking circuit controversy and other matters at issue between the two bodies.

Recently, the C.E.A. threatened legal proceedings if the K.R.S. applied its announced policy of boycotting all booking arrangements which do not rest on a majority control of the theatres concerned.

The standard contract and overseating are other matters to be discussed by exhibitors and renters in the near future.

John Maxwell and Sam Eckman were the leading spokesman for distributors in the booking circuit discussions, with Thomas Ormiston and General Secretary Fuller representing the C.E.A.

* * *

Baird Television, which is controlled

(*Continued on page* 14)

Vaudeville Campaign Details Up at Lunch

Further moves in the American Federation of Actors' campaign to save vaudeville will be discussed at a luncheon Friday at Manny Wolf's Chop House, at which Rudy Vallee will be toastmaster.

Details of the benefit show to be held at the Majestic Nov. 10 will be disclosed. The arrangements committee now includes: Mayor LaGuardia, Governor Lehman, U. S. Senator Wagner, Congressman Connery, Aldermanic President Bernard S. Deutsch, License Commissioner Paul Moss, Former Governor Alfred E. Smith, Judge Jonah J. Goldstein, Judge Lester Patterson and Stanley H. Rowe.

Japanese Planning Shorts for Export

By TETSUYA MORI

TOKYO, Sept. 30.—Shorts for the export market designed to show Japanese scenic attractions are to be made by the Shochiku Co.

The Shochiku program is developing along such ambitious lines that it may include a Cine Poem series intended as competition for Mickey Mouse.

* * *

Educational films are gaining increasing attention. The Tokyo Educational Society has plans for films to be shown in middle schools, both for entertainment and instructional purposes. Halls and theatres will be hired. At present thousands of school children are prevented by the authorities from attending film shows.

* * *

Great sincerity is being shown by Japanese producers in making films for election reform purposes. The move was initiated by the Government

New Syndicate Plans Films, Plays, Music

Play Producing Syndicates, Inc., has been formed for the production of plays, films and concerts with multiple activities including organized audiences and the publication of a monthly magazine. Syndicates are being formed in key cities to raise approximately $100,000 in each locality in which the investors receive a paid up

(*Continued on page* 14)

Prosecution Closes Case At St. Louis

Hardy Finishes on 16th Day; Reads Bond Buys

By BILL ORNSTEIN

ST. LOUIS, July 22.—The Government finally closed its case at 11:40 A.M. today, the 16th day of the anti-trust trial against five film executives, their companies and subsidiaries, but not before Warners had scored another point.

This came when Judge George H. Moore sustained an objection made by former Senator James A. Reed yesterday to the inclusion of a list of all Warner theatres. When court adjourned yesterday at 5:10 o'clock the admissibility of the list had not been decided by Judge Moore.

Another boresome morning was spent by various spectators, defendants and counsel, as they had to sit

(*Continued on page* 13)

Two More Brooklyn Paramount Bids In

After nine months of trying to sell the Brooklyn Paramount, during which time only one bid was obtained, that of Si Fabian, for $75,000 cash and a 20-year mortgage for $1,425,000, two more bids have been submitted to the Federal Court in Brooklyn, it was learned late yesterday. The amounts of the two new bids are not to be made public until this afternoon when the hearing on the initial bid by Fabian is expected to be concluded. One of the new bidders is the realty firm of Riker & Co., 201 Montague St., Brooklyn, represented by Baker & Overmeier of 30 Broad St. The name of the other bidder was not revealed.

Local 306 Talking More Circuit Deals

The negotiating committee for Local 306 and representatives of the 46 Skouras operated houses in the metropolitan district are conferring on a new wage scale agreement, with progress reported by both sides yesterday. Negotiations with the Randforce circuit are expected to follow, and with other independent circuits later.

Progress in the conferences to effect a merger of Allied and Empire operators' unions with Local 306 is also reported at the latter's headquarters, with definite results said to be expected in a few weeks.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 23, 1935 No. 96

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Sabath Committee Ends Boston Study

BOSTON, Oct. 22.—The Sabath Congressional Committee investigating real estate reorganizations here today ended its study of the Metropolitan Theatre situation, with Chairman Sabath criticizing salaries paid to "movie barons" connected with Paramount. He also scored the directorate of Boston Metropolitan Building, Inc., which owns the theatre, operated by M. & P. Publix.

Prescott Bigelow, of Hayden, Stone & Co., called by Peter Borre, committee attorney, denied Sabath's allegation that the directorate was composed of men in the public eye, and not interested in the affairs of the company. Argument was heard on the reorganization plan for the company, which has been passed by the lower court, and has been taken under advisement by the Circuit Court of Appeals.

Navy to Aid Making Of Two More Films

WASHINGTON, Oct. 22.—Navy Department officials today advised the Hays office here of their approval of navy cooperation in production of "Follow the Fleet," Radio, and "United States Smith," Columbia.

In expressing approval the department said it considered the recent Warner picture, "Shipmates Fovever," one of the "finest navy pictures yet produced."

Insiders' Outlook

By RED KANN

OBSERVATIONS about new product, growing out of a semi-grand tour of neighborhood theatres, Broadway first runs and projection rooms:

Rendezvous—In the manner of "The Thin Man," but not quite achieving it, this new M-G-M, based on "The American Black Chamber" by Major Herbert Yardley is exciting and interesting entertainment of the World War from behind the Washington scene. With Bill Powell and Rosalind Russell and Binnie Barnes as a German spy, this one looks very good indeed for the mob.

Metropolitan—In which Lawrence Tibbett continues to be a stalwart figure of a man and in grand voice. Not much story, but plenty of splendid vocalizing. George Marion, as the La Scala maestro who has seen better days, is delightful. "Metropolitan," Darryl Zanuck's first since entering the Fox studio, is as good a musical as "Here's to Romance" is a bad one. That evens matters for Twentieth Century-Fox which is releasing both.

Transatlantic Tunnel—A peer into the scientific marvels of a future day with a very good cast headed by Richard Dix, Leslie Banks, Madge Evans, Helen Vinson and with George Arliss and Walter Huston, of all people, in what are virtually nothing beyond bits. Fantastic sets and drama in pioneering engineering play vital parts in this G. B. attraction which looks like money.

Musicland—Or Walt Disney's cartoon version of the ancient conflict between symphony and jazz and the marriage of the two. In attractive Technicolor, this is a brilliantly conceived and executed cartoon. Also vastly humorous and a joy.

Wings over Ethiopia—Practically required film fare for those who would augment their reading of Ethiopia with fascinating pictures of the country, its mountains, ravines, tribes and customs. Much better when in the air than when on the ground, but worthwhile.

I Live My Life—The best Joan Crawford in too long a time. A topnotch example of splendid, staccato direction by "Woody" Van Dyke and of script by Joe Mankiewicz. Joan is good, but Brian Aherne is better. So much better, in fact, that it is practically his picture. Fine entertainment.

Barbary Coast—A formula picture with Miriam Hopkins constantly in an emotional hot stew. Excellently produced, but loaded down with a story and a treatment that are pallid and a carbon copy of what they ought to be, provided any film dealing with the true Barbary Coast were advisable, which it is not.

The Dark Angel—A sentimental tear-jerker, or, in other words, substantial box-office. Suffers from lack of tempo in its approximate second half, but very much all right as it stands. Sam Goldwyn may be difficult to get on with, but he never stints on values. This and his "Barbary Coast" merely furnish additional and late proof of that which was established long since. . . .

▼ ▼

Thomas D. Thacher, as special master for the hearing of large creditor claims against RKO, wrote the report to the Federal Court which recommended the allowance of the Rockefeller Center lease claim at $8,600,000. If the court accepts Thacher's recommendation, Rockefeller Center will become an RKO creditor for that amount, thus ranking R. C. with Atlas Corp. and Lehman Bros. and R. C. A. Thacher's law firm, Simpson, Thacher & Bartlett, is counsel for Atlas, which with the Lehmans recently acquired a $5,000,000 interest in RKO, and is now proceeding as the moving factor in the latter's reorganization. As such, it will naturally be interested in keeping at a minimum the larger creditor claims against the company. Question: Will Atlas call upon its counsel, Simpson, Thacher & Bartlett, to oppose Thacher's report on the Rockefeller Center claim? A couple of Ed Wynn's hats may be in order. . . .

▼ ▼

KAO happens to be the most significant theatre company in the RKO setup what with those valuable New York City houses, et al. The company is capitalized at 60,000 shares of preferred. Of that total, Mike Meehan, directly and otherwise, can muster about 31,000. At once, your discernment should tell you he counts for much in KAO and, therefore, in RKO. Any concentration of majority control of RKO is not possible, to carry this to a reasonably logical conclusion, without Meehan. Or, at least, without Meehan's holdings. Exactly what he will do about reorganization is a large and vital something. One inside story has it he will sell out, mostly for cash, but wants call price on his preferred, plus all dividends in arrears. This would run to $4,500,000, roughly. Another inside story, later than the first, talks of a setup which would keep him in the final picture, but reimbursed by cash for a substantial portion of those essential preferreds. . . .

▼ ▼

Q.—"Arthur, what's new with your contract over there?"

A.—"There's nothing new right now."

Q.—"It's potentially alive, isn't it?"

A.—"Yes, very much so."

Almost verbatim text of yesterday's conversation between Arthur M. Loew and ye scribe. It might be interesting to recall this if and when you read, as you may any minute now, a report published elsewhere that Loew has resigned. . . .

▼ ▼

On stories that he, together with Joe Brandt, had formed a new company a la the 20th Century idea, Sam Briskin, in from the coast to discuss this and that deal anent his future, says:

"That's the one chap in the world I have not spoken to."

There's another, however, and his name is Joe Schenck. Which scotches loose Hollywood talk that Briskin will form a unit for release through 20th Century-Fox. . . .

Cole Is Reelected Texas Allied Head

SAN ANTONIO, Oct. 22.—Colonel H. A. Cole was reelected president of the Allied Theatre Owners of Texas today as the unit brought a two-day meeting to a close. Other officers are: Rubin Frels, first vice-president; Henry Hall, Marthe McSpadden, R. N. Smith, second vice-presidents; A. W. Lilly, secretary-treasurer; T. W. Lewis, Will Dorbandt, L. N. Threet, Paul Scott, F. W. Zimmerman, Tom Donnell, P. V. Williams, L. C. Tidball, Walter Stoppelman, B. Legg, Lynn Smith, Homer Mulkey, directors.

Resolutions urged immediate Dept. of Justice action to end the alleged monopoly in the state. Support was voiced for the Pettengill and Duffy bills, now pending. Officers were directed to seek equalization of electric power rates.

Will Get Clearance, Says B. & K. Official

CHICAGO, Oct. 22.—Regarding B. & K.'s stand on clearance, a company official said here today, "Every picture we play will have the clearance we asked for. We will play only pictures on which we get celarance."

The majority of the distributors say it is impossible for them to give the clearance. The outcome depends on what happens when playdates are reached. In the meantime independents are booking pictures on the old basis. It is understood Paramount has approved releases for the first two weeks of November on the old basis. Their action after that is problematical.

Wisconsin Group Meets

MILWAUKEE, Oct. 22.—The possibility of the I. T. P. A. of Wisconsin joining the national Allied organization was considered at the opening session of the two-day annual convention here today. Final action is expected at tomorrow's meeting.

SNAP YOUR FINGERS!

hey! hey!
1935-36 is
M-G-M's
party—
you've
enjoyed
the feast
thus far—
but the
banquet
has really
just begun—

(and just a few below, of many)



M-G-M's BANQUET MENU HAS DARLING DISHES ON THE WAY!

$2,000,000 PRODUCTION "MUTINY ON THE BOUNTY"

Such an attraction! The biggest since talkies! You'll see. Everything you've heard in the way of rumors is right. It's terrific! Charles Laughton, Clark Gable, Franchot Tone in cast of thousands, including exotic beauties of the South Seas. Oh-Oh! Yes, it's got everything.

O'NEILL'S GREAT AMERICAN DRAMA "AH, WILDERNESS!"

M-G-M paid $125,000 (*the highest ever!*) for the film rights to Eugene O'Neill's drama because its heart-beat is the heart-beat of your public. The play won invaluable nation-wide attention in roadshows. Wallace Beery is starred with a great cast including Lionel Barrymore and other famed troupers guided by the genuis of Clarence Brown.

FUNNIEST FILM IN 10 YEARS "A NIGHT AT THE OPERA"

Imagine a comedy that's been a year in the making and cost $1,000,000. Tried out as a roadshow to get every uproarious situation audience-proof! Those mad Marx Brothers are in a Giant Show that will long remain a classic of laughter for the American public. Have you seen the reviews of the Coast preview? Don't miss them!

YOU'RE READY FOR CHRISTMAS! "A TALE OF TWO CITIES"

Begin it now! Don't let up! Tell your patrons that you've got the One and Only Christmas treat in picture business, Ronald Colman in "A Tale of Two Cities". Last Christmas it was Dickens' "Copperfield". This Christmas it is another Dickens masterpiece. Start your Christmas hopping-up now, and what a happy holiday *you'll* have!

Screen Light, Color Feature SMPE Papers

(Continued from page 1)

be computed, after making allowance for losses. He described methods of computation and gave results for typical projectors.

Michael Leshing, in charge of 20th Century-Fox projection laboratories, protested the highly technical aspects of film engineering at the expense of practical, standardized projection.

Physical factors pertinent to screen brightness and a review of data accumulated in a period of 20 years were discussed by S. K. Wolf of Erpi. Wolf also discussed general theatre lighting.

The laws of photometry were briefly reviewed by R. P. Teele of the U. S. Bureau of Standards. He also defined common photometric units and terms, measurements of candlepower, luminous flexion, transmission, absorption and projection systems.

Color was the principal topic of discussion at the afternoon session in the auditorium of the U. S. Bureau of Standards. Lyman J. Briggs, bureau director, presided.

Color Important Factor

Color is an important factor in nearly everything bought and sold, declared K. S. Gibson of the Bureau of Standards. Means of describing, measuring and specifying colors, he asserted, are, therefore, of great importance to the manufacturer, dealer and consumer.

Colors, Gibson explained, may be described by name, but this is usually inadequate as a specification. The only general and fundamental method of specification, he continued, is by colorimetric computation in terms of a standard observer.

D. B. Judd, also of the bureau, declared that anomalies of vision must be considered.

Discusses Film Tests

Normal people, Judd explained, can make visual distinction of three types: light-dark, yellow-blue, and red-green; light-dark being the most primitive type of discrimination, and red-green the last acquired. Some people have hardly more than a vestige of red-green discrimination, he said.

Discussing tests on cellulose films, S. E. Sheppard, P. T. Newsome and S. S. Sweet of Eastman Kodak pointed out that the dispersion of tensile strength values for cellulose sheets was higher than those for metal strips and wires, and the dispersion of the "yield" point value is much less than that of the tensile strength.

Two laboratory developing machines taking film spliced in a loop were described by D. R. White of the Du-Pont Film Mfg. Co. in a discussion of sensitometric tests. One of the machines is designed to eliminate the head and tail effect usually encountered in commercial machines by frequent reversal of the direction of film motion. The other is designed more in accord with present commercial practice and permits the study of emulsion, developers, and processing conditions on a laboratory scale.

A photoelectric sensitometer of simple mechanical and electrical design was described by White. The speed and reproducibility of readings with this instrument are greater than obtained on the more commmon polarization photometers.

In discussing the use of a photocell for measurement of diffuse density, B. C. Hiatt and C. Tuttle of Eastman Kodak, emphasized the importance of the optical characteristics of the cell as a part of the optical system of the densitometer. Data showing some of the discrepancies in density measurement resulting from these optical characteristics were given.

For two types of emulsion Hiatt and Tuttle showed that the measurement of diffuse density is possible with certain arrangements of the optical system.

Screenings Held

Feature and short screenings made up the evening activities.

Today's program follows:

9:30 A.M. *Little Theatre;* General Session.
"The Need for Real Projection Departments in Theatre Chains"; F. H. Richardson, New York, N. Y.
"Thyratron Reactor Theatre Lighting Control"; J. R. Manheimer, E-J Electric Company, New York, N. Y., and M. A. Salamon, General Electric Company, New York, N. Y.
"The 2000-Ft. Reel Situation"; A. S. Dickinson, Motion Picture Producers and Distributors of America, New York, N. Y.
"The Art and Mechanism of Cutting a Picture"; R. Snody, New York, N. Y.
Report of the Standards Committee; E. K. Carver, *Chairman.*
"The European 16-Mm. Sound-Film Situation"; A. N. Goldsmith, New York, N. Y.
"A Non-Theatrical International Service Organization—The Amateur Cinema League"; Col. R. W. Winton, Amateur Cinema League, New York, N. Y.
"Sixteen-Mm. Optical Systems"; G. Mili. Westinghouse Lamp Company, Camden, N. J., and R. G. Holslag, Amateur Cinema League, New York, N. Y.

1:30 P.M. Motor-Bus Tour.
Stops made at the Library of Congress, Smithsonian Institution, and the Bureau of Standards; buses leave promptly at 2:00 p.m.

8:00 P.M. *Continental Room:* Semi-Annual Banquet.
Addresses by eminent members of the industry, names to be announced later. Dancing and entertainment.
Presentation of Scroll of Honorary Membership to Thomas Armat, Washington, D. C.
Presentation of S. M. P. E. Journal Award.
Presentation of S. M. P. E. Progress Medal.

S. M. P. E. Sidelights

WASHINGTON, Oct. 22.—WILLIAM C. KUNZMANN was very much in evidence both in person hastening about and also reflecting the splendid arrangements for the convention which gave testimony that he had put in much time both before the meeting and was now to keep things running smoothly. BILL, from time to time, has expressed a wish to resign as convention vice-president, but the members will not allow it.

✚

Capt. JOHN G. BRADLEY, chief of the motion picture division of the national archives and a recent member of the Society, has thrust himself wholeheartedly into its work. Now he is among the most energetic.

✚

MOTION PICTURE DAILY was again the first daily trade paper at this convention. Copies were flown down and, by early afternoon, many of the delegates had copies under their arms.

✚

Capt. H. T. COWLING, a member for many years, is still very active. It was he who succeeded in interesting various Government bureaus in motion picture technology. With his ever present pipe, he is right in the center of things.

✚

SYLVAN HARRIS, editor of the Society's journal, is seen all over the place almost at the same time as he attends to the various duties of an editor at a convention.

✚

JOHN I. CRABTREE arranged the technical papers that are being read before the Society. The excellence of the various papers and the smoothness in which the program is run off proves that his preparations were well made.

✚

WILL WHITMORE, chairman of the publicity committee, is very busy seeing that the press is well informed.

✚

The Federal Government is apparently becoming motion picture-conscious. Twelve of the papers are by men connected with the Government in various capacities and bureaus.

Installs Demonstrator

WASHINGTON, Oct. 22.—That the members of the S.M.P.E., may be beneficiaries of what it considers the last word in sound reproduction, Erpi worked night and day installing in the Wardman Park Theatre a special high frequency apparatus employing the principles of auditory perspective.

R. T. Friebus, apparatus design engineer of Erpi, has been supervising the installation with active assistance of the local engineers of the company. The special high frequency apparatus used is of the multicellular type, with special high frequency speakers. While this particular equipment is not ready yet for theatre installation, it has been employed in demonstrations.

More Censoring

PARIS, Oct. 22.—Further evidences of political censorship appear here with word passed along to operators of picture houses in Paris not to show clips of British warships in the Mediterranean or of Anthony Eden, British Minister for League of Nations Affairs.

The move is credited to a desire to avoid any demonstrations against Great Britain.

Form Hollywood Studios

SACRAMENTO, Oct. 22.—R. G. Sobel, V. Regan and C. E. Eikel have been named as directors of the 2,500-share Hollywood Associated Studios in articles of incorporation filed with the Secretary of State. Headquarters of the firm will be in Los Angeles.

Uphold Brooklyn Verdict

ALBANY, Oct. 22.—The Court of Appeals today sustained a $6,000 verdict obtained in Brooklyn by Elizabeth McCormack against the B. F. Keith Corp. for injuries alleged to have been sustained in a theatre.

Latest Sound Devices Shown To Engineers

WASHINGTON, Oct. 22.—In the spacious lobby of the Wardman Park Hotel, where the S.M.P.E. is holding its 38th semi-annual convention, 17 manufacturers are exhibiting their latest developments.

Dominating the scene this year are 16 mm. projectors for both sound and silent films, but with plenty of space devoted to other technical aspects of commercial projection. Special attention of the delegates is being drawn by the RCA Photophone projector, the professional model Simplex projector, the compact Ampro 16 mm. projector, and the intermittent sprocket, chain-drive DeVry 16 mm. projector.

Several types of splicing machines, spotlights and color-wheels, projection lamps, generators and rectifiers are also on view and examined with interest. Non-equipment demonstration of the exhibit is that of carpets and floor coverings, selected in many cases from carpets already laid down in recent months.

Exhibitors and Products

The exhibitors and their products follow:

Herman A. DeVry Corp.—Portable 16 mm. sound projector. A 16 mm. projector of theatre proportions, employing a sprocket intermittent and silent chain drive. A new type reel, non-smashable, made of flexible steel.

Ampro Corp.—Model J 16 mm. silent projector. Model KD 16 mm. silent projector. Model R projector, made expressly for later conversion to sound. Model K 16 mm. sound projector in compact case. the type recently selected by the Navy, equipped with special 48-minute reels. Active demonstration of new automatic repeating motion picture projector.

Featured also is the Hollywood-devised Craig splicer.

Brenkert Light Projection Co.—Exhibit of Suprex high intensity lamps.

Strong Electric Co.—Projector lamps.

International Projector Corp.—Type SP (professional mode) Simplex sound projector.

Radio Corp. of America—Photophone projector fully equipped with high fidelity sound reproduction equipment. Sundry pieces of apparatus used in installation. Portable projectors (35 mm.) equipped with high fidelity apparatus. Optical reduction printer, to make 16 mm. prints from 35-mm. negatives.

Robin Imperial Generator Co.—The new Robin Stedy-Power generator.

Neumade Products Corp.—Display of the celebrated Beauty spot, with and without color-wheel attachment.

Griswold Machine Works—Junior splicer for 16 mm. film. Model R2, for 35 mm. film. Model T splicer for 35-mm. film, equipped with reflector lamp.

Hertner Electric Co.—Type HI 60-volt Transverter (motor-generator).

General Electric Co.—Copper oxide rectifier, for motion picture projection lamps using Suprex carbons.

Forest Manufacturing Corp.—Model LD-30 copper oxide rectifier of the bulb type.

Holmes Projector Co.—Exhibit of 16 mm. sound projectors.

Universal Electric Welding Co.—Demonstration of wire-welded reels.

Victor Animatagraph Co.—Showing of 16-mm. sound projectors.

Bigelow-Sanford Carpet Co.—Exhibit of rugs, mats, and other floor coverings, in plain colors and in combination, ordinary and inlaid patterns.

Electro-Acoustic Products Company—Exhibit and demonstration of the Illustralux Senior-16, Senior-12, and Junior. Device for projecting stills printed on motion picture film, with electrical pick-up sound-on-disk apparatus for concurrent narrative; for use by salesmen, etc.


G B
SIXTEEN STAR
SPANGLED SPECIALS
FIRST ANNIVERSARY
G B
SIXTEEN-STAR
SPANGLED SPECIALS



GEORGE ARLISS
The MIND *of* MR. REEDER

George Arliss as a detective. Who makes all detectives look like defectives. Director, Milton Rosmer. . .

* Tentative title.



KIPLING'S SOLDIERS THREE . .

India. Nautch girls. Tiger hunts. Plus. The Soldiers Three. Plus. The Colonel's lady. And Judy O'Grady. Director, Walter Forde. . . . .

FIRST ANNIVERSARY

GB's First Anniversary Special



The Next Wonder of the World!

TRANSATLANTIC TUNNEL

(New York to London)

GB thanks Walter Huston and George Arliss for graciously contributing portrayals of the President of the U.S. and the Prime Minister of England. Director, Maurice Elvey.

Courtesy M. G. M.



WALTER HUSTON
RHODES, THE EMPIRE BUILDER

The star of DODSWORTH. In the impossible. A better role than DODSWORTH. Rhodes, the diamond king. Director, Berthold Viertel.

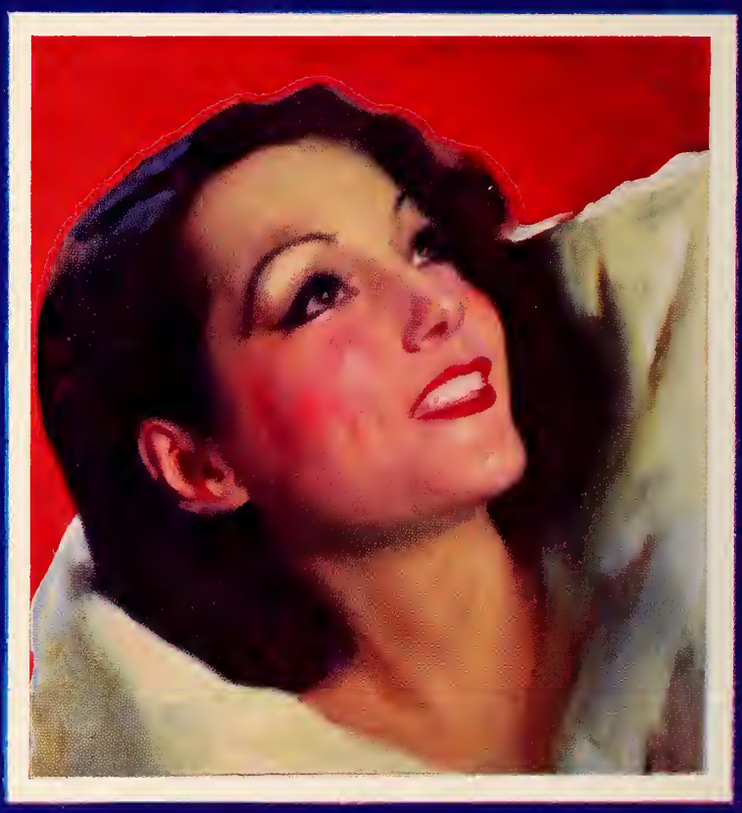
FIRST ANNIVERSARY





BORIS KARLOFF
DR. NIKOLA

Frankenstein out-Frankensteined. Karloff in a carload of thrills. Director, Graham Cutts.



LUPE VELEZ
THE MORALS of MARCUS

IAN HUNTER and ADRIANNE ALLEN

The little mite of dynamite. As a harem spitfire. Story by William J. Locke. Director, Miles Mander.

A Real Art Production
Produced by Julius Hagen



FIRST ANNIVERSARY



Robert DONAT • *Madeleine* CARROLL
THE 39 STEPS

116,734 admissions. First week Roxy. Held Over! And how! Story by Col. John Buchan. Director, Alfred Hitchcock. . . . . .



CLAUDE RAINS
THE CLAIRVOYANT

with FAY WRAY

Hexed by the evil eye. "The Invisible Man" makes the future visible. Director, Maurice Elvey.

FIRST ANNIVERSARY





TIMED TO THE MINUTE

BORN FOR GLORY

The Big Parade of the High Seas

BETTY BALFOUR . JOHN MILLS . BARRY MACKAY

Story by C. S. Forester . Director, Walter Forde



JACK HULBERT

Alias

BULLDOG DRUMMOND

with Fay Wray, Claude Hulbert, Ralph Richardson. Latest and greatest of the Bulldog Drummond thrillers. Author, "Sapper". Director, Walter Forde. . . . . .



FIRST ANNIVERSARY

Prosecution Closes Case At St. Louis

(*Continued from page* 1)

through a complete reading by Harold Schilz, assistant to Russell Hardy, of every purchase date and the amount Warners paid for the many bonds in Central Properties Corp. and St. Louis Properties Corp. When Schilz had completed the 50-minute reading he stated that the total amount of Warners' purchases had been $77,592.75 for bonds, the face value of which aggregated $361,500.

After resting his case Hardy officially dismissed from the indictment Paramount Pictures Distributing Corp. and Warner Brothers Circuit Management Corp. These two companies have never existed.

Jury Dismissed for Day

As soon as this was over the prosecuting attorney asked Judge Moore to make corrections in the testimony introduced against particular defendants so that the testimony would apply to all defendants. William R. Gentry, counsel for Paramount, and Jacob M. Lashly, representing RKO, objected on the ground that when Hardy had examined the individual witnesses he specified the testimony was directed against only one of the three companies involved. Hardy contended that in certain instances Judge Moore had upheld objections and as the sessions had advanced had overruled the same objections when he had learned of his mistakes.

Unwilling to rule immediately without giving the matter thought, Judge Moore asked that memoranda be submitted at 2 o'clock this afternoon. The jury was dismissed at 11:45 o'clock until tomorrow morning.

Argue Before Moore

The entire afternoon was devoted to arguments on the motion by Hardy to have Judge Moore instruct the jury to consider the testimony of individual witnesses, with the exception of J. M. Ulman of Cleveland, as binding on all defendants. When Judge Moore intimated he would deny this request but permit Harry C. Arthur and Thomas N. Dysart to be brought back to correct some of their testimony, Reed, Frederick H. Wood, Lashly and William R. Gentry vehemently objected. After the arguments were concluded, the court decided to hand down a ruling tomorrow morning.

Reed declared that if the witnesses were permitted to testify again this would mean reopening and retrying the case, that it would be "a reversible error," that it would be a great wrong to the defendants, that such a procedure is tended to emphasize the testimony and that no witness should be recalled unless under urgent circumstances.

The ex-Senator was in fine fettle, swinging his right hand every time he wanted to bring out a point. He didn't hesitate to inject his sharp retorts to Hardy's pleas, particularly his answer to the prosecuting attorney's request that the Government be given some leeway because it hasn't the right to appeal while the defense has.

Lashly, in a fiery speech, contended that "it would be manifestly unfair" to his clients to bring back the witnesses after they left the stand more than two weeks ago because there could not be an intelligently impartial cross examination. He asserted Judge Moore had rightly ruled in connection with the testimony of individual witnesses. He said, "The Government has charged the three defendant companies with design to engage in contracts in violation of the Sherman act and now Hardy undertakes to prove his allegations after he has closed his case.

"As far as I'm concerned I can't effectually cross examine the witnesses after all that has transpired. Your Honor has properly ruled when the testimony was given that it only applied to persons attending the meeting."

Rebuttal Interrupted

Gentry said Paramount didn't undertake to cross-examine certain witnesses because he understood the testimony was only relevant to the parties mentioned by the witnesses.

Hardy's rebuttal was interrupted several times, but he managed to finish his argument, stating that the fact the defendants' counsel would be given the right to cross examine was to their advantage and the Government has a right to have every fact admissible in the case.

Continuing, he said, "They don't want this jury to consider all the evidence subject to law. If the Government is deprived of this right, it will suffer a great disadvantage.

"There's only one party in this court who will suffer on a reversible error and that is the Government," Hardy declared. "The Government shouldn't be narrowly restricted in presenting its case.

"As I understood the ruling of the court, we had the right to admit all the evidence as soon as we proved a conspiracy," the prosecuting attorney stated.

When Reed, by his persistent interruptions finally struck a vulnerable spot, the Government attorney whirled around, as he was facing the judge, and pointing to the lawyers seated, launched into a fiery attack, declaring, "Look at all these high-powered lawyers seated at these tables and yet they say they will be at a disadvantage if we bring back the witnesses. They even have more attorneys outside."

To this, Reed replied, "That's the most sensible argument I've heard in some time."

Wood Enters Objections

Wood then took the floor briefly to enter his objections. He claimed that bringing back Arthur and Dysart would be prejudicial to the jury and to the defendants.

Only 22 witnesses, excluding Gordon E. Youngerman, RKO attorney who took the stand on his own behalf, of the 40 subpoenaed by the Government had testified when the prosecuting attorney officially announced completion of his case. Up to this time the testimony covered 1,640 pages.

No demurrers or notices of dismissal were filed by defense counsel today, as expected, because of the new angle Hardy injected into the case. All attorneys were ready at noon to file briefs and were prepared to argue them for two days.

Moe Silver and Clayton Bond were here for a short conference with Warner and left tonight for New York.

Jack A. Partington returned from the east today for a meeting with Arthur.

Purely Personal

INCLUDED in the arrangements committee for the annual benefit of the American Federation of Actors to be held at the Majestic Nov. 10 are these:

NATE J. BLUMBERG, PAUL MOSS, EDDIE DOWLING, CHARLES C. MOSKOWITZ, JIMMY DURANTE, BEN BERNIE, LANNY ROSS, JOE LAURIE, JR., RAY PERKINS, NILS T. GRANLUND (N.T.G.), LOUIS K. SIDNEY, KEN MURRAY, GENE BUCK, ED WYNN, RUDY VALLEE, PAT ROONEY, C. F. ZITTEL, SALLY RAND, EDWARD G. ROBINSON, BORIS MORROS, WILLIAM MORRIS, JR., ELEANOR POWELL, EDMUND BREESE, GEORGE JESSEL, JACK DEMPSEY, SOPHIE TUCKER, EDDIE GARR, JIMMY HYDE and RALPH WHITEHEAD.

●

DAVE BLUM, who has a good deal to do with the impending farewell dinner to be tendered DAVE LOEW at the Waldorf Tuesday evening, telephoned yesterday to point out that seating capacity is limited, that seats should be reserved in a hurry and that tables will each seat 10.

●

WINFIELD SHEEHAN and his wife, MARIA JERITZA; FREDRIC MARCH and his frau; MRS. MARK OSTRER, MRS. DANIEL SULLY, MRS. ELIZABETH LA PLANTE, CHARLOTTE GREENWOOD and HARRY HORNER, a Reinhardt pupil, were among the arrivals on the *Majestic* yesterday.

●

ARTHUR W. KELLY and HARRY D. BUCKLEY, luncheon hosts for ROY DISNEY, just in from the coast, at The Tavern yesterday. Others noted there: LYNN FARNOL, JIM MULVEY, MARTIN QUIGLEY, SAM RUBINSTEIN and BERT MAYERS.

●

TOM WALLER, week-ending at Long Beach, fell into a sand hole, injured an ankle bone and, as a result, will be hampered for four weeks, but back in the Paramount publicity office in one week on crutches.

●

JESSE J. GOLDBERG, vice-president of Derr-Sullivan Prod., is in from the coast and plans to remain here four days to close franchises on six pictures. He's at the Park Central.

●

WILLIAM BEAUDINE and MRS. BEAUDINE, with their daughter, LUCILE, who is under contract to G. B., will leave tomorrow on the *Manhattan*.

●

ABE LYMAN, JOE MOSKOWITZ and BOB GOLDSTEIN among the first-nighters at "Eden End" at the Masque. It's a new play by J. B. PRIESTLEY.

●

BILLY DOWNS, a Loew district manager, is CHARLIE MOSKOWITZ's traveling companion on the Bermuda jaunt.

●

JEAN BENOIT-LEVY, French producer who made "La Maternelle," sails today on the *Normandie*.

●

PAUL and MRS. MUNI arrived in New York yesterday from the coast.

●

FELIX JENKINS and HARRY BAREFORD among the newer faces at "21."

●

HY KRAFFT back from Hollywood and scrivening.

CHARLES MORLA, Republic Pictures' representative in Latin-American countries, will be tendered a farewell luncheon in the Rainbow Room of the RCA Bldg. today by W. RAY JOHNSTON, NORTON RITCHEY, ED FINNEY and ROBERT SOCAS. MORLA sails tomorrow on the *Peten* for Panama, and from there goes to Salvador, Rio de Janeiro and Buenos Aires for Republic.

●

MISS ANNA BELL WARD of the Phoenix Amusement Co., Lexington, Ky., and her sister, Mrs. Robert Burnett of the Madison and State, Richmond, Ky., sailed yesterday for Bermuda on the *Monarch of Bermuda* for a two weeks' vacation.

●

SAM and BELLA SPEWACK, who do scenarios as well as plays, have written one in the latter grouping called "Boy Meets Girl." It deals with Hollywood, and GEORGE ABBOTT will direct.

●

PETER LORRE, signed by G.B. to co-star with Madeleine Carroll in "Secret Agent," will arrive in New York Friday from Hollywood. He will sail on the *Majestic* the same day.

●

FRANCO FORESTA, opera singer, who recently arrived in this country, has been signed by Paramount. After a season in the Chicago Opera Co. he will go to the coast.

●

FRANKIE THOMAS, JR., juvenile lead in "Remember the Day," will be master of ceremonies for HAL ROACH'S "Our Gang Follies" at the Capitol Friday.

●

MARTIN MOONEY, New York newspaperman recently signed by Warners, has left for the coast to start work on an original.

●

N. L. NATHANSON, in on one of his frequent visits, leaves for Toronto this afternoon to return in about 10 days.

●

MELVYN DOUGLAS will play one of the leads in "Tapestry in Gray, which will star ELISSA LANDI. Play, not film.

●

"LEP" FRIEDMAN gives that horse and the bridle paths in the Park plenty and regularly these fall mornings.

●

MAX REINHARDT is on his way to New York for conferences on his second Shakespearian production.

●

LOUELLA PARSONS stays on for another week, but husband "Doc" MARTIN has gone west.

●

PHILIP MERIVALE flies to the coast Sunday for five weeks of Paramount picture making.

●

MADY CHRISTIANS is in from the coast, stopping at the Warwick.

●

JOHN HOWARD, Paramount player, has arrived from Hollywood.

●

FRITZ LEIBER is off for Hollywood and "Anthony Adverse."

●

GILBERT MILLER has returned from England.

England After Coast Honors, Says Sheehan

(Continued from page 1)

pounds have been freshly invested this year.

"The best known and most popular authors and dramatists in England have joined the new movement and are now engaged in a detailed examination and study of talking pictures' enriched position. This contribution appears certain to improve the entertainment character and story quality. A definite trend toward historical subjects, comedies and musical pictures is noted among current films in course of production in London.

"Money in large amounts is readily available in England for picture production and for the erection of new theatres from which investors believe they will reap big future profits in well managed companies," Sheehan said. "At the present time the cost of producing an average moving picture in England equals the Hollywood cost. They also face the problem of too many theatres and an excessive number of seats for the population.

"Throughout Europe, but especially England, Italy and Spain, the picture theatres this year have enjoyed a record prosperity, despite high taxation. A greater number of persons than ever before have paid admissions, which are generally 30 per cent higher than in America," Sheehan concluded.

No Definite Plans Yet, Says Sheehan

No commitments of any kind pertaining to his future activities were made by Winfield Sheehan during his three months' vacation abroad, the former Fox production head stated yesterday on his arrival here aboard the *Majestic*.

Sheehan empasized that the trip had been solely for vacation purposes and declined to comment on current reports linking him with production activities for various companies in the face of his specific denial that he had discussed any future business connections during his absence. Sheehan was accompanied by his wife, Maria Jeritza, the singer. He plans to remain in New York about four weeks before proceeding on to the coast. Indications are that he may discuss new production associations while here and others on his arrival in Hollywood.

Third Dies in Case Involving Berkeley

Los Angeles, Oct. 22.—A third death resulted today from the automobile accident for which Busby Berkeley is now held on second degree murder charges.

The latest victim is William Von Briesen, 25, deputy Los Angeles city auditor. His mother and his sister-in-law had died previously.

Report Ban on Shirley

Hollywood, Oct. 22.—Reports here today were to the effect that Denmark had barred the Shirley Temple starring film, "Little Miss Marker."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"I Found Stella Parish"

(*Warners*)

Hollywood, Oct. 22.—Heavy stress on the emotion in the story gives Kay Francis an opportunity to turn in a performance of great appeal to women in "I Found Stella Parish." For the best selling angle stress the dramatic extents of her sacrifice through mother love.

Miss Francis plays as a great stage star who keeps her past a mystery. She disappears after the successful opening of a new play and reporter Ian Hunter follows her on a liner to New York. By cajoling the child, Sybil Jason, Hunter penetrates Miss Francis' disguise as an old maid and pieces together the sordid past which she is trying to hide. Miss Francis confesses her love and explains the circumstances which unjustly sent her to prison, after Hunter has wired the other side of the story to his paper. Hunter cannot stop the extras and Miss Francis sends the child away, resorting to cheap, sensational vaudeville stunts to get money. Loyal friend Paul Lukas puts her back in a show and she makes a comeback when she sees the child in the audience.

The plot is a little melodramatic for 1935, but it is made interesting and credible by the excellent support and charm of Miss Francis and Hunter. Jessie Ralph scores as the nurse. Mervyn LeRoy has built dramatic tension for the story by John Monk Saunders and the screen play by Casey Robinson. The production is handsomely mounted and gowned. The emphasis on the problem of a mother living down her past is the best advertising pointer.

Production Code Seal No. 1,550. Running time, 75 minutes. "A."

"Valley of Wanted Men"

(*Conn Pictures*)

Hollywood, Oct. 22.—This Peter B. Kyne story, latest production of Maurice Conn, should amply satisfy the market for which it is aimed as an action picture in a modern setting.

Roy Mason, Russell Hopton and Paul Fix, convicted bank robbers, break jail and make their way back to a summer lodge where Walter Miller, who has the spoils of the crime, is staying. It is established that Mason is innocent and Hopton and Fix have been double-crossed by Miller, who has cached the money and stolen Drue Leyton, Mason's girl as well. With the assistance of Frankie Darro, Miss Leyton's brother, Mason manages to keep himself and his fellow convicts out of the way of the rangers, police and sheriffs who are tracking them down, until Miller is caught redhanded with the loot.

The direction of Alan James builds the action to an exciting pace, cashing in neatly on the situations which have the convicts always one jump ahead of their pursuers. Barry Barringer, who made the screen adaptation, has done a good construction job, and Forrest Barnes, credited with the dialogue, makes the characters speak modern language. The production is at its best in the outdoor sequences, and members of the cast all give good portrayals. The picture should please on duals.

Production Code Seal No. 1,590. Running time, 63 minutes. "G."

Hamilton Pickets Busy

Hamilton, Oct. 22.—Rival operators' unions of Hamilton are staging a merry-go-round in picketing. Members of the International Union have been parading in front of the Granada where operators of the All-Canadian Union are employed. In turn the latter have had pickets in front of three Famous Players' houses, the Capitol, Palace and Tivoli.

Nate Dax Recovering

Sioux City, Ia., Oct. 22.—Nate Dax, manager of the Hipp, is nearly recovered from injuries he suffered when his car went off the highway while en route here from Omaha.

Kelly Joins Jam Handy

Detroit, Oct. 22.—Albert Kelly, director, has joined Jam Handy Picture Service, Inc., and will produce industrial films here.

Paramount Men Shifted

Cleveland, Oct. 22.—Promotions in the local Paramount exchange include William Brooks from cashier to assistant booker, succeeding Ted Barber, resigned, and Louis Van Balen, from the ad sales department to cashier. Hartley Bergman has been appointed to follow Van Balen in the ad sales department under Bill Twigg, manager of the department.

Stapel Insurance Head

Kansas City, Oct. 22. — John Stapel, president of the K.M.T.A., has been elected a member of the executive committee of the National Ass'n of Mutual Insurance Co's.

Charter Star Pictures

Albany, Oct. 22.—Star Pictures Corp., New York City, has been chartered here by Abraham Shrage, Leo Fox and Isidore S. Immerman.

English Seek Solution of Booking Row

(Continued from page 1)

by Gaumont British, plans to raise £300,000 as a sequel to a capital reconstruction plan which will leave the whole of the shares five-shilling ordinaries. Present preferred and deferred shareholders will be asked to surrender 58 and 28 per cent of their holdings, which will be allocated on a 7¾/1 basis to A shareholders in compensation for a claim to half profits and, as regards the balance, sold to finance the scheme.

* * *

C. M. Woolf will occupy the major part of a new building to be erected in Wardour St., as headquarters of General Film Distributors. Co-tenants will be British & Dominions, Herbert Wilcox Prod., United Prod., Capitol Films, Garrett, Klement and other units for which G. F. D. will distribute. G. F. D. held its first sales conference.

* * *

The appeal lodged by dissenting preference shareholders against Justice Eve's approval of the G. T. C. reconstruction scheme has been withdrawn and the plan, which provides for capital rearrangement and a new management contract for G. B., will go into effect as soon as the revision of articles of association are approved by special meeting.

New Syndicate Plans Films, Plays, Music

(Continued from page 1)

life insurance policy in addition to the profits from their subscriptions. The plan is also to promote a 12-month season in New York instead of the regular short season.

At a Plaza luncheon yesterday where the project was launched, Col. Eugene S. Bibb said:

"We will make our own motion pictures when advisable."

Directors of the company include George R. Kent, James Russell Lowell, Lawton Mackall, William J. Pedrick, Ray K. Bartlett and William Knabe. Mrs. Julius Sylvester Walsh is head of the committee of founders of The Playgoers, a unit of the organization.

Fisher Assures Many Sportsmen for Ampo

(Continued from page 1)

Fordham University football coach and one of the famous Four Horsemen of Notre Dame; Hank Greenberg, home run clouter for the Detroit Tigers; Col. C. W. Kerwood, former member of the Lafayette Escadrille Lester Patrick,, vice-president and general manager of the Ranger hockey team; Jack Abernethy, crack shooter and former western travel companion of Theodore Roosevelt; Joseph Vines coach U. S. Olympic fencing team for 1936, and Jack Dempsey, former heavyweight champion.

Columbia to Pay 75c

Columbia Pictures has declared a 75-cent dividend on the preference stock payable Dec. 2 to stockholders of record Nov. 14.



CAN U.S. MAINTAIN NEUTRALITY?



A MIRACLE IN THE DESERT

YOU CAN'T BUY THIS

JUST RELEASED, is the new Seventh Issue of The March of Time. Even before it reached the screen the public had heard about it. This type of exploitation can't be bought. It has to be earned by the subject itself and the integrity of its producers. Behind the spectacular five-nights-a-week March of Time on the air, the territorial campaigns in the newspapers and on the billboards and the full pages in Time and Fortune magazines, is a campaign of publicity and exploitation no other motion picture can obtain. A campaign* to sell tickets at the box office.

Take a look at the March of Time, now 7 months old. Watch its reviews—its increased importance in exhibitors' lobbies and daily advertising. If you are already showing it, feature it more prominently. (*See Motion Picture Daily, October 18, page 22.*) If you aren't, call the nearest RKO Exchange.

*764 Rabbis and 23 Jewish organizations cooperating on the Palestine episode.

165,000 members in 2,297 Chambers of Commerce have been notified of the Safety episode by their local organizations.

2,500,000 is the estimated distribution given the story "And Sudden Death."

10,000,000 employees of the 4,000 companies, members of The National Safety League, have had March of Time No. 7 recommended to them by their employers.

75,000 high school and college students study all March of Time No. 7 episodes in class through March of Time's own newspaper for students—PHOTO REPORTER—ordered for them by their teachers. (Circulation increasing at the rate of 15,000 a month.)

MARCH OF TIME

RKO RADIO PICTURES



SPEEDING TO SUDDEN DEATH



FROM BARNYARD TO HOLLYWOOD

"My Life" Is Smash in K.C. With $17,000

KANSAS CITY, Oct. 22.—Loew's Midland would like to have Joan Crawford live her life there. "I Live My Life" grossed the big money of the week at John McManus's house, taking $17,000 against a par of $11,500.

"Smart Girl" at the Tower made second best comparative score with $500 over par, $7,000. "Dr. Socrates" at the Newman drew $7,100, a century note over average, while "Shipmates Forever" was taking $8,100 at the Mainstreet, where $8,000 is normal for pictures only.

"This Is the Life" at the Fox Uptown disappointed with $2,500, $1,000 under average.

Total first run business was $42,200. Average is $37,000.

Estimated takings:

Week Ending Oct. 10:

"I LIVE MY LIFE" (M-G-M)

MIDLAND — (4,000), 25c-40c, 7 days. **Gross:** $17,000. (Average, $11,500)

"SMART GIRL" (Para.)

TOWER—(2,200), 25c-40c, 7 days. Stage: Four Franks, Harris & Howell, Jay Seiler, Ben Chavez. **Gross:** $7,500. (Average, $7,000)

"DR. SOCRATES" (W.B.)

NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $7,100. (Average, $7,000)

"SHIPMATES FOREVER" (F.N.)

MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $8,100. (Average, $8,000)

Week Ending Oct. 11:

"THIS IS THE LIFE" (Fox)

UPTOWN — (2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,500)

"Regret" on Triple Bill Lincoln High

LINCOLN, Neb., Oct. 22.—With three features and a good vaudeville bill, the Minnesota-Nebraska game helping over the week-end, the Orpheum stepped to the best take of $3,000, which is some $1,300 better than average. The pictures were "Without Regret," "Here Comes the Band" and "Bad Boy."

All other houses had a bad time of it, although "Flying Trapeze" was given enough impetus to show $300 profit at the Lincoln with a total of $2,500 in the till.

Total first run business was $11,700. Average is $9,850.

Estimated takings:

Week Ending Oct. 16:

"WANDERER OF THE WASTELAND" (Para.)

"CHARLIE CHAN IN SHANGHAI" (Fox)

COLONIAL—(750), 10c-15c, 7 days, split week. **Gross:** $1,100. (Average, $850)

Week Ending Oct. 17:

"MAN ON THE FLYING TRAPEZE" (Para.)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,200)

"WITHOUT REGRET" (Para.)

"HERE COMES THE BAND" (M-G-M)

"BAD BOY" (Fox)

ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days, 3 with vaudeville headlining Harry Kahne. **Gross:** $3,000. (Average, $1,700)

"OLD HOMESTEAD" (Liberty)

"ATLANTIC ADVENTURE" (Col.)

VARSITY—(1,100), 10c-15c-25c, 7 days. **Gross:** $1,900. (Average, $1,700)

Week Ending Oct. 18:

"I LIVE MY LIFE" (M-G-M)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,200. (Average, $3,100)

"Dream" Gets Fast Start in Philadelphia

PHILADELPHIA, Oct. 22.—For its first week of the roadshow engagement at the Chestnut St. Opera House "A Midsummer Night's Dream" is moving so far at a $13,000 clip. A third week has already been added to the original two weeks scheduled.

"Barbary Coast" also did top notch business, grabbing $13,000 for its first week at the Aldine, almost doubling the average take. Going into its first stage show in several weeks, the Fox took $14,500 for "This Is the Life" and Cross and Dunn on the stage. The other stageshow house, the Earle, was not far behind with $14,000 for "Fighting Youth" and Brendel and Joan Marsh on the stage.

Total first run business was $90,400. Average, without the Chestnut, is $72,100.

Estimated takings for the week ending Oct. 17:

"BARBARY COAST" (U.A.)

ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $13,000. (Average, $7,000)

"ANNAPOLIS FAREWELL" (Para.) (2nd run)

ARCADIA—(600), 25c-40c-50c, 4 days. **Gross:** $1,600. (Average, 6 days, $2,400)

"LAST DAYS OF POMPEII" (Radio)

BOYD—(2,400), 40c-55c, 7 days. **Gross:** $11,000. (Average, 6 days, $12,000)

"MIDSUMMER NIGHT'S DREAM" (W.B.) (Roadshow)

CHESTNUT—(1,400), 55c-85c-$1.10-$1.65, 6 days. **Gross:** $13,000.

"FIGHTING YOUTH" (Univ.)

EARLE—(2,000), 25c-40c-50c, 6 days. Stage: El Brendel, Joan Marsh, Jack Pepper, 12 Hollywood Darlings. **Gross:** $14,000. (Average, $12,000)

"THIS IS THE LIFE" (Fox)

FOX—(3,000), 40c-55c-65c, 6 days. Stage: Cross & Dunn, Ganjou Bros. and Juanita; Kirk and Lawrence, James Evans. **Gross:** $14,500. (Average, $12,000)

"TOP HAT" (Radio)

KARLTON—(1,600), 25c-35c-40c, 6 days, 4th week, 2nd run. **Gross:** $3,200. (Average, $3,500)

"BROADWAY MELODY OF 1936" (M-G-M) (2nd run)

KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $3,100. (Average, $4,000)

"BIG BROADCAST OF 1936" (Para.)

STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $12,000. (Average, $12,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)

STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,600. (Average, $6,000)

Resumption Delayed In the Ascap Trial

The resumption of trial of the Government's monopoly suit against the American Society of Composers, Authors and Publishers and the Music Publishers' Protective Ass'n., which was scheduled for Nov. 4 in Federal court here, has been postponed indefinitely. Two other monopoly trials are in progress in the District Court and the assignment of a third judge to a long trial at this time was regarded as inadvisable.

A date for the continuation of the trial, which was adjourned last spring, will probably be set by Federal Judge John C. Knox at a conference with attorneys in the case in December.

Get "Counsel's Opinion"

Lenauer International Films, Inc., has acquired "Counsel's Opinion," produced in England under Alan Dwan's direction, for distribution in this country.

"Shipmates" Smash Hit in Louisville

LOUISVILLE, Oct. 22.—"Shipmates Forever" pulled $6,000 at the Mary Anderson for the highest take of the week. This was more than 100 per cent over normal.

The Rialto was next in line with "The Virginia Judge" and a big 20-act amateur show from Station WHAS, which clicked for $5,700. This was $2,200 over par.

"O'Shaughnessy's Boy" and "The Bishop Misbehaves," a dual, failed to get going, grossing only $4,000, or $500 under par. The Strand was taken over for two days by the Grand Masonic Lodge, necessitating a rearrangement of booking. Loss of those two days cut the gross to $1,500.

Total first run business was $24,400. Average is $18,500.

Estimated takings for the week ending Oct. 17:

"THE VIRGINIA JUDGE" (Para.)

RIALTO—(3,000), 15c-25c-40c, 7 days. Stage: 20-act amateur show from Radio Station WHAS, Gus Edwards, master of ceremonies. **Gross:** $5,700. (Average, $3,500)

"O'SHAUGHNESSY'S BOY" (M-G-M)

"THE BISHOP MISBEHAVES" (M-G-M)

LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

"KING SOLOMON OF BROADWAY" (Univ.)

"STORM OVER THE ANDES" (Univ.)

STRAND—(1,500), 15c-25c-40c, 5 days. **Gross:** $1,500. (Average, $1,600)

"FRECKLES" (Radio)

BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,500. (Average, $2,000)

"SHIPMATES FOREVER" (W. B.)

MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $6,000. (Average, $2,500)

"DEATH FROM A DISTANCE" (First Div.)

NATIONAL—(2,400), 25c, 7 days. Stage: Johnny Lee & The Three Lees, Monroe & The Adams Sisters. **Gross:** $3,100. (Average, $3,000)

"SHE GETS HER MAN" (Univ.)

"HELL HARBOR" (U. A.)

ALAMO—(900), 15c-25c, 4 days. **Gross:** $700. (Average for week, $1,400)

Wall Street

K. A. O. Best Stock Gain

	High	Low	Close	Net Change
Columbia, vtc	66⅞	65⅞	65⅞	— ½
Consolidated	5⅞	5½	5⅝	.....
Consolidated, pfd.	19⅝	19	19	— ⅛
Eastman Kodak	162½	161½	162	+ ¼
K. A. O., pfd.	90	90	90	+5⅞
Loew's, Inc.	50	49⅛	49¾	.....
Loew's, Inc., pfd.	108¼	108¼	108¼	.....
Paramount Publix	10⅞	10¼	10½	— ⅛
Paramount, 1 pfd.	95	94⅜	94⅜	+ ⅜
Paramount, 2 pfd.	13⅛	12⅝	12⅝	— ½
Pathe Film	6¼	5⅞	5⅞	— ⅛
RKO	6	5⅝	5¾	— ¼
20th Century-Fox.	16⅞	16⅜	16½	.....
20th Century, pfd	26¼	25⅝	26⅛	+ ⅛
Warner Bros.	8⅛	7⅝	7⅞	— ⅛
Warner Bros., pfd	44	43½	44	—1

Little Activity Marks Curb

	High	Low	Close	Net Change
Sentry Safety	7/16	7/16	7/16	+1/16
Sonotone	3⅛	2⅞	3	+ ⅛
Technicolor	19½	19	19	— ½
Trans-Lux	3⅛	3⅛	3⅛	— ⅛

Bonds Maintain Levels

	High	Low	Close	Net Change
General Theatre 6s '40	15	14½	14½	— ½
General Theatre 6s '40, ctf.	14⅝	14⅝	14⅝	+ ⅛
Keith B. F. 6s '46	92	91	92	+ ¾
Loew's 6s '41 ww deb rights	105	105	105	.....
Paramount B'way 3s '55	61⅛	61	61	— ⅛
Paramount Pict. 6s '55	96¾	96¼	96¼	— ¼
RKO 6s '41 pp.	84¼	83	83	.....
Warner Bros. 6s '39 wd	83¼	82	82	— ¾

(Quotations at close of Oct. 22)

"Shipmates" Capital Hit At $22,500

WASHINGTON, Oct. 22.—Acclaimed by press and public as the greatest of all the service pictures, "Shipmates Forever" sent the Earle grosses skyward, to $22,500, or $4,100 over average. Freddy Martin and his Orchestra, with their own show, may have helped.

Surprise of the week came when the Metropolitan gathered $5,800 for "Without Regret," for a take $1,500 over par.

"Born for Glory" slipped from the prosperity of recent weeks at the Belasco, but the take of $3,200 exceeded par by $1,000.

"Broadway Melody of 1936" at Loew's Palace, with a gross of $14,800, or $1,100 under par, went into a second week.

Total first run business was $73,800. Average is $75,900.

Estimated takings, exclusive of tax:

Week Ending Oct. 15:

"DIAMOND JIM" (Univ.)

RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $6,900. (Average, first week, $10,600)

Week Ending Oct. 17:

"SHIPMATES FOREVER" (F. N.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Freddy Martin and Orchestra and own revue. **Gross:** $22,500. (Average, $18,400)

"WANDERER OF THE WASTELAND" (Para.)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,900. (Average, $3,600)

"HERE'S TO ROMANCE" (Fox)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Arthur Godfrey, Arch McDonald, Tom & Betty Wonder, Robert MacDonald, Nell Kelly, Annette Ames, Raye Saxe, and "All the Little Godfreys." **Gross:** $17,700. (Average, $20,900)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $14,800. (Average, $15,900)

"WITHOUT REGRET" (Para.)

METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $5,800. (Average, $4,300)

Week Ending Oct. 18:

"BORN FOR GLORY" (G.B.)

BELASCO — (1,140), 25c-65c, 7 days. **Gross:** $3,200. (Average, $2,200)

"Barbary" $7,000 Draw in Portland

PORTLAND, Oct. 22.—"Barbary Coast" in its initial week at the United Artists secured a take of $7,000, or $2,000 over the usual.

"Way Down East" at Paramount also secured $7,000, over by $2,000.

Total first run business was $31,700. Average is $24,700.

Estimated takings for the week ending Oct. 10:

"SHIPMATES FOREVER" (F. N.)

BROADWAY—(1,912), 25c-35c-40c, 7 days, 2nd downtown week. **Gross:** $6,000. (Average, $5,000)

"THE GLASS KEY" (Para.)

"STRANDED" (W. B.)

BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"REDHEADS ON PARADE" (Fox)

"WELCOME HOME" (Fox)

MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000)

"BIG BROADCAST OF 1936" (Para.)

ORPHEUM—(1,700), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"WAY DOWN EAST" (Fox)

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"BARBARY COAST" (U. A.)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 97 NEW YORK, THURSDAY, OCTOBER 24, 1935 TEN CENTS

Government's Case Resumed For 2 Hours

Protests Vain; Arthur, Dysart Recalled

By BILL ORNSTEIN

ST. LOUIS, Oct. 23.—Despite spirited objections by defense counsel yesterday and today in the anti-trust trial here, Federal Judge George H. Moore sustained the Government's motion to reopen its case for the purpose of assertedly linking the testimony of Harry C. Arthur and Thomas N. Dysart with relation to meetings held with Warner officials, George J. Schaefer and Ned E. Depinet in New York, as tending to establish a "conspiracy."

At the same time Judge Moore denied a motion for a mistrial by William R. Gentry, representing Paramount, and later joined by Jacob M. Lashly, co-counsel for RKO, and Frederick H. Wood, one of the Warner attorneys.

Russel Hardy, prosecuting attorney,

(*Continued on page* 10)

Some of Des Moines Scales Are Jumped

DES MOINES, Oct. 23.—Raising of prices at the Roosevelt to meet the prices at the Des Moines, simultaneously with the opening of the new Uptown, suburban house, are the only price changes contemplated, according to local theatre executives.

The revision is due to the new day and date policy of the Roosevelt and Des Moines, Tri-States houses. The same pictures are to be shown at the Des Moines, downtown house, and the Roosevelt, suburban, both to be first run. Both will have a top price of 41 cents. The Roosevelt, as a subsequent run, has had a top of 26 cents. The new Uptown, opening Oct. 31 will charge 26 cents.

Kuykendall Report Coming Next Month

Ed Kuykendall, M. P. T. O. A. president, will submit reports on a national exhibitor survey regarding the advisability of setting up local exhibitor-distributor arbitration groups to settle trade practice complaints of a local character to an M. P. T. O. A. board meeting to be held here some time next month, *Motion Picture Herald* says in its current issue.

Kuykendall, who is now in Oregon in the course of a national survey of exhibitor-distributor relations, is

(*Continued on page* 4)

Court Carves Two Millions Off Para Fees

Cut Is From $3,239,828 to $1,045,211

The Federal judicial scalpel yesterday whittled Paramount's reorganization bill of $3,239,828.15 down to $1,045,211.48, representing a reduction of more than two-thirds. Federal Judge Alfred C. Coxe, who wielded the knife, allowed only 10 petitions totaling $13,543 without reductions of any kind from among the 53 separate applications for fees and expenses presented for services rendered in the Paramount rehabilitation.

The reductions made by the court total $2,194,616.67. Contributing to this deduction are 17 applications aggregating $905,800.23 which were disallowed in toto, and 26 others which underwent amputations computed at $1,289,816.

The breakdown of the $1,045,211.48

(*Continued on page* 4)

Double House Open; Has New Type Sound

COLUMBUS, Oct. 23.—The Bexley, neighborhood house with a wall through the center giving it two auditoriums, but with one projection booth, has been opened here.

The projection equipment and sound, invented by Theodore Lindenberg and claimed to be unique, is the result of 15 years of experiment. No acoustical material is used. One or both auditoriums can be used as required.

Bert Williams, head of a local radio station and orchestra leader, heads the company operating the house.

AL LICHTMAN GETS HIGH M-G-M POST

Leo, His Pet



Al Lichtman whose affiliation with Loew and M-G-M was announced yesterday by Nicholas M. Schenck.

Court Stops Bids on Brooklyn Paramount

Federal Judge Robert Inch ruled yesterday that no further bids for the Brooklyn Paramount would be accepted after two new offers had been filed with the court yesterday in competition with an original bid by Si Fabian.

The new bids were made by Joseph J. Baker, representing Riker & Co., Brooklyn, and Robert B. Garvis, representing Samuel Strausberg, Brooklyn, described as having an interest in 40 theatres. The Riker bid proposed

(*Continued on page* 4)

Duties Undefined, But Expected to Concern Special Sales

Formal announcement was made yesterday by Nicholas M. Schenck that Al Lichtman would join the Loew-Metro organization shortly in an executive capacity. The statement occasioned little surprise and had been expected momentarily, following on the heels of persistent reports that a deal was under way and its anticipated climax as evidenced by the continued presence of Lichtman in Loew headquarters in the last few days.

The Schenck statement, brief in words, did not define Lichtman's new duties, but significantly pointed out his addition presaged no replacements. Said the Loew-Metro president:

> "I consider the acquisition of Mr. Lichtman with his wide and lifelong experience in the motion picture industry, a valuable addition to our present organization. He does not join us to replace any member of our staff."

It is understood Lichtman will be a special assistant to Schenck and will confine his activities, at this time, to special sales duties.

Felix F. Feist is general sales manager, functioning with three assistants:

William F. Rodgers in charge of the East; Tom J. Connors, in charge of the West and Canada, and E. M. Saunders, the South.

It is understood Lichtman was offered a post with M-G-M following Joseph M. Schenck's resignation as president of United Artists, but prior to the former's election to that post several months ago.

Lichtman said last night he would assume his new post on Nov. 8, and that in the meantime he would take a brief vacation. It may be Bermuda, or California, but in any event, golf will be the chief diversion.

Hays Sees 3rd Dimension, Color, Sound 'Like Opera'

By W. A. WHITNEY

WASHINGTON, Oct. 23.—Will H. Hays tonight painted this picture of the screen of tomorrow in an address before the S. M. P. E.:

> Third dimensional effects which will animate the screen with stereoscopic backgrounds.
>
> Colors that will vie with life in vividness and naturalness.
>
> Sound of such quality that the illusion of an opening night at the Metropolitan or La Scala will be made perfect.

Hays described the technical progress made by the industry which has helped to lift "the motion picture art from infancy to maturity in a comparatively short span of time."

"We have now reached the stage of technical progress," he said, "which clearly warrants the extension of the motion picture art into the field of teaching. Through its technical, artistic and cultural development, the film has opened a new vista of educational possibilities. Sound and color have added vastly to its range. The great field of educational service calls

(*Continued on page* 5)

Ohio Group to Seek Sale Tax Extension

COLUMBUS, Oct. 23.—Reenactment of the three per cent sales tax, with possible elimination of existing exemptions, is being urged by George V. Sheridan, executive director of the Ohio Council of Retail Merchants.

An inter-organization conference composed of 40 leading industries, including the I. T. O., has been formed to back this move, as existing taxes expire Dec. 31. P. J. Wood has named an exhibitor in each county to cooperate with the move.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 October 24, 1935 No. 97

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telepbone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to tbe New York Office. Otber Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro*, Manager; Cbicago Bureau: 624 Soutb Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelbof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higasbi Gokencho Usbigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at tbe Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in tbe Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Cincy Union Starts Equipment Service

CINCINNATI, Oct. 23. — Operators' Local 327 is conducting a sound and maintenance service on the basis of two regular monthly calls, in addition to as many emergency calls as may be required, at a flat rate of $15 per month. Parts, which are carried in a sound truck, are furnished at cost. The service is cooperative and not conducted for profit, says Arthur H. Fix, president of the local.

No contract is required, Fix explained. More than one-third of the suburbans have subscribed.

The service is supervised by Kenneth Pitt, who came here from the Jam Handly Picture Service, Detroit. Prior to that he was division superintendent for Erpi at Atlanta. He conducts a school for operator groups every few weeks.

Flint Exhibitors to Confer on Dual Pact

FLINT, Mich., Oct. 23.—Local exhibitors will meet next week to decide whether or not they will continue in force their present agreement to use double bills on one change a week only or will return to the use of duals regularly. The agreement expires this month and several exhibitors have stated that they will not re-sign it.

The meeting was to have been held last week, but was postponed due to inability of several theatre owners to be present.

Purely Personal

DAVE LOEW'S impending dinner so far is 130 strong—that is, tickets sold—with 45 more applications in. Total attendance will run 300 and perhaps more. A formal stag at the Waldorf next Tuesday night, cocktails will run freely in the ante chamber with white and red wine for their proper courses and cordials thereafter.

•

PAUL G. REED, formerly connected with the M-G-M studios as a technical expert, is now, after years of prospecting, the owner of a prosperous gold mine near Mill City, Nev.

•

JOHN D. CLARK, Fox general sales manager, won't get back to town until some time next month. He's visiting exchanges, following a short stay at the studio.

•

ARTHUR MAYER is enthused about the Gulliver picture, Russian-made, with puppets, which he has acquired for North and South American distribution.

•

RUDY VALLEE will be chairman of the benefit performance to be held on behalf of the American Federation of Actors at the Majestic Nov. 10.

•

HENRI ELMAN, Chicago independent distributor, hits the town this morning and will hatrack at the Park Central.

•

SINCLAIR LEWIS' new novel, "It Can't Happen Here," to be published this fall, has been purchased by M-G-M.

•

WALTER EBERHARDT has discarded those white mittens. And that's a mystery which WALTER will have to explain.

•

JOSEPHINE DUNN, out of pictures for some time, is being mentioned as one of the cast of "Home Town Boy," a promised musical.

•

BOB GILLHAM is planning to take a group to Richmond for a premiere of "So Red the Rose." Soon now, if at all.

•

IRENE DUNNE is due in from Hollywood the end of the week to broadcast for Lux.

•

The FREDDIE MARCHES are occupying one of the Tower apartments at the Waldorf.

•

AL JOLSON is due to leave for Chicago today. He will take the *Chief* from there Friday for the coast.

•

EMANUEL COHEN is in town from the coast. He will be here about a week.

•

NAZIMOVA is about to take to the road again with a cycle of Ibsen.

•

JOE POLLAK likes the life as lived at the Warwick.

•

EILEEN CREELMAN, *Sun* critic, returns today on the *Bremen*.

•

DOROTHY FARNUM, scenarist, is back from abroad.

•

ZASU PITTS in town from Hollywood.

•

FRED MEYER reports "Meyer's Flats," that de luxe real estate development over in Lexington Ave. in the Eighties is completely rented.

•

KARL HOBLITZELLE in from Dallas.

•

. . . *Boston*

VIC WHITMAN, who has appeared in a number of local theatres, has been appointed an instructor in continuity writing at Boston University.

JOAN GALLAGHER, secretary to H. M. ADDISON, divisional manager of Loew theatres in this territory, has been sojourning in Cleveland.

•

. . . *Denver*

DAVE MORRISON, formerly city manager at Greeley, Col., for Westland Theatres, has opened the Colonial at Pueblo.

BUZZ BRIGGS, manager of the State, has been operated on for appendicitis at the Mayo Hospital, Rochester, Minn.

NAT WOLFE of the Amity Exchange and GENE DU CHEMIN of the Exhibitors' Poster Exchange, have returned from New Mexico and southern Colorado.

LOUIS L. DENT, president of Westland Theatres, was in Denver for a few days conferring with T. B. NOBLE, manager of the local office.

W. GLENN MILLER, owner of the Rialto, Brighton, Col., and MRS. MILLER, will be in Muscatine, Ia., Nov. 24 to celebrate their 25th wedding anniversary with his parents, who will celebrate their 50th wedding anniversary on the same day.

•

. . . *London*

OSCAR DEUTSCH, head of the Odeon Circuit, is ill.

MARK OSTRER of Gaumont British taking police court proceedings against woman writer of anonymous threatening letters.

NORMAN HULBERT of Capital and Provincial News Theatres, plans cooperative advertising campaign, with other news theatre owners participating, to make the British public screen-news-conscious.

•

. . . *San Francisco*

ED MORRIS, formerly with Floyd St. John, Republic, has joined All-Star Exchange.

PHIL PHILLIPS, F. W. C. publicity chief, has just welcomed his wife back from a four-months tour around the world.

BEN LEVIN, operator of the Avenue and Roosevelt, has opened new offices and is talking expansion moves.

•

. . . *St. Louis*

EDDIE ROSECAN has explained to all reasonable persons that his recent shiner was sustained in a polo match.

HENRY BUDDE and MRS. BUDDE have abandoned their Ferguson estate and have come to town for the winter.

AL ZIMBALIST, master mind of St. Louis Amusement Co.'s publicity department, has moved for the fifth time since his recent honeymoon. The new address is 5,349 Cabanne Ave.

BEN REINGOLD exercises his dog at 3 A.M. The animal has insomnia, according to a local columnist, who gets up early or goes to bed late.

Price War Looming On Milwaukee Cuts

MILWAUKEE, Oct. 23.—Independent exhibitors, irked by 15-cent scales at the Fox Wisconsin and Palace before 1:30 P. M., may retaliate with a general 10-cent policy at outlying houses. The 15-cent rate is the lowest in the history of the two first run houses, which formerly charged 25 cents before 1:30 P. M.

With the Palace and the Wisconsin the only outlets for first run Fox, Paramount and M-G-M product, and both theatres for the most part playing single features, outlying houses are experiencing a shortage of product and many are repeating pictures several years old.

The Wisconsin opened its new show Oct. 22 with a twin bill and prices at 25 cents until 6 P. M., the same schedule that the Warner has been operating on for some time. The latter house has been playing double features for several weeks.

Guttenberg Heads Wisconsin ITPA

MILWAUKEE, Oct. 23.—A. C. Guttenberg, of Milwaukee, was reelected president of the Wisconsin I. T. P. A. at the concluding session of the first annual convention here today at the Hotel Plankinton. Other officers are: F. J. McWilliams, vice-president; E. F. Maertz, secretary; Ernst Langemack, treasurer; George Fischer, B. K. Fischer, Frank Fischer, Charles Washicheck, R. J. Patterson, Ross Baldwin, William Silcock, A. C. Berkholtz, L. F. Thurwacker, F. L. Koppelberger, directors. The unit voted unanimously to affiliate with the national Allied organization, as expected.

Hearing Monday on RKO Cleveland Suit

CLEVELAND, Oct. 23.—Federal Judge Paul Jones today set Monday for a hearing on a motion by RKO to remand an injunction suit filed by Broadway Amusement Co., operating the Broadview, from Common Pleas Court to Federal Court. The local exhibitor claims "Top Hat" should be on the 1934-35 contract, while RKO contends the film is on the 1935-36 contract.

On the ground it is a foreign corporation and the amount involved is claimed to be more than $3,000, RKO asked that the case be moved to the Federal Court.

Mike Heck Celebrates

NEW ORLEANS, Oct. 23.—Mike Heck of the Film Delivery company which bears his name celebrated his 25th wedding anniversary at a party held at the Woodman of the World Hall Saturday. Invitations were issued and accepted by Film Row and 100 per cent of the managers of suburban houses.

"Husk" Title Dropped

HOLLYWOOD, Oct. 23.—The release title of the picture which was filmed at Radio as "Husk," will be "We're Only Human." Preston Foster is starred in the story, and James Flood directed under the supervision of Edward Kaufman.



• THE PICTURE OF THE WEEK •

Warner Bros.' **"PERSONAL MAID'S SECRET"**, swift-moving comedy which *Variety Daily* applauds as 'a prime cut of entertainment', is notable for its auspicious introduction of a promising new screen personality, Warren Hull, whose first film performance matches the splendid trouping of Margaret Lindsay, Anita Louise, Ruth Donnelly, and Arthur Treacher, aided by 'a remarkably fine first directorial achievement' by Arthur Greville Collins. Released October 26th.

Court Carves Two Millions Off Para Fees

(Continued from page 1)

which was allowed by the court, reveals that $766,426.50 is being allowed for the fees of trustees, committees, lawyers and others, and $278,784.98 is approved for the expenditures of these factors in the Paramount reorganization. There were prior allowances amounting to $458,029.99 made in the Paramount receivership and bankruptcy proceedings, thus bringing the total allowed by the court to $1,503,241.47, the company's bill for its bankruptcy court bath.

Under a provision in the Paramount reorganization plan, $2,500,000 was set aside for the payment of the bill. Judge Coxe's decision, in effect, gives Paramount a $1,000,000 cash rebate.

Reduced $500,000

The largest single reduction made concerned Root, Clark, Buckner and Ballantine, the law firm which served as counsel to the receivers and trustees throughout the two and one-half years of the rehabilitation proceedings, and whose application, incidentally, was for the largest single amount asked. The law firm petitioned a fee of $700,000 and asked $7,679.08 for expenses. Judge Coxe reduced the application by $500,000, allowing a fee of $200,000 and the expenses as asked. This firm received $250,000 in allowances earlier, bringing the total granted it to $450,000.

Other large reductions included the $150,000 fee and $812.15 expenses asked by Cravath, de Gersdorff, Swaine & Wood, counsel for Kuhn, Loeb & Co., and the latter's $100,000 fee and $14,287 expense applications, all of which were disallowed in toto on the grounds that the services each performed were in the line of the personal duty of the former Paramount bankers to aid in the satisfactory reorganization of the company whose securities they had publicly sponsored. The court also held that neither could they be reimbursed as employes of the reorganization committees inasmuch as the committees were without authority to employ them.

Protective Committee Cut

The law firm of Cook, Nathan & Lehman, which served both as counsel to the Paramount stockholders' committee and to Paramount as a debtor corporation, was allowed $115,000 of the $250,000 it had asked. The stockholders' protective committee, which had asked fees amounting to $70,000 for its members, and $170,875 for expenses, was granted nothing for fees and had its expense application shaved by more than $60,300. The court opined that Barney Balaban, a member of the committee, was essentially a Paramount employe and, as such, was not entitled to compensation for his services. Maurice Newton and Gerald Brooks, other members of the committee who sought compensation, were held to be disqualified because they had engaged in trading in Paramount securities.

The Vanderlip committee asked $80,000 in fees for its members, $50,000 of which was sought for Frank A. Vanderlip, chairman. The latter's right to compensation was also held by the court to have been revoked through trading in Paramount securities, as was that of Lawrence Stern, another committee member, who asked a $7,500 fee. Compensation of $2,500 each was granted to Robert Cassatt, Maurice Ernst and Duncan Harris, or a total of $7,500 allowed to the committee for fees. The committee's attorneys, Davis, Polk, Wardwell, Gardiner & Reed, had its $150,000 application for fees spliced to $75,000.

The bank committee's $50,000 application for fees was disallowed in toto on the grounds that its services had to do primarily with the defense of its own claim against Paramount, and that members of the committee, who were officers of creditor banks, represented their own institutions and "should look to them for their compensation." Beekman, Bogue & Clark, the committee's counsel, was allowed a fee of $35,000. The firm had asked for $75,000.

Numerous lawyers who intervened for independent committees and creditors and who had applied for large fees for their services, had their applications rejected in toto by the court on the grounds that the independent committees only duplicated work which was being capably done by the principal committees and that the lawyers for intervening creditors performed services of a personal nature and should look to their clients for their compensation. In these groups were the following and the amounts each had asked: Malcolm Sumner and Edward L. Garvin, $150,000; Samuel Zirn, $75,000; A. J. Schanfarber, A. M. Frumberg, Edgar J. Schoen and Samuel Zirn, $75,000; Saul E. Rogers, $10,000; Archibald Palmer, $15,000; Jacob J. Lesser, $37,500; Samuel Spring, $7,500; Louis Boehm, $10,000 and Bibb, Dederick & Osbourne, $25,000.

The applications were under consideration by the court for the past four months. They mark a closing phase of the rehabilitation activities of Paramount which began with the company's receivership in Jan., 1933, and ended with the election of a new board and officers of the company last July 1.

Zirn, one of those whose application was disallowed in toto, said he would appeal Judge Coxe's decision to the U. S. Circuit Court of Appeals. Other attorneys, it is believed likely, will also bring individual appeals to the higher court.

Schedule of Allowances

This is the complete schedule of allowances, as compared with amount sought, by factors in the rehabilitation of Paramount:

No.	Petitioner	Allowances Requested: Services	Allowances Requested: Expenses	Allowed: Services	Allowed: Expenses
1.	Charles D. Hilles	$128,000.00	.....	$60,000.00	.....
2.	Eugene W. Leake	118,000.00	.....	60,000.00	.....
3.	Charles E. Richardson	87,000.00	.....	35,000.00	.....
4.	Adolph Zukor	18,545.04	.....	7,500.00	.....
5.	Root, Clark, Buckner & Ballantine	700,000.00	$7,679.08	200,000.00	$7,679.08
6.	Choate, Hall & Stewart	35,000.00	881.93	25,000.00	881.93
7.	Cobb, Hoke, Benson, Krause & Faegre	4,500.00	59.31	3,500.00	59.31
8.	Pillsbury, Madison & Sutro	3,525.00	9.83	2,500.00	9.83
9.	Sonnenschein, Berkson, Lautmann, Levinson & Morse	5,750.00	285.16	4,000.00	80.16
10.	Strauss & Hedges	501.08	.....	501.08	.....
11.	Kiddle, Margeson & Hornidge	700.00	14.00	700.00	14.00
12.	Harry Meyer	150.00	31.50	150.00	31.50
13.	Hornidge & Dowd	1,980.00	26.81	1,980.00	26.81
14.	Winston, Strawn & Shaw	1,500.00	16.23	1,500.00	16.23
15.	Johnston, Tory & Johnston	750.00	6.75	750.00	6.75
16.	Price, Waterhouse & Co.	10,484.00	.....	7,500.00	.....
17.	George W. Myer, Jr.	1,200.00	.....	1,200.00	.....
18.	Joseph P. Day and Peter Grimm	10,000.00	.....	2,000.00	.....
19.	Rosenberg, Goldmark & Colin	18,500.00	228.70	2,500.00	209.75
20.	Cook, Nathan & Lehman	250,000.00	3,759.10	115,000.00	3,019.18
21.	Stockholders Committee	70,000.00	170,875.56	.....	110,533.59
	Richard W. Matthews, Secretary	5,000.00	.....	3,000.00	.....
22.	Vanderlip Committee	80,000.00	143,253.61	7,500.00	116,554.55
23.	Davis, Polk, Wardwell, Gardiner & Reed	150,000.00	.....	75,000.00	.....
24.	Bank Committee	50,000.00	25,728.95	.....	20,559.91
25.	Beekman, Bogue & Clark	75,000.00	.....	35,000.00	.....
26.	Kuhn, Loeb & Co.	100,000.00	14,287.29	.....	.....
27.	Cravath, DeGersdorff, Swaine & Wood	150,000.00	812.15	.....	.....
28.	Munger Committee	6,000.00	1,945.72	3,000.00	1,800.72
29.	Szold & Brandwen	75,000.00	78.59	20,000.00	78.59
30.	General (Merchandise) Creditors Committee	13,500.00	1,197.40	.....	784.88
31.	Nathan Burkan	50,000.00	.....	15,000.00	.....
32.	Malcolm Sumner and Edwin L. Garvin	150,000.00	431.59	.....	.....
33.	Orrin R. Judd and J. Andrew Crafts	11,000.00	.....	.....	.....
34.	Myron Robinson	12,500.00	.....	.....	.....
35.	The Chase National Bank of New York	1,975.22	.....	1,975.22	.....
36.	Milbank, Tweed, Hope & Webb	1,000.00	.....	1,000.00	.....
37.	Grimm Committee	40,000.00	16,914.39	7,000.00	15,334.39
38.	Stroock & Stroock	100,000.00	.....	40,000.00	.....
39.	Schenck Committee	2,500.00	297.14	2,000.00	297.14
40.	Weiss, Pels & Grant	10,000.00	84.33	7,500.00	84.33
41.	Chemical Bank & Trust Company	21,424.00	307.15	10,372.70	307.15
42.	Cotton, Franklin, Wright & Gordon	8,000.00	48.61	3,500.00	.....
43.	The New York Trust Company	3,297.50	415.20	3,297.50	415.20
44.	A. J. Schanfarber, A. M. Frumberg, Edgar J. Schoen and Samuel Zirn	75,000.00	7,868.40	.....	.....
45.	Samuel Zirn	75,000.00	1,207.09	.....	.....
46.	Adolph Feldblum	3,000.00	20.00	.....	.....
47.	Saul E. Rogers	10,000.00	.....	.....	.....
48.	Louis Martin Levy	750.00	.....	.....	.....
49.	Bibb, Dederick & Osbourne	25,000.00	.....	.....	.....
50.	Archibald Palmer	15,000.00	.....	.....	.....
51.	Jacob J. Lesser	37,500.00	12.00	.....	.....
52.	Samuel Spring	7,500.00	.....	.....	.....
53.	Louis Boehm	10,000.00	12.74	.....	.....
	TOTALS	$2,841,031.84	$398,796.31	$766,426.50	$278,784.98
	Less deduction for Beekman Bogue & Clark payment				$18,500.00
					$260,284.98

Kuykendall Report Coming Next Month

(Continued from page 1)

reported to have found, thus far, an overwhelming sentiment in favor of some form of voluntary, local machinery for the settlement of trade disputes of a local character. Foremost in this connection is said to be the idea of arbitration groups composed of exhibitor representatives empowered by their constituents to act in their behalf and of local exchangemen with sufficient authority delegated by their home offices to act on behalf of distributors.

Following the M. P. T. O. A. board meeting the national exhibitor viewpoints and any plan which may be developed from them will be placed before distributor representatives here for further study, it is said.

Kuykendall to Seattle

SEATTLE, Oct. 23.—Ed Kuykendall, president of the M. P. T. O. A., will be guest of honor and principal speaker at the annual convention of Allied Amusements of the Pacific Northwest Oct. 25. According to Hugh W. Bruen, president, more than 100 exhibitors from Washington and Idaho will be present at the New Washington Hotel.

The program includes a luncheon, business sessions in the afternoon, a dinner, and the third annual Film Ball in the evening. The latter event is sponsored by the Northwest Film Club. Entertainment for women is being arranged by Mrs. Ben F. Shearer. Gov. Clarence D. Martin of Washington and Mayor Charles F. Smith of Seattle will be among the luncheon speakers.

Court Stops Bids on Brooklyn Paramount

(Continued from page 1)

a $75,000 cash payment, $60,000 of which would be provided by the R. F. C. Mortgage Corp., and a 10-year mortgage for $1,675,000. It was intimated that Paramount, as lessee of the theatre, would be required to continue operation of the house if this bid was accepted. The Garvis bid, likewise, was for a total of $1,750,000. A cash payment of $75,000, all of which would be borrowed from the R. F. C., was provided for, with a 15-year bonded mortgage for the $1,675,000 balance.

Fabian's bid, which the court has been asked by the trustees of Allied Owners Corp. to approve, is for $1,500,000, with $75,000 in cash and a 20-year mortgage for the balance.

Opposition to all three bids was voiced by H. S. Morse, representing Manufacturers' Trust Co., as trustee under the indenture, and by Meyer Kraushaar, counsel for the Sabath Congressional committee for real estate bond reorganizations. Morse took exception to the forfeiture clause in all three offers and asked the court to require a revision of this clause before accepting any of the bids.

Judge Inch set Oct. 30 for further hearing on the offers.

Replace Veree Teasdale

HOLLYWOOD, Oct. 23.—Due to the illness of Veree Teasdale, Warners have given her role in "Petrified Forest" to Genevieve Tobin. Miss Teasdale has influenza, and will be home at least a week. Paul Harvey and Adrian Morris have been cast.

George Fettick Married

HAMILTON, O., Oct. 23.—George Fettick, booker for the Southio Theatres, Inc., with headquarters here, was married yesterday to Miss Margaret Clemence of Cincinnati.

Hays Speaks To Engineers In Washington

(*Continued from page* 1)

for the joint cooperation of science and education on one hand and technical development by the industry on the other." The day will come, he declared, when textbooks will be written on celluloid as well as on paper.

Hays reviewed efforts made toward film preservation in recent years and welcomed the establishment of the Film Library, which will be located in the new National Archives Building in Washington. "It would be a crime against posterity," he asserted, "if we failed to organize this moving, living, talking record so that historical and educational material may be made available to educators, film creators and students of the future. Many priceless chronicles of current and contemporary events are literally fading away for want of careful scientific preservation which must follow a system of collation and selection of films from a vast footage of material produced every year."

Richardson in Talk

One basic reason why projection faults prevail in many theatres, declared F. H. Richardson, editor of the Bluebook School Department of the *Motion Picture Herald,* told the convention today, is that a real projection department is lacking. Even in chains, few directors of projection have sufficient authority to enforce regulations conducive to the best results, he stated.

Discussing the essential functions of a chain theatre projection department, Richardson pointed out that the departmental office must be equipped with records that will enable its director to ascertain instantly not only the exact age and general condition of every piece of equipment used, but also the age and exact condition of every part thereof that is subject to deterioration through wear or other causes.

J. R. Manheimer, of the E-J Electric Co. of New York, described the operation of electronic tubes to control reactors for setting and changing the intensity of lamps in theatres, public halls, auditoriums and other places.

Switchboard Described

The switchboard, described by Manheimer, consists of two sections:

1.—The pilot board, which contains the levers and switches, that are under the immediate control of the operator, located in a convenient position either beneath the stage with a porthole for the operator or on either side of the stage. It is comparatively small and, therefore, can be located to the best advantage.

2.—The actual control equipment comprising the reactors, wiring troughs, magazine panels, Thyratron tubes, and wiring terminals. These items are quite bulky, but can be set in less valuable space.

The connection between the two consists, Manheimer stated, of multiple cables of comparatively small wires which carry only minute currents.

This arrangement provides simplicity of operation and obtains ability to pre-set and control light intensities with the minimum of effort and a maximum of speed, Manheimer explained. It provides proportional dimming and automatic voltage regulation, which enables the load to be varied between 25 and 100 per cent of its rated capacity without affecting the proportion of dimming established by the position of the regulating switches.

A summary of color, starting with a definition, was the gist of "The Conquest of Color" presented by Howard Ketcham of New York, who also advanced arguments why the motion picture was not yet ready for chromatic embellishment.

"Color movies are in keeping with the outstandingly revolutionary changes in industry such as—streamlined trains, Diesel engines, synthetic enamels, beer in cans. When will colored movies replace black and white? When they embody a means of reproducing color with fidelity throughout the entire range of the visible spectrum; when color costs approximate black and white production figures and represent a minimum change in production technique. Then and then only will color photography replace black and white moving pictures on a permanent basis," he said.

Speaks on Color

"The time is not far distant when color pictures will be made with no additional illumination on the set out of doors, no special cameras or cameramen. On the set, actors and actresses will need no other make-up than is normally worn on the street. The reproduction of flesh tones will be so faithful as to show the slightest variation of powder white or olive tint.

"There has been too much tendency to date to treat color as a mere novelty with no real place in the general scheme of things. The colors in this world today are not livid, but gay.

"The more color sensations the eye receives, and the fidelity with which they are transmitted, controls, to a degree, the fatigue of the eye. For this reason, a color picture process that employs three colors is less tiring than a two-color process; and a four-color process is less tiring than a three-color process.

"To summarize, the successful color picture process will present with precision and comfort to the visual organ, any color within the visible spectral range."

"Our American quality films will never be submerged abroad," N. D. Golden, chief of the motion picture division of the Bureau of Foreign and Domestic Commerce, declared.

Among the lesser annoyances, censorship regulations abroad are becoming continually more drastic, even reaching extraordinary heights of "moral safeguards" governing attendance, such as the recent decree in Bagdad, forbidding men and women to sit together at matinees, he stated. Much more serious, Golden explained, are the systems of quotas and "Kontingents" now existing or proposed in foreign lands. But these barriers and competitive efforts form no just cause for indiscriminating pessimism, Golden held.

At the dinner tonight, the S. M. P. E. awarded its newly-created Progress Medal to Dr. Edward C. Wente, research physicist in charge of acoustical investigations of Bell Telephone Laboratories. Designed to be an annual award, Dr. Wente was chosen for 1935 for his work in acoustics and acoustical instruments with special reference to their application to recording, transmission and reproduction of speech and music.

Award for Paper

The *Journal* award for the most outstanding paper published in the organization's official publication during 1934 went to Dr. Lloyd A. Jones and Dr. Julian H. Webb for their paper, titled "Reciprocity Law Failure in Photographic Exposure." Illuminated parchment certificates were presented to them by President H. G. Tasker. The recipients also received a check for $50 as part of the award.

Honorable mention went to John I. Crabtree, Bell; H. E. Edgerton and E. J. Germeshausen, Massachusetts Tech; O. Sandvik, V. C. Ball, W. K. Grimwood, Eastman; D. B. Joy and A. C. Downs, National Carbon.

Local managers cooperated in supplying talent for the banquet. From the Earle came Paul Ash, Bob Burns, Gypsy Nina, Rose Marie Deering, Barto and Mann and Bert Granoff. Members of one of Major Bowes' amateur shows playing the Loew's Fox also entertained, including Sara Berner, Youmans Brothers, Dave Siegel, Fritzie Robbins, Michael O'Byrne, "Skeets" Simmons and Celeste Alvi.

Thursday's schedule program follows:

9:30 A.M. *Little Theatre;* Sound Session. Report of the Sound Committee; P. H. Evans, *Chairman.*
- "Practical Splice Blooping"; E. I. Sponable, 20th Century-Fox Film Corp., New York, N. Y.
- "A New Method for Increasing the Volume Range of Talking Motion Pictures"; N. Levinson, Warner Bros.-First National Studios, Burbank, Calif.
- "Critically Damped Filters"; J. Livadary, Columbia Pictures Corp., Hollywood, Calif.
- "Reversed Mechanical Bias on Light-Value Recordings"; E. H. Hansen, 20th Century-Fox Film Corp., Hollywood, Calif.
- "Primary Considerations in the Design and Production of Theatre Amplifiers"; T. D. Cunningham, RCA Manufacturing Company, Camden, N. J.
- "Recent Progress in Motion Pictures in the U. S. S. R."; V. I. Verlinsky, Amkino Corp., New York, N. Y.

2:00 P.M. *Little Theatre;* Apparatus Symposium.
- "The Debrie 16-Mm. Professional Projector"; H. R. Kossman, Andre Debrie Corp., New York, N. Y.
- "A New Non-Intermittent Editing Machine"; J. L. Spence, Akeley Camera Company, New York, N. Y.
- "A Neon Type Volume Indicator"; S. Read, Jr., RCA Manufacturing Company, Camden, N. J.

S. M. P. E. Sidelights

WASHINGTON, Oct. 23.—LYMAN J. BRIGGS, director of the Bureau of Standards, played host to the convention at the Bureau for the Tuesday afternoon session.

✚

Some of the papers have been distinctly heavy, but not equal to the weight of the members themselves. Tuesday, the elevator at the Bureau of Standards balked at being made a vertically-moving sardine can. So SYLVAN HARRIS, operator of the automatic raising device, a good engineer, finally came to the conclusion that some bulk weight had to be removed to permit the motor to overcome the static inertia!

✚

F. H. RICHARDSON is very much in the limelight. It is he who frequently leads in discussing questions from the floor.

✚

D. B. JUDD, in his lecture on color blindness, brought his subject to a very immediate practical value by flashing on the screen a slide so constructed that it would indicate whether a person was color blind or not. The tenseness of the audience at this point indicated how very much they were interested in this subject.

✚

The latter part of the Tuesday session seemed to develop into a contest as to the respective merits of color 16 mm. pictures made with third-dimensional effect and those without it. After R. C. PHILLIPS had introduced and shown the former, a special showing was held of plain color film in order that the contrast could be noted.

✚

Whether the entertainment committee had particularly in mind ROBERT WILDHACK's excruciating discourses on "soft-palate calisthenics"—snoring to you—when they negotiated for the special showing of "Broadway Melody of 1936" is not known but the engineers thought the dissertations on these "sound phenomena" singularly and devastatingly funny.

New Wisconsin Rule Allows Free Prizes

MADISON, Wis., Oct. 23.—Free distribution of cards bearing numbers which entitle holders to prizes is not a lottery under a ruling handed down by the State Attorney General's office to District Attorney William M. Gleiss.

The question arose over the policy of a Monroe county theatre giving away money each Saturday night to the holder of a lucky number. The holder has not been required to purchase an admission ticket and the winning number has been announced in front of the theatre.

Wall Street

Paramount Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	65&	65¾	65¾	— ⅛
Consolidated	5⅝	5¼	5⅝	.....
Consolidated, pfd.	19	18¾	18⅞	— ⅛
Eastman Kodak	163	162½	163	+1
K. A. O., pfd.	90⅛	90⅛	90⅛	+ ⅛
Loew's, Inc.	49¾	49⅜	49½	— ½
Loew's, pfd	107¾	107¾	107¾	— ½
Paramount	11⅛	10⅜	10⅞	+ ⅜
Paramount, 1 pfd	95⅞	94	95½	+1⅛
Paramount, 2 pfd.	13¼	12⅝	13⅛	+ ½
Pathe Film	6	6	6	+ ⅛
RKO	5¾	5⅜	5⅜	— ⅜
20th Century-Fox.	16⅞	16¼	16¾	+ ¼
20th Century, pfd.	26¼	26	26⅛	.....
Warner Bros.	8	7¾	7⅞	.....
Warner, pfd	45½	44½	45½	+1½

Little Curb Activity

	High	Low	Close	Net Change
Sonotone	3	2⅞	2⅞	— ⅛
Technicolor	18¾	18½	18½	— ½
Trans-Lux	3⅜	3⅛	3⅛	.....

Bonds Hold Levels

	High	Low	Close	Net Change
General Theatre 6s '40	15	14½	14½	.....
Keith B. F. 6s '46	91½	91½	91½	— ½
Loew's 6s '41 ww deb rights	105¼	105¼	105¼	+ ¼
Paramount Pict. 6s '55	96¾	96¼	96⅜	+ ⅛
RKO 6s '41 pp	83¼	83¼	83¼	+ ¼
Warner Bros. 6s '39 wd	82⅞	82	82½	+ ½

(Quotations at close of Oct. 23)

TRIUM

GIGANTIC!

"A mighty picture, gigantic in size, dramatic in theme, rousing in its lusty activity . . . All the elements of lively entertainment. A sure hit!"—*Bland Johaneson, Daily Mirror*

A GRAND SHOW!

"A grand show . . . Most impressive mass excitement the screen has offered in years. Pulls an audience irresistibly to the edge of its seat."—*Andre Sennwald, New York Times*

SPECTACULAR!

"Thrilling and exciting beyond description . . . Pageantry and swashbuckling movement that make it the most spectacular picture DeMille has yet produced."

—*William Boehnel, World-Telegram*

OUTSTANDING!

"Outstanding example of effective pageantry . . . DeMille augments pictorial richness with sweeping action . . . A decidedly impressive production."

—*Rose Pelswick, New York Journal*

CECIL B. De MILLE'S

"THE CRUSADES"

with LORETTA YOUNG • HENRY WILCOXON

and a cast of thousands . . . A Paramount Picture

Paramount Pictures

PHANT



HISTORY-MAKING!

"Makes motion picture history. A memorable document."

—Regina Crewe, New York American

ABSORBING!

"Finest DeMille has ever made. Handled with such skill that the pageantry does not swamp the poignant and absorbing love story . . . exquisitely photographed."

—Kate Cameron, Daily News

"Life" with War Picture Frisco High

SAN FRANCISCO, Oct. 23.—A combination of "This Is the Life" and "Wings Over Ethiopia" was the big draw of the week at the Paramount, $14,500. This tops normal by $3,000.

The only other important money-maker in town was "His Family Tree" at the Golden Gate where the $17,200 take was over average by $2,700. "The Big Broadcast of 1936" did fairly well at $7,500 in the St. Francis, and "Waltz Time in Vienna" took a good $950 at the 400-seat Clay.

Total first run business was $78,775. Average is $76,500.

Estimated takings:

Week Ending Oct. 15:
"HIS FAMILY TREE" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $17,200. (Average, $14,500)

Week Ending Oct. 16:
"PUBLIC MENACE" (Para.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $5,500. (Average, $6,800)
"TOP HAT" (Radio)
EMBASSY—(1,400), 25c-35c-40c, 7 days. 3rd week. **Gross:** $2,875. (Average, $3,600)
"THIS IS THE LIFE" (Fox)
"WINGS OVER ETHIOPIA" (Para.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $14,500. (Average, $11,500)

Week Ending Oct. 17:
"HARMONY LANE" (Mascot)
"SUPERSPEED" (Col.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,750. (Average, $6,000)
"BIG BROADCAST OF 1936" (Para.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)
"SHIPMATES FOREVER" (W. B.)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $21,500. (Average, $21,000)

Week Ending Oct. 18:
"WALTZ TIME IN VIENNA"
(Vienna Films)
CLAY—(400), 25c-35c, 7 days. 2nd week **Gross:** $950. (Average, $700)
"DARK ANGEL" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 5 days, 3rd week. **Gross:** $4,000. (Average, $9,000)

Midland Ends 15c Rate

KANSAS CITY, Oct. 23. — Loew's Midland has done away with 15-cent matinee balconies. It now gets 25 cents for matinees anywhere in the house, and in the evening 25 cents and 40 cents. Complaints on the change have been negligible, John McManus, manager, said.

The 15-cent balcony was at one time a bone of contention among independent subsequent runs.

Blank Attends Wedding

KANSAS CITY, Oct. 23.—A. H. Blank, head of Tri-States, Des Moines; Ralph Branton, general manager; Harry Weinberg, general manager, Central States, and a number of others, were here yesterday for the wedding of Blank's son, Myron, to Jaqueline Navran.

Church Using Theatre

DENVER, Oct. 23.—Harry Huffman has donated use of the Aladdin for Sunday morning church services. The theatre was offered when crowds became too large at the Divine Science Church due to the popularity of sermons of Rev. Harvey Hardman.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Man Who Broke the Bank at Monte Carlo"

(Twentieth Century-Fox)

HOLLYWOOD, Oct. 23.—Resetting Ronald Colman as a leading light comedian this picture pleases as a delightful and adult fairy story.

Colman, staked by a group of exiled Russians, journeys to Monte Carlo and runs a small amount up to a fortune at baccarat, forcing the Casino to call quits. Montagu Love, Ferdinand Gottschalk and other Casino directors, at first delighted with the publicity which will come to the Casino, become alarmed on learning that Colman does not intend to return to the gambling tables. They, thereupon, start elaborate plans to entice him back, succeeding finally by using Joan Bennett as the chief lure. When Miss Bennett and Colman eventually fall in love their romance is left to culminate when Colman, again broke, returns to his Paris taxi-driving job.

Stephen Roberts directed intelligently, skillfully handling the story elements. Nunnally Johnson's and Howard Smith's screen play from the play by Ilia Surgutchoff and Frederick Albert Swan is marked by good writing and construction. The supporting cast are all well chosen, with Nigel Bruce outstanding as the valet of suave Colman and Colin Clive convincing as Miss Bennett's brother. The foreign setting of the production is authentic and the photography of Ernest Palmer is high class. As light entertainment the picture should be well received in most localities.

Production Code Seal No. 1,546. Running time, 71 minutes. "G."

"The Frisco Kid"

(Warners)

HOLLYWOOD, Oct. 23.—As a two-fisted, vigorous gang story dressed up in period clothes flung against a Barbary Coast panorama, this production packs a melodramatic thrill, giving James Cagney great scope for a fine tough guy characterization plus a romantic angle.

Cagney, a sailor arriving in gold rush Frisco, learns the code of dog-eat-dog when he frustrates an attempt to "shanghai" him and comes back to kill Fred Kohler, alias "Shanghai Duck" in a grand fistic battle.

Befriended by George E. Stone, a Jewish tailor, Cagney determines to rise high in the town by using Frisco's code. As a power along Barbary Coast he runs lawless rackets, meets Margaret Lindsay, managing editor of a paper, and aspires to marry her. When Robert McWade, the local judge, is murdered and Editor Donald Cook is also, Vigilantes, transgressing the law, take things in their own hands with the Barbary Coast element in a climactic pitched battle. Cagney wins the girl.

Lloyd Bacon's direction is sharp, incisive and robust. Sam Bischoff's production catches the spirit and flavor of the brawling town for vivid effect. Others in the cast are Ricardo Cortez, Lili Damita, Barton MacLane, Addison Richards. Cagney's sterling performance and his romantic aptitude add much to his stature. The film, with its melodramatic vibrancy, should fare well at box-offices.

Production Code Seal No. 1,477. Running time, 78 minutes. "G."

Looking 'em Over

"The Case of the Missing Man"

(Columbia)

ST. LOUIS, Oct. 23.—That man is here again. You know, that abbitious cameraman who daily blocks sidewalk traffic waiting for you to walk within range of his iris for an action picture. You know after he snaps you he hands you a card which graciously advises you that your humble visage has been filmed and if you want the photo send a quarter.

In this incredulous concoction, Roger Pryor is one of those out-to-get-you cameramen who outwits the metropolitan police in the solution of a series of jewelry holdup murders. Prior to resorting to this snatch-'em-as-they-come business, Pryor has been an ace photographer for a newspaper. He gets swell-headed because he took a picture which wins a contest in a competing paper. He opens his own studio, is a flop and just like that thinks up the street roving cameraman idea. Pryor's good, he is. He even builds these machines himself. Ultimately he happens

(Reviews continued on page 10)

Short Subjects

"Italian Riviera"

(20th-Fox)

One of the Magic Carpet of Movietone series of travel subjects, characterized by the comparatively small amount of accompanying explanatory material, this is interesting subject matter, as the camera roves about Italy. San Remo and its great gambling casino, one or two of the famed beach resorts, favorites of European society, and interesting contrasts between the ancient and modern in the city of Genoa highlight the subject. Production Code Seal No. 0433. Running time, 10 mins. "G."

"Clever Critters"

(Educational)

With narration by A. L. Alexander, this novelty number pictures animals in and out of training. Seen are the cat which mothers a flock of chicks, the chipmunk trained to get a nut from the end of a suspended string, birds trained to pick cards and bring objects to their master, and the elephants of India, which are beasts of burden, and replace the heavy truck and motor of western civilization. A novel and for the most part interesting subject. Production Code Seal No. 0658. Running time, 8 mins. "G."

"Balloon Land"

(Celebrity)

Done in Comi-Color, this cartoon should be found interesting by the audiences that enjoy these efforts. The story is about a land where all is of balloon-like nature and the terror is the Pincushion Man who goes about with a lot of needles puncturing as he goes. His assault on the town and eventual defeat makes for a novel twist. The color effects are well done and pleasing to the eye. Production Code Seal No. 1297. Running time, 7 mins. "G."

"He's a Prince"

(Educational)

Tom Howard, the lanky and unhandsome, here operates a service company, in partnership with his stooge, George Shelton. The company will supply any sort of person for any occasion. Howard takes a job as prince to pose at a social climber's party, while unknowing, George takes another to go to the same place, where he is ordered to drug the supposed prince. The usual Howard-Shelton antics and occasionally amusing remarks feature the subject, which rates as fairly entertaining, especially for those who enjoy Howard. Production Code Seal No. 0655. Running time, 18 mins. "G."

"Tetched in Th' Haid"

(Columbia)

The newspaper cartoon character, Barney Google, is introduced to the screen in this effort, which may be mildly amusing to an undiscriminating audience. The plot is laid in the south and Barney attempts some reforms on a backwoods family much to his sorrow and pain. His attempts to convince children of the value of education are met with bullets, wet clothes, etc. He rides off on Spark Plug, giving the business up. Production Code Seal No. 1417. Running time, 7 mins. "G."

SMASH HIT

JUDGE Super X Negative solely on the basis of its reception by users. Placed on the market only a few months ago, it is already being employed in the majority of feature productions, as well as for various purposes of a special nature. Either of its striking advantages... greater speed, generally improved photographic quality... would have justified this swift, widespread adoption. Verdict of the industry: *a smash hit.* Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Government's Case Resumed For 2 Hours

(Continued from page 1)

reopened and closed his case in two hours, during which the jury spent most of the time in the ante-room playing cards. The Government's procedure was described by distributors' counsel as unusual. Former Senator James A. Reed characterized it as "a trick," to which Hardy objected and was sustained.

Reed further stated the defendants' rights as guaranteed by articles 14 and 15 in the constitution had been violated. Judge Moore answered this, saying that the defendants who had not cross examined the witnesses previously now had the opportunity.

Arthur Recalled

"When the Government closed its case yesterday," Judge Moore added, "the court had before it a motion pending whether the testimony against individual parties should be directed against all defendants.

"It is within the discretion of the court to decide whether the Government has tended to establish a conspiracy by the various defendants and also whether the case can be reopened." The judge then ordered Hardy to proceed.

Arthur was the first witness recalled. Hardy asked Arthur the first question he put to him Oct. 4. This brought about another series of objections by the lawyers of those indicted and after arguments without the jury present, Judge Moore ruled in favor of the Government.

It was then that Gentry made his move for a mistrial, which was overruled quickly. The jurors were brought back, and before Arthur got a chance to answer Hardy's question, the prosecuting attorney turned him over to the defense counsel for cross examination. All attorneys waived this. Dysart then took the stand. Hardy asked no questions, but turned the witness over to his adversaries for cross queries. Again defense lawyers waived this right.

Defense Protests

The prosecutor then made a motion that the testimony of the two witnesses be admitted as against all defendants. Vehement protests followed from defense counsel and were again overruled. The Government attorney then asked that its exhibits, from one to 10, be admitted as binding on all of the indicted parties. A whispered conference among the leading lawyers of the defense and Hardy with Judge Moore ended in the Government's favor.

While all this was going on the jury sat patiently waiting for something to happen. At 12:12 Hardy again announced closing of his case, following which pleas for a directed verdict and dismissal notices on behalf of all defendants were submitted. The jury at this point was excused until Friday morning. Defense lawyers did not argue the various petitions this afternoon, but were told by Judge Moore to return tomorrow at 2 P. M. Until then various counsel will work on preparations of arguments on the demurrers and dismissal notices.

Mort Blumenstock was another visitor in court today. Mrs. Harry Warner, her daughter and Gwen Heller left for New York at noon. Jack Partington also left for the east.

Looking 'em Over

(Continued from page 8)

to take Arthur Hohl's picture as he exits from a jewelry shop and through the hero's own process of elimination picks Hohl as the criminal. And, by golly if he didn't get the $10,000 reward.

There's a love thread woven by Joan Perry, a beautiful but ineffective actress. The story is chock full of incongruities. The first thing the hero should have done was to learn how to hold a graflex properly when he's making a picture.

It takes two Columbia pictures apparently to make up a program. This one was shown on the same bill with "She Couldn't Take It" at the Ambassador. "The Case of the Missing Man," needless to say, if you have read so far, took second place both on the bill and with the patrons. Production Code Seal No. 1,575. Running time, 57 minutes. "G."

"This Woman Is Mine"

(*Paramount*)

Straightforward drama, set in the atmosphere of the circus, this picture has almost too much of drama and not quite enough of relieving elements. It was produced in England for Paramount under the direction of Monty Banks, with Gregory Ratoff not only as the star, but also as the story's author.

As the famed and fearless lion tamer of a great European circus, Ratoff offers a capable, intelligent performance. In support are Benita Hume and Richard Bennett, in particular. When Ratoff learns that another lion tamer has been killed by one of his charges, he goes to buy the animal, and there finds the orphaned child of the performer. He takes the child with him and brings her up. Years pass, and the strict manner in which the child has been trained to look at no one and talk to no one, still is maintained, and Miss Hume, the girl, now a woman, lives anything but the normal life of a young girl.

The end comes when she falls in love. Ratoff refuses to understand, almost kills her fiance, then, as he realizes the truth, and that he can do nothing about it, he walks into the cage for his performance and permits the lion to kill him.

Ratoff's name and the circus atmosphere furnish the exploitation angles.

Production Code Seal No. 921. Running time, 75 minutes. "G."

The Lighter Side

St. Louis, Oct. 23.—Louis Phillips proved his equestrian ability Sunday when he donned the riding habit he brought along from home and took one of those rare horseback canters through Forset Park.

✚

Irving Cohen, who is assisting Phillips, is longing for his friend, Bill Schneider, secretary to George J. Schaefer. He'll get his wish soon as Schaefer is due here within the next few days and with him will come Schneider.

✚

Ned E. Depinet, after seeing Yale beat the Navy in a closely contested game which wound up with a 7-6 score, feels that he did not make the junket to New Haven in vain. It was that good old Alma Mater spirit.

✚

As soon as Harold Schilz, assistant to Russell Hardy, completed a report on the necessary repairs required at the Shubert-Rialto made by D. Leonard Halper of the Warner home office, Harry M. Warner stated:

"Anyone who can make a report like that deserves a raise. I think I'll give it to him and I'm not kidding about it, either."

Central Casting to Speed Up Services

Hollywood, Oct. 22.—Central Casting will inaugurate a new telephone and teletype system, designed to speed up casting of extras, on Nov. 4. Under the new system, two switchboards will handle calls for two distinct classes of extras, with each board carrying a different number. A large name board, covering an entire wall in the casting room, will also be installed, so that casters may know available talent at a glance.

The teletype will be hooked up with casting offices of all companies using Central service, and when it is put into operation call sheets will be made out within a few minutes after studios enter requests.

Kalker Joins Republic

London, Oct. 23.—Louis E. Kalker has been made Republic Pictures' representative with British Lion. Early in the year Kalker was made Mascot representative. He will start his new job Nov. 1. Kalker has been National Screen representative in England for four years.

Charles Morla Dined

Charles Morla, Republic representative in Latin American countries, was guest yesterday at a luncheon tendered by domestic and foreign home office workers of Republic in the Rainbow Room, Radio City. Morla will sail today on the *Peten* for Panama.

Columbia Seeks New Stock Registration

Washington, Oct. 23.—Columbia Pictures Corp. has filed an application with the Securities and Exchange Commission seeking registration covering 75,000 shares of no par value $2.75 cumulative dividend preferred convertible stock, to be offered at $50 per share, and 135,000 shares of no par value common stock.

The new preferred may be converted into common between Dec. 10, 1935, and Nov. 15, 1941, at the rate of nine-tenths of one common share for each share of preferred. Of the common registered, 67,500 shares are reserved for this conversion. The remaining 67,500 shares are for issuance in the event that a future increase in the number of shares of common stock outstanding makes it necessary to adjust the conversion rate. A registration statement covering 135,000 voting trust certificates for common stock to be issued in lieu of common stock in the event of conversion was also filed today.

According to the registration statement, the corporation plans to apply $819,897.50 of the proceeds to the redemption of 17,261 shares of outstanding convertible preference stock, and approximately $400,000 for improvements and additions to studio properties. It is also stated that $150,000 of the proceeds might be used for payment of a mortgage, due Sept. 17, 1936 on the studio properties of Columbia Pictures Corp., Ltd.

Additional amounts may be used for studio improvements and additions from time to time. The balance of the proceeds is to be used for additional working capital.

Hemphill, Noyes & Co. of New York, the principal underwriter, has agreed to purchase, or procure purchasers for, the 75,000 shares from the corporation at an aggregate price of $3,487,500.

Approves St. Louis Bond

St. Louis, Oct. 23.—Federal Judge George H. Moore has approved the $100,000 bond put up by the trustees of the Theatre Realty Co. Last Saturday James T. Blair and Edmond Koeln, receivers, were appointed trustees when Judge Moore passed favorably upon an involuntary bankruptcy petition filed by the bondholders protective committee of Theatre Realty Co., which owns the Fox. John S. Leahy, counsel for the receivers, continues in that post for the trustees.

Move Seattle Managers

Seattle, Oct. 23.—Ben Stevenson has been named manager of the Roosevelt. Gordon Craig, formerly at the Roosevelt, has become assistant manager at the Rex. James M. Hone, Jr., has been appointed manager of the Colonial, also a Danz house.

Des Moines Men to Dance

Des Moines, Oct. 23.—Independent exhibitors here will be hosts of out of town theatre men at a masquerade ball to be held at the Hotel Fort Des Moines, Nov. 3.

Lloyd Production Head

Theodore Allen Lloyd, who wrote, directed and produced "New York Uncensored" for Celebrated Pictures, Inc., has been put in charge of all the company's production.

"My Life" Is Highest Take In Cincinnati

CINCINNATI, Oct. 23.—"I Live My Life" was last week's best box-office bet, plussing par by $4,500 on a $14,500 take at the RKO Palace. It was moved to the Capitol for a second week.

Keith's had a big week with "Shipmates Forever," which pulled $7,500 compared with a $6,500 normal. It was held over. "The Dark Angel" went a shade over the line at the RKO Albee with $12,500, while the RKO Grand turned in $3,400 on the second downtown week of "The Call of the Wild." This betters average by $650. "Once to Every Bachelor" and "My Heart Is Calling," on a dual bill at the Strand, independent, did $2,500, up $1,000 over average. An amateur stage show helped.

Total first run business was $56,700. Average is $60,200.

Estimated takings:

Week Ending Oct. 16:

"ONCE TO EVERY BACHELOR" (Liberty)
"MY HEART IS CALLING" (G. B.)
STRAND—(1,300); 15c-25c, 7 days. Amateur show on stage. **Gross:** $2,500. (Average, $1,500)

Week Ending Oct. 17:

"THE DARK ANGEL" (U. A.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $12,500. (Average, $12,000)
"I LIVE MY LIFE" (M-G-M)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $14,500. (Average, $10,000). Moved to Capitol.
"THE BISHOP MISBEHAVES" (M-G-M)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Vaudeville. **Gross:** $9,200. (Average, $12,000)
"BROADWAY MELODY OF 1936" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 3rd downtown week. **Gross:** $4,800. (Average, $6,500). Moved to Grand.
"HERE COMES THE BAND" (M-G-M)
RKO LYRIC—(1,400), 30c-35c-40c, 6 days. **Gross:** $4,500. (Average, 7 days, $6,500)
"CALL OF THE WILD" (U. A.)
RKO GRAND—(1,200), 25c-30c-40c, 7 days. 2nd downtown week. **Gross:** $3,400. (Average, $2,750)
"WANDERER OF THE WASTELAND" (Para.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,250. (Average, $1,250)
"SHE GETS HER MAN" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,200)
"SHIPMATES FOREVER" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $7,500. (Average, $6,500). Held over.

Root Gets the Tivoli

WASHINGTON, Oct. 23.—James W. Root has been made manager of the Tivoli, filling the vacancy caused by the death of Stephen L. Eilbacher.

Root was advanced from the Savoy, a position now filled by Fred D. McMillan, who was raised from assistant manager at the Earle. Sidney C. Hoffman becomes assistant manager at the Earle.

Plans "Ramona" in Color

HOLLYWOOD, Oct. 23.—Darryl Zanuck will produce "Ramona" in Technicolor, with filming to be delayed until spring. Rochelle Hudson and John Boles are to be featured under the direction of Henry King.

Mrs. Jenkins Dead

NELIGH, Neb., Oct. 23.—Mrs. J. C. Jenkins, wife of J. C. Jenkins, traveling columnist of *Motion Picture Herald,* is dead after a long illness.

Out Hollywood Way

HOLLYWOOD, Oct. 23.—RUTH ETTING says she will quit films when she finishes "Headline Comedy" for Radio. . . . BETTY FURNESS knitted four sweaters and a dress during the filming of "The Magnificent Obsession."

SEYMOUR FELIX tried to show "The Great Ziegfeld" chorus how to put some pep into the work and broke two ribs . . . MIRIAM HOPKINS going to London to appear in an untitled stage play when she finishes "Splendor" and "Navy Born" for SAMUEL GOLDWYN . . . HAROLD DODDS made assistant to GORDON MOLLISON, Republic casting director.

Four songwriters get new Paramount contracts—SAM COSLOW, FREDERICK HOLLANDER, LEO ROBIN and RALPH RANGER . . . BEN CLARK to supervise "The Glory Parade" for Republic . . . HARRY SHERMAN starts "Bar 20 Rides Again," third in the Hopalong Cassidy series for Paramount.

LESLIE HOWARD here for "The Petrified Forest," Warners . . . AL JOLSON and RUBY KEELER at Palm Springs.

"Public Nuisance No. 1" will be the title of the Twentieth Century-Fox film for JANE WITHERS following "Gentle Julia" . . . SAMUEL GOLDWYN has completed the cast of "Shoot the Chutes" with the addition of EDGAR BROPHY.

+

Casting—PAT O'MALLEY and ROBERT WARWICK in "The Fighting Marines," Republic serial . . . MANUEL KING, 12-year-old lion trainer, in "The Dark Continent" with CLYDE BEATTY, Republic serial . . . MONTAGU LOVE signed for "Champagne Charlie," Twentieth Century-Fox . . . LUMSDEN HARE in "Professional Soldier," same studio . . . JAQUELINE WELLS in HAL ROACH'S "The Bohemian Girl," starring LAUREL and HARDY.

MYRNA LOY and SPENCER TRACY will have the leads in "The Whipsaw" for M-G-M . . . CARLYLE MOORE, Jr., given a term contract by Warners and assigned to "Prison Farm" . . . HENRY CORDING in same film . . . GEORGE E. STONE in "Anthony Adverse," Warners . . . HELENE CHADWICK, ELSIE DONAHUE, OSCAR APFEL and LUCILLE BALL in Radio's "It Happened in Hollywood" . . . HAROLD ENTWHISTLE, LEONARD MUDIE and PETER HOBBES in "Sylvia Scarlett," same studio . . . KENT TAYLOR in "The Song and Dance Man," Twentieth Century-Fox.

SYLVIA SIDNEY gets lead in "The Trail of the Lonesome Pine," WALTER WANGER . . . Production in Technicolor.

+

Writers—SIDNEY SUTHERLAND assigned to "Laughing Irish Eyes," Republic . . . TRACY KNIGHT working on "The Undersea Kingdom," Republic . . . SCOTT DARLING, WILLIAM ULMAN, Jr., and ROBERT ST. CLAIR doing screen play of "Alias Jimmy Valentine," Republic . . . ROBERT LEE JOHNSON and ELIZABETH MEEHAN busy on script of "The Harvester," same studio.

RAYMOND CANNON, Universal writer, soon to produce his play, "Her Majesty, the Prince" . . . ARTHUR KAYE doing music for it.

+

Directors—BEN HOLMES signed by Radio to direct "Farmer in the Dell" . . . LOUIS FRIEDLANDER assigned to "Riverboat Gambler," Universal.

+

Title Change—"Mala" to be released under new title, "The Last of the Pagans," M-G-M.

"Miss Glory" Gets $6,000 in Denver

DENVER, Oct. 23.—"Page Miss Glory" got off to a flying start at the Denver, the take running up to $6,000, over par by $1,000.

The first double bill this year failed to stir up any excitement. It was "The Last Outpost" and "Wings Over Ethiopia" at the Denham. The $4,000 gross was normal for the house, with the Ethiopian film getting the credit for most of the draw.

Total first run business was $21,300. Average is $19,500.

Estimated takings for the week ending Oct. 17:

"HERE'S TO ROMANCE" (Fox)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,000. (Average, $2,000)
"DARK ANGEL" (U. A.)
BROADWAY—(1,500), 25c-40c, 5th week, 7 days. **Gross:** $1,800. (Average, $1,000)
"THE LAST OUTPOST" (Para.)
"WINGS OVER ETHIOPIA" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)
"PAGE MISS GLORY" (W. B.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $5,000)
"BROADWAY MELODY OF 1936" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 4 days following a week. **Gross:** $3,500.
"JALNA" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 3 days. **Gross:** $2,500. (Average for week, $5,000)
"THE GAY DECEPTION" (Fox)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $1,500. (Average, $2,500)

"Karenina" Pulls $12,500, Portland

MONTREAL, Oct. 23.—"Anna Karenina" proved good enough at $12,500 in the Palace to warrant a holdover.

Loew's also was above the line at $11,000 with two screen features and stage vaudeville, the main number being "Here Comes the Band."

The Imperial added a French stage unit to its French film "Aux Portes de Paris" under a new combination policy and the take was $4,000.

Total first run business was $42,000. Average is $41,500.

Estimated takings for the week ending Oct. 19:

"PAGE MISS GLORY" (W. B.)
"CHARLIE CHAN IN EGYPT" (Fox)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)
"AUX PORTES DE PARIS" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: French Revue. **Gross:** $4,000. (Average, $3,500)
"HERE COMES THE BAND" (M-G-M)
"SHE GETS HER MAN" (Univ.)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Sweet and Lowdown" Revue. **Gross:** $11,000. (Average, $10,500)
"ANNA KARENINA" (M-G-M)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $12,500. (Average, $11,000) Held over.
"SHE MARRIED HER BOSS" (Col.)
"AFTER THE DANCE" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $5,500. (Average, $7,000)

"Melody" Has Big Holdover In Pittsburgh

PITTSBURGH, Oct. 23.—The big noise here last week was "Broadway Melody" again, which was moved to the Warner after a sensational week at the Penn and continued its record-breaking business by rolling up a $9,000 gross at the second house, the best figure this house has had in a couple of years. Also in the money was "The 39 Steps," which did a sellout night business at the Alvin, overcoming the weak matinee trade and winding up with a first rate $8,500.

Although "I Live My Life" bettered average at the Penn, doing $12,000, that take was something of a disappointment for a Joan Crawford picture. The Fulton took it on the chin again with "Storm Over the Andes," barely hitting $2,200, while the Stanley managed to pick up a bit, after a succession of poor weeks, collecting around $16,000 with "Two for Tonight" and a stage show.

At the Pitt, even the introduction of a triple feature policy at a low scale didn't help much and the house took a little better than $1,000 for "Dealers in Death," "Call Me Co-Ed" and "The Gay Buckaroo."

Total first run business was $48,700. Average is $42,000.

Estimated takings for the week ending Oct. 17:

"THE 39 STEPS" (G. B.)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $8,500. (Average for 6 days, $5,500)
"STORM OVER THE ANDES" (Univ.)
FULTON—(1,750), 15c-40c, 5 days. **Gross:** $2,200. (Average for 6 days, $4,000)
"I LIVE MY LIFE" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $12,000. (Average, $10,000)
"CALL ME CO-ED" (St. Rights)
"DEALERS IN DEATH" (Topical)
"GAY BUCKAROO" (Allied)
PITT—(1,600), 10c-20c, 6 days. **Gross:** $1,000. (Average, $1,500)
"TWO FOR TONIGHT" (Para.)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Will Osborne's band, the DuPonts, Dorothy and Dick Rogers, Gordon, Reed and King and Wilbur Hall and Loretta Dennison. **Gross:** $16,000. (Average, $16,000)
"BROADWAY MELODY OF 1936" (M-G-M)
WARNER—(2,000), 25c-40c, 6 days, 2nd week, following one at Penn. **Gross:** $9,000. (Average, $5,000)

Try "Salute" Boycott

NEW HAVEN, Oct. 23.—Although no picketing followed the National Students' League protest against the Roger Sherman showing of "Red Salute," some attempt to boycott the picture was made. The New Haven branch of the American League Against War and Fascism was active on the telephone, urging people not to attend. Despite this activity, the picture opened to excellent business.

Mason Goes to Clinic

KANSAS CITY, Oct. 23.—O. K. MASON, head of the Central States Theatres Co., has gone to Rochester, Minn., for an operation at the Mayo Brothers' clinic.

Pick "Fang and Claw"

HOLLYWOOD, Oct. 23.—Radio will use "Fang and Claw" for the next Frank Buck picture, the same title as the game hunter's book published by Simon & Schuster.

BRAVO!



BILL POWELL'S "RENDEZVOUS"





CONFIDENTIAL

After we saw this swell picture we increased our newspaper advertising budget a the Capitol. Here are samples of ad used in New York

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 98 NEW YORK, FRIDAY, OCTOBER 25, 1935 TEN CENTS

Rockefeller Claim Stirs RKO Action

Agreement Is Sought to Aid Reorganization

The negotiation of a settlement of Rockefeller Center's $8,700,000 claim has been begun by factors in the reorganization of RKO, it was learned yesterday, and, if successful, will facilitate the early completion of an RKO reorganization plan.

The huge Rockefeller Center claim arises out of RKO's liability under the leases made with the former for the Music Hall and Center, which held RKO liable for the unamortized cost of the theatres in the event of a default under the lease. Although the allowance of the claim at $8,700,000 is being contested by Irving Trust Co., as trustee of RKO, factors in the reorganization of the company are not hopeful of obtaining any appreciable reduction in the amount.

With a valuation of $14,644,614 placed by RCA on its investment in RKO, and with half of this amount disposed of recently for $5,000,000 to Atlas Corp. and Lehman Bros., the Rockefeller Center claim became the largest single creditor interest in the

(*Continued on page 7*)

Tax Negotiations Gaining in Mexico

By JAMES LOCKHART

MEXICO CITY, Oct. 24.—Negotiations in the tax controversy between American distributors and the Government are reported to have progressed to the point where the Finance Ministry is inclined to favor putting the income tax on the net instead of the gross and taking film materials out of the ultra luxury classification for import levies.

Jack Gallagher of Hollywood is acting as negotiator for distributors.

* * *

Use of European films to alleviate the picture shortage caused by the

(*Continued on page 7*)

Conn. MPTO Acts on Shortage of Prints

NEW HAVEN, Oct. 24.—Complaints about print shortages are still being heard among Connecticut's M. P. T. O. members, and a committee has been named to induce exchanges to do something about it. It is said that the shortage has been particularly acute of late on second run prints of "Top Hat."

Wood Asks a Verdict for The Defense

Seeks to Strike Out 90 Pages of Testimony

By BILL ORNSTEIN

ST. LOUIS, Oct. 24.—Declaring that the Government had failed to establish a conspiracy among the various defendants, and even if it did, had not proved it; that there was no connection among the indicted parties in the series of unconnected acts related by witnesses, Frederick H. Wood, co-counsel for Warners, today asked for a directed verdict and dismissal of the indictments on behalf of his clients "unless the facts exclude every other hypothesis but that of guilt." He stated the Government had not made out a *prima facie* case and that the jury should be given a directed verdict.

The Warner attorney took three hours to outline to Federal Judge George H. Moore the facts contained in his brief, submitted after formally

(*Continued on page 6*)

Federal Trade Body Curbs Film Schools

WASHINGTON, Oct. 24.—Misrepresentation of motion picture "training courses" today came under the ban of the Federal Trade Commission with an announcement that Harry L. Keepers, trading as the Hollywood M. P. Self Training Course at La Crescenta, Cal., has signed a stipulation agreeing to discontinue unfair advertising practices.

The school is said to have advertised in part as follows:

"Mr. Keepers, who is recognized as an authority on all matters pertaining to motion picture photography and projection, is the originator of self-

(*Continued on page 7*)

Ampa Clan Hears Sport Celebrities

Sports celebrities whose achievements date back half a century crowded the dais and overflowed to the surrounding tables at the Ampa lunch yesterday. Some merely bowed; others talked. And some of those who talked gave the members an earful.

Jack McAuliffe, first lightweight champion, who claimed the title 50 years ago and was never defeated—now a chubby, ruddy-faced man whose weight runs into the heavyweight division—told about those early fights on barges and in fields "before the

(*Continued on page 6*)

Gag Department

St. Louis, Oct. 24.—Grad Sears comes to bat again with his latest: "When they get through with this case, the testimony will be as big as a syllabus on "Anthony Adverse."

One of the counsel took advantage of Hardy's closing of his case. When the prosecuting attorney announced, "We rest," the gagster chirped:

"In peace?"

Sound Topic For SMPE as Sessions End

By W. A. WHITNEY

WASHINGTON, Oct. 24.—Sound and technical devices for its transmission featured the papers at the closing sessions of the 38th semi-annual convention of the S.M.P.E. at the Wardman Park today.

About 50 papers were read during the four-day sessions, one of which was held at the U. S. Bureau of Standards, with Dr. Lyman J. Briggs presiding.

The first half of the last day's session was devoted to sound with J. C. Frayne presiding.

Following the report of the Sound Committee, read by Chairman P. H. Evans, E. I. Sponable of Twentieth Century-Fox described elimination of the splice noise in sound films.

E. C. Wente of the Bell Telephone Laboratories, who on Wednesday evening received the Progress Award of the S.M.P.E., recounted the contributions of telephone research to sound pictures, reviewing to a large extent his own investigations.

Principal elements of sound systems

(*Continued on page 7*)

Improvements Gain In St. Louis Area

ST. LOUIS, Oct. 24.—Theatre improvements are gaining. The Shubert-Rialto has installed 1,600 new seats. The Princess, neighborhood house, has installed new projectors. The Melvin is to have a new front.

At Des Loga, Mo., R. W. Corbin, owner of the Grand, has ordered 350 new seats. New projectors have been put in the Illinois, Newman, Ill. New equipment is being installed at the Widney, Mount Sterling, Ill., and opening is set for Nov. 1. The Princess, Beardstown, Ill., is getting new stage equipment and draperies.

C. P. Sheehan Quits Foreign Post with Fox

Resigns After Holding Job for 12 Years

Clayton P. Sheehan yesterday resigned as general foreign sales manager of Twentieth Century-Fox, a post he had held for 12 years. The unexpired portion of his contract, he explained to MOTION PICTURE DAILY last night, was settled on terms "mutually satisfactory."



Clayton P. Sheehan

His successor will not be named for some time, Sidney R. Kent, president of the company, explained later. "We have not even given the matter any thought," he stated.

Reports credited Clayton with join-

(*Continued on page 6*)

Fee Slash Pleases Paramount's Board

General satisfaction with the allowances made by Federal Judge Alfred C. Coxe for services performed in the Paramount reorganization was expressed yesterday at a meeting of the board of the company. No appeal from Judge Coxe's order will be taken by the company in an effort to obtain further reduction of any of the allowances made, it was said.

The board took no action on the election of a new director to fill the vacancy created by the resignation two weeks ago of Frank A. Vanderlip, retired banker.

Jersey Allied Plans Convention on Boat

NEWTON, N. J., Oct. 24.—The adjourned annual convention of Allied of New Jersey will be held on the *Queen of Bermuda* Dec. 7-11 as it plies between New York and Hamilton and return, it was determined today by 40 members of the organization who held a regular monthly meeting at Cochran House here today.

Protection, product and the possible effect of mergers were among topics aired today. No definite stand on these matters was taken. Sidney Samuelson presided.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 25, 1935 No. 98

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Winthrop Guilty in Chance Games Test

The Winthrop was found guilty yesterday in Special Sessions of conducting a lottery in the operation of the chance game, "Farmer Miller's Kentucky Derby."

The action against the Winthrop was instituted by the city under the direction of License Commissioner Paul Moss and was described in advance of trial by the theatre's attorneys, Weisman, Quinn, Allen & Spett, as a test case for chance games in the city. After the finding of guilty the court set Nov. 1 for the passing of sentence.

Attorneys for the theatre said that an appeal of the decision would be taken at once to the Appellate Division.

Loop Has a Dual Bill

CHICAGO, Oct. 24.—For the first time in months a Loop theatre has a dual bill. The Garrick, when "Wings Over Ethiopia" failed to click, rushed in "Here's to Romance" to augment the program. Heavy advertising helped and the twin attraction is doing well.

The Ethiopian picture was cut considerably to shorten the program.

Bert Pittman Dead

DENVER, Oct. 24.—Bert Pittman, 62, died in a Denver hospital following a week's illness from pneumonia. He established the first theatrical booking agency here in 1901.

Insiders' Outlook

By RED KANN

THE experimental laboratory inaugurated by the Loew circuit a few days ago in the matter of single versus dual bills will be observed with keen interest not only in the greater city area, but probably elsewhere as well. Twelve houses, scattered sufficiently throughout the metropolitan area and geographically far enough apart to make reasonable the assumption their clienteles are varied, have reverted from twins to singles the big half—Saturday through Monday—of each week, but remaining double the last half. The theatres are the Lexington, 72nd Street, 83rd Street, Ziegfeld, Sheridan, in Manhattan; the King's, Pitkin and Kameo, Brooklyn; the White Plains in that town; the New Rochelle and also the Mount Vernon houses and the Prospect, Flushing. . . .

▼

Having only recently gone double features with a vengeance and in all spots except the Capitol and the State right on Broadway, what persuaded a change of heart? Joe Vogel says it was a direct check with the factor that counts most—the public that bears the traffic. In the populous communities which patronize these houses, the reaction was anti-dual and pro-singles and shorts, which is to say less of a desire to get a bargain show and more for a program with a semblance of balance. . . .

▼

No one can foretell for how long the switch will continue. The intention, however, is to stay solo as long as crystal-gazing and box-office returns indicate the practice a sound one. What with the RKO circuit having played "Top Hat" on full week stands and pondering the continuance of such a scheme where the product holds up and the Loew move, isolated as it is, back to singles, the impact is almost inevitably destined to leave the mark of its influence on other competitive theatres in the same zones. . . .

▼ ▼

Paramount has its best picture in months in "Hands Across the Table," a Cinderella-type story with twists unordinary, a pleasant mood with a high vein of comedy and splendid performances, first by Carole Lombard and secondly, by Fred MacMurray. Down-to-earth in content and understandable to the crowd at large, this is an attraction which will build on its own merits and, advancing on dangerous ground again, one which we predict will start for places and reach them. "Hands Across the Table" also happens to mark the first film seen through from purchase to completion by Ernst Lubitsch as the managing director of Paramount production. "We are hopeful that we will have many more of the same high quality," observes a company spokesman. That's a real hope which this space echoes. . . .

▼ ▼

And so it is M-G-M to which Al Lichtman goes. Steeped in celluloid lore and experience, he will make an addition of strength to Nick Schenck's organization as would he in any other. Al, himself, describes his duties merely as "executive," acting as a friendly and cooperative liaison officer among others of ranking stature in that well-knit organization. That says something or practically nothing. Your slant determines which. . . .

"Dream" Given Big St. Louis Opening

ST. LOUIS, Oct. 24.—The fourth Warner circuit opening of "A Midsummer Night's Dream" took place here last night at the Shubert-Rialto with a distinguished audience present, in which were state, city and social figures in addition to Harry M. Warner and Ned E. Depinet, who were introduced from the audience.

The Shakespearean spectacle will open in Washington Sunday and in Pittsburgh Monday, following which dates will be set for Warner key houses in Hartford, New Haven and Milwaukee. A one-week lease is under consideration for the playhouse in the Du Pont Hotel in Wilmington for a mid-November opening.

Give Check to Priest

BOSTON, Oct. 24.—Film men joined in raising a fund to present a $10,000 check to Rev. Michael J. Ahern, S.J., in celebration of the 25th anniversary of his ordination.

Marion Davies Head Of Community Drive

HOLLYWOOD, Oct. 24.—Marion Davies has accepted the chairmanship of the Artists' Unit of the M. P. Division in the Community Chest drive.

The contact division in the drive has reported that 10 per cent of the $200,000 quota already has been subscribed.

AFA Benefit Up Today

Details of the benefit to be run by the American Federation of Actors Nov. 10 at the Majestic will be discussed today at a luncheon at Manny Wolf's Chop House. Rudy Vallee will preside. Joseph P. Day, real estate man, will auction off benefit seats.

Barnes Joins Essaness

CHICAGO, Oct. 24.—Lane Barnes has been named assistant to Herman Jensen in the Essaness maintenance department.

Purely Personal

J. HAMILTON WEBSTER, noted banker and president of the New York National Bank, will be one of the important speakers at the farewell dinner for DAVE LOEW at the Waldorf Tuesday night. Arrangements were made yesterday after the exercise of much persuasion for WEBSTER, it seems, is a humorist, as well as a splendid talker, but not inclined to make addresses often in public. Reservations so far total 275 with the rush definitely on.

•

ROBERT F. SISK, associate producer for Radio, is due in from the coast by plane this morning for a week's stay during which he will attend the Music Hall premiere of "The Three Musketeers," on which he worked as production associate.

•

LESLIE E. THOMPSON, PHIL REISMAN, MARY ASTOR, NANCY CARROLL, MRS. BILL HEARST, GREGORY LA CAVA, MARTIN QUIGLEY, DOROTHY MACKAILL, LOUELLA PARSONS, KENNETH MCKENNA, FRANK BUCK and JULES GLAENZER at "21" yesterday.

•

PETER LORRE, who left Hollywood for New York by train on Monday, quit the train at Albuquerque and finished the trip by plane. He reached Newark yesterday. He sails on the *Majestic* tonight.

•

The Off-the-Record Club met at JACK and CHARLIE'S yesterday, one day behind its routine and scheduled meeting. Business transacted was perfunctory, but pleasant.

•

MERLE OBERON left England on the *Berengaria* yesterday. She arrives here on Oct. 28 and will begin work on "The Children's Hour" as soon as she gets to Hollywood.

•

DOLLY ARDEN, THE THREE SLATE BROTHERS, ROYAL SWEDISH BELL RINGERS and HELEN BRUCE make up the variety at the Roxy tomorrow.

•

ARTHUR MAYER will screen "The New Gulliver," Russian puppet feature which he has acquired for this and the South American market, on Monday.

•

JACK PARTINGTON has arrived on the coast for conferences with MARCO WOLFF on a Broadway production to feature OLSEN and JOHNSON.

•

LEE BLUMBERG, MORT BLUMENSTOCK'S assistant at the Warner home office, is the father of a boy.

•

C. C. PETTIJOHN and MRS. PETTIJOHN sail today on the *Roma* for a four-week European vacation.

•

GREGORY LA CAVA leaves for Hollywood today without collecting that lunch standing for him on call at "21."

•

JAMES J. WALKER was reported to have left England on the *Manhattan* last night bound here.

•

DORIS WARNER LE ROY and GWEN HELLER LANG arrived from Hollywood, via St. Louis, yesterday.

•

MAX REINHARDT arrives from the coast today.

P.S.

Personal Maid's Secret



In all the commotion over sensations like 'A MIDSUMMER NIGHT'S DREAM', 'SHIPMATES FOREVER' and 'DR. SOCRATES', don't forget that Warners have a lot of other swell shows coming thru every week, as regular as the calendar. This week, for instance, we've got a dandy number called 'PERSONAL MAID'S SECRET'—which *Variety Daily* says is 'a prime cut of entertainment sweet to the last morsel'. (*Watch that new boy Warren Hull, who does a grand job in this one, with Margaret Lindsay and Anita Louise*). Right after that we'll flash the first of a series that's likely to start a new Western cycle — 'MOONLIGHT ON THE PRAIRIE' starring Dick Foran, the Singing Cowboy. Next there'll be James Dunn's first for us, 'THE PAYOFF',* with Claire Dodd and Patricia Ellis. And watch for exciting news soon about the next big attractions from WARNER BROS.

*A First National Picture

HARD-BOILED NEW YORK CRITIC GOE
NUTS OVER PARAMOUNT WESTERN





ake a bow,
y Sherman!

WORLD-TELEGRAM. OCTOBER 8, 1935.

Knight A-Riding Is Western Hero

He's the Knight Errant of Today, Foiling Villains and Rescuing Downtrodden.

By GERALD BREITIGAM.

OUT of the turmoil of midtown Eighth Ave. a neighborhood picture house is showing a Western. One minute the world was a place of noise and confusion and cheap stores and discontented faces and hash house odors. It was tormented by a raw wind, stung by dust and lighted by a pale sun with no warmth in it. But the moment we had paid our dime and a half we came upon cotton-woods drowsing along the creek, the sky opened out to a vision of illimitable space and the dazzling air held the pungent tang of the mesquite on the sun-drenched slope rolling back from the bottoms. No wonder so many of us love our Westerns. The scenery appeals to the basic craving of a sardined humanity for elbow room amid natural surroundings. And then there is violent action of men riding horses at the gallop, breaking outlaw broncs, lassoing steers for the branding, pistol fighting to the death. An inhibited city man who daren't say "boo" to a goose or a wife or a cop or a boss is bound to go for that in a big way.



Gerald Breitigam.

* * *

Cowboy Knight Errant.

YET all this only scratches the surface of our addiction to Westerns. As John Wayne pursued the rustlers through the sequences of "The Dawn Rider," outsmarted the gamblers and crooks and rescued the fair maiden, there were about him the ghostly outlines of a knight errant of an elder day. There are several other Westerns playing in the neighborhood houses right now, and there is the same feeling in them all. George O'Brien in Zane Grey's "Thunder Mountain" lets you down a little. Watching him as a lover of Westerns you get the idea that Hollywood has spoiled him a bit, has made him too arty. He's afraid to let go; he plays down, when these Western roles should be played to the top of a man's bent.

But William Boyd in "Hopalong Cassidy"—well, he knows what all the shooting's for.

This "Hop-along" is a knight errant of the rangeland. He goes about righting wrongs, and when his end has been accomplished [illegible] hill to s[illegible] and sticks his nose in it. He's like [illegible] For Don Quix[illegible] as conceived to make the dying world of chivalry laugh at itself [illegible] stalk and only the dead husk remained in the [illegible] one basic ideals of the common [illegible] Cervantes' satire.

INSTEA[illegible]

No. 1

Now Playing... and Cleaning Up! Clarence E. Mulford's

"HOPALONG CASSIDY"

with WILLIAM BOYD • JIMMY ELLISON and Paula Stone

No. 2

Another Hopalong Cassidy! Release Oct. 25th

Clarence E. Mulford's

"THE EAGLE'S BROOD"

with WILLIAM BOYD • JIMMY ELLISON and William Farnum

Produced by Harry Sherman • Directed by Howard Bretherton

Paramount Pictures

Wood Asks a Verdict for The Defense

(Continued from page 1)

filing the motions for a directed verdict and dismissal. As he consumed the entire afternoon for his recapitulation, counsel for Paramount and RKO were unable to argue their summaries. Judge Moore consented to allow the other defense counsel oral presentations tomorrow morning, following which Russell Hardy, prosecuting attorney, will take the floor in rebuttal. The jury was not present during Wood's speech and also will be absent while the other three attorneys present their side of the case.

Motions Denied

In another surprise move by defense counsel, Wood filed a motion to strike out 90 pages of testimony. William R. Gentry, Paramount co-counsel, also requested that portions of the testimony relating to conferences held by Harry C. Arthur, Jack A. Partington, Frederick Kreismann, Joseph Grand, David Levinson, Jacob Chassnoff, John S. Leahy, Clarence M. Turley, Ned E. Depinet, Cresson E. Smith, Jules Levy, Frederick W. Strauss and M. A. Rosenthal with parties other than Paramount officials be excluded from the record. Hardy objected to both moves, asserting he had not known of the motions and did not have time to study them. However, Judge Moore summarily denied the motions, following which Jacob M. Lashly, attorney for RKO, notified the court he would file similar motions for the record.

Armed with legal authorities to prove his contentions, Wood unlinked the so-called chain of events introduced by the Government in a complete analysis of the acts complained of, citing the specific reasons which prompted Warners to negotiate them.

He said, in brief, that Warners leased the Orpheum and Shubert-Rialto after the company had made many vain efforts to protect its interest in the Ambassador, Missouri and New Grand Central, rather than deal with a "monopoly." Warners decided to return to the exhibition business here on its own, Wood asserted.

Within Rights, Says Wood

"Warners, nor anyone else can be denied the right to lease theatres and neither can Warners be denied the same rights F. & M. had," Wood stated. "Warners' opening of the two theatres and buying of pictures was not an unlawful act. There is no suspicion, hypothesis or inferences of illegality or that their doing so made it impossible for F. & M. to conduct their business," Wood added.

"The one significant thing about this case is that Warners did not buy more pictures than required for the two theatres and at no time did the Government attempt to prove this.

"We had a right to go to Paramount and RKO and buy their pictures and they also had the right to choose us as their customers, as well as to decide not to do business with F. & M. for any reason at all. The very purpose of the Sherman Act is to preserve competition," Wood continued, "and what the Government is seeking to do in this case is to tell a man with whom he can deal. It was for Paramount and RKO to determine their customers and even if pressure was exercised these two companies did not commit any crime.

"There is not a word or syllable of evidence that any representatives of RKO or Paramount were in the same room together and neither did any of the two companies know that the other sold us," he stated.

Wood said the contracts were separate and independent transactions and "all that is in the record is that the contracts were made, but there is no inference of a conspiracy existing between the three companies. If Hardy can prove that contracts made by two different people form a conspiracy he could send any man to jail."

Touches on Bondholder Action

The Warner counsel then went into the situation concerning the bondholders, declaring that the company had a junior investment in the bonds of the three theatres and when Warners tried to make a deal with the committee the bondholders wanted to pay off all the bonds before taking care of the junior interest held by Warners.

He characterized the action by the bondholders as "putting the screws to Warners," who, failing to get a fair share, undertook to protect themselves. "Every act committed by Warners was lawful and in the exercise of their legal right as citizens," Wood said.

The Warner attorney then took up the conversations between Arthur and Depinet, stating that none of the other defendants were present at the Plaza Hotel meeting and that they could not be linked with this meeting as tending to show a conspiracy. He then discussed the alleged threats allegedly made by Leahy to Depinet and said, "Call them threats, consider them as such if you like. They are of no consequence in this issue."

"When Warners learned from the bondholders it had been wiped out of its investment, the company found itself in a position of dealing with a monopoly. It had either to do business with them or open its own theatres, and the company elected to do the latter. This is not a suit to show we maliciously interfered with F. & M.'s business. This is a criminal action," Wood said.

That the Government was not confronted with trying to prove a monopoly suit, but a conspiracy action between Warners and others was emphasized by its attorney.

Singles Out Clients

"The Government has not called a single witness to testify to the circumstances under which the contracts were made, but we say this was done in the ordinary course of business. The Government has to prove restraint of interstate trade and whatever Warners did to salvage its investment here has nothing to do with violation of the interstate act.

"Whatever we did was in our lawful right to retain our interest here and this is no evidence of a conspiracy."

Wood then asked, "Where in this record is the necessary link to establish a conspiracy on the part of the defendant companies in a concerted move to sell pictures?"

The Warner attorney then singled out his various clients and gave a picture of the parts they are said to have played in the alleged conspiracy, choosing Harry M. Warner first, Gradwell Sears second and Herman Starr last.

"What's the evidence of Mr. Warner's participation in this case. The fact that he is president of his company falls far short of proving he ordered the acts of which he is accused. The only instance where his name was mentioned was in connection with a meeting he had with Strauss and Rosenthal in New York when he turned down their offer for recouping control of the St. Louis Amusement Co., if the Warner product was sold to Allen L. Snyder and his associates. He also put his signature on the second plan submitted to the bondholders.

"The record shows that Mr. Warner told the men he was satisfied with the two theatres he had in St. Louis and rejected their proposition," Wood stated.

As for Sears, the Warner lawyer said the southern and western sales manager had nothing to do with the acts complained of. He added that the only statement made by Sears was to Arthur and Partington when the two men came to his office on March 6, 1934. At the time, he told them, "You gummed up the works for us in St. Louis."

Starr was described as vice-president of Warners in charge of real estate. "What about him? They didn't like his manner and he made some threats.

"All he did was to put his signature on certain leases. That's all, and that's not enough to tie him in with a so-called conspiracy," Wood said.

Lighter Side

ST. LOUIS, Oct. 24.—Of all the out-of-town Warner men visiting, MOE SILVER and CLAYTON BOND put in the shortest stay. One minute, to be exact.

+

MAX ROTH accompanied ABE MONTAGUE to the court scene the other day. Much to the surprise of everyone, he wasn't wearing that blood red shirt. This time he had on a navy blue.

+

MAURICE SCHWEITZER of Paramount is a superstitious fellow, particularly in connection with three on a match. Two lights are all he will offer.

+

Ex-Senator JAMES A. REED likes to bite off the ends of his cigar and chew them in court. During recesses, he smokes the parts he hasn't chipped off.

+

HERMAN STARR and HARRY M. WARNER have exercised a stringent economy cigar program while the court declares those five-minute recesses which usually run 15 to 20 minutes. They split their cigars in half and preserve the unused part in cellophane wrappers until the next time-out is called.

End Meeting Tonight

The three-day parley of executives of National Theatres will end tonight. The meetings are described as routine and refer to company operating policies for the new season. Attending from out of town are Charles Skouras, Rick Ricketson, Arch M. Bowles, Harold J. Fitzgerald, Elmer C. Rhoden, Frank L. Newman and J. J. Sullivan.

Ampa Clan Hears Sport Celebrities

(Continued from page 1)

sheriffs were awake," with no padded gloves, no carpets, no ropes. He described the look of despair on John L. Sullivan's face after the first round of his fight with James J. Corbett.

Ed Walsh, Chicago White Sox pitcher in 1908, made a plea for the old "dead" ball to cut down home runs and "restore brains to the game."

Jack Abernethy, former Oklahoma and Texas sheriff and pal of Theodore Roosevelt, gave a detailed description of how to capture a wolf alive. When the dogs and the wolf are all standing on their hind legs "you dismount, sneak up behind the wolf, wrap your arm around his neck, get your thumb behind his incisors and wire a stick in his mouth."

It sounded very simple.

Thornton Fisher, cartoonist, radio commentator and traveler, introduced the celebrities.

Jack Dempsey stirred a laugh by describing his first stage appearance. Others introduced were: Vincent Richards, former tennis champion; Joe Ruddy, N. Y. A. C. water polo captain and famous swimmer; Col. C. W. Kerwood of the Lafayette Escadrille; Gene Fowler, Craig Wood, Elmer Oliphant, William J. MacBeth, Joseph Vince, Tony Canzoneri, and Arthur Donovan.

C. P. Sheehan Quits Fox Foreign Post

(Continued from page 1)

ing his brother, Winfield, although the latter, by his own reiterated statements, has made no affiliation as yet. Questioned on this point, Clayton said he had no statement to make.

Clayton P. Sheehan was in the employ of Twentieth Century-Fox and its predecessor, Fox Film, for 18 years. He joined the company upon his graduation from Harvard, became Buffalo branch manager, then district manager for New York State and finally entered the foreign department, subsequently to become its head.

Wall Street

Stocks Sustain Slight Losses

	High	Low	Close	Net Change
Columbia	65¾	65	65	— ¾
Consolidated	5½	5½	5½	— ⅛
Consolidated, pfd	19⅛	18⅝	18⅞	.....
Eastman Kodak	164½	163	163	.....
Loew's, Inc.	49½	48⅛	48¾	—1⅛
Paramount	11¼	10⅝	10⅝	— ¼
Paramount, 1 pfd.	95	94½	94½	—1
Paramount, 2 pfd.	13⅜	12¾	12⅞	— ¼
Pathe Film	6⅛	5⅞	5⅞	— ⅛
RKO	5⅝	5⅜	5½	+ ⅛
20th Century-Fox	16¾	16½	16½	— ¼
20th Century, pfd	26¼	26	26	— ⅛
Universal, pfd	35	35	35	+1
Warner Bros.	8	7⅝	7¾	— ⅛
Warner, pfd	45⅜	45	45	— ½

Trans-Lux Lone Curb Gain

	High	Low	Close	Net Change
Sentry Safety	5/16	¼	¼	—3/16
Sonotone	3	2⅞	2⅞	— ⅛
Technicolor	18¾	18¼	18¼	— ¼
Trans-Lux	3⅝	3⅛	3½	+ ⅜

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	14½	14½	14½	.....
Keith B. F. 6s '46	91¼	91	91	— ½
Paramount Pict. 6s '55	96¾	93⅜	96½	+ ⅛
Warner Bros. 6s '39 wd	82½	82	82½	.....

(Quotations at close of Oct. 24)

Sound Topic For SMPE as Sessions End

(Continued from page 1)

for films, Wente explained, are microphone, amplifiers, recorder, reproducer, and loud speakers. The evolution of these began with the invention by Alexander Graham Bell of the telephone. Subsequent studies relating to the telephone art were in a great part responsible for the development of these articles prior to the advent of commercially successful sound pictures.

A non-directional moving-coil microphone was described by L. W. Giles of the same laboratories.

For the last paper of the session, Wente again took the floor, to speak on the principles of measurement of room acoustics.

The acoustic charactertistics of a room, he said, can be evaluated from a knowledge of the rate at which sound dies down when emission from the source ceases. The physical principles underlying the relationship were briefly dicussed.

Hear Three More Papers

Wente showed by specific examples that additional information about the acoustical properties of a room can be obtained by recording the sound level at one or more points in the room when the frequency of the sound is continuously varied.

The closing session was divided into two parts, one conducted as an apparatus symposium, the other as a general section on photographic and laboratory practices. Sections were conducted one after the other.

In the apparatus symposium H. R. Kossman of the Andre Debrie Corp. described the Debrie 16-mm. projector for professional use; M. E. Collins of the RCA Mfg. Co. described the RCA PB-141 optical reduction printer for making 16-mm. positives from 35-mm. negatives, and J. Frank, Jr., of the same company described the RCA Photophone reproducing equipment.

Three more technical papers were offered. N. Levinson of the Warners' studios described a new method for increasing the volume range of sound films; E. H. Hansen and C. N. Faulkner of Twentieth Century-Fox told of reversed mechanical bias on light-valve recordings, and T. D. Cunningham of the RCA Mfg. Co. discussed primary considerations in the design and the production of theatre amplifiers.

Laboratory Session Held

A photographic and laboratory session was opened by a report of the Committee on Laboratory Practice, read by Chairman D. E. Hyndman.

An attempt to analyze the nature and classification of atmospheric and industrial dusts was made by H. C. Murphy of the American Air Filter Co. who described methods of measuring atmospheric pollution, as well as the different procedures which have been developed for testing and rating air cleaning devices.

Nature, declared Murphy, provided humans with a surprisingly efficient air filter in the nostril, based on the viscous inpingement principle. The first attempts in industrial air cleaning, however, were based on metal and cloth screens, followed by coke washers, "fog filters," and so on down to the many commercial types available.

A processing machine built for the Army Signal Corps and now installed at Washington Barracks was described in word and picture by M. Ricker of the United Research Corp.

J. G. Patterson of the Bryant Heater Co. discussed air conditioning.

The year 1935 was one of new and greater screen successes for producers in the Soviet, declared V. I. Verlinsky of Amkino. He reviewed the films of the year and recounted technical achievements in sound, lighting and photography.

The technical advances of Soviet Russia were further discussed by A. F. Chorine of the Central Laboratories, All-Union Electrical Trust, Moscow.

The next fall meeting will be held in Rochester, N. Y.

Looking 'em Over

"A Feather in Her Hat"

(Columbia)

By dint of an able cast fired with a "do or die" spirit, the palsied plot of "A Feather in Her Hat" has been literally forced into an entertainment realm that must have been far beyond its author's most ambitious fancies; to wit, the realm of an average program feature. What toll in histrionic effort was paid to accomplish this may best be judged, perhaps, by the situations in which the principals are found in the closing sequences. Pauline Lord has passed on to her just reward; Basil Rathbone, the companion of her declining years, disappears wearily, yet gratefully, into a London fog, while the young lovers, Wendy Barrie and Louis Hayward, joined forever at last, relax in silence before the hearth fire.

The Lawrence Hazard screen play from the I. A. R. Wylie story presents again the saga of mother love which endureth much in order that the child may be free of its mean beginnings and enjoy the better things. To accomplish this Miss Lord, the mother, brings into her shopkeeper's home off the streets a gentlemanly drunkard, played by Rathbone, and commissions him to impart to her growing son the secrets of gentlemanly behavior in return for his (Rathbone's) board and keep. When the boy, Hayward, comes of age she tells him she is not his mother, then turns over her life's savings to him and orders him from the house lest he become, like herself, one of the accursed, but comfortable middle class.

Instead, he becomes a playwright and, in order to put his first effort on the boards, mother sells the old shop and turns the proceeds over to the cautious producer, who refuses to risk his own cash. But the strain, or perhaps the surprise, of the successful first night is too much for mother. Not even "God Save the King" from the theatre orchestra can keep her on her feet longer. Rathbone wanders off in the fog and Miss Barrie, whom Hayward wanted for wife but hesitated, because of his confused ancestry, to propose, enters bearing silent comfort.

Billie Burke, Victor Varconi and Nydia Westman strive with the others to invest this with credibility. Alfred Santell's direction evinces sheer bravery. The camera work of Joseph Walker is excellent.

Production Code Seal No. 1,350. Running time, 73 minutes. "G."

"Transatlantic Tunnel," which was previewed at the Roxy last night, was reviewed by wire from Hollywood on Oct. 21.

Music Suit Dismissed

Federal Judge Mack yesterday dismissed a suit for an accounting and injunction brought against Educational by Handman & Goodman, Inc., music publishers, for alleged copyright infringement of a number, "Can't We Be Sweethearts Again?" used in several Mack Sennett comedies, which were released by Educational. The dismissal was based on proof by Educational that Sennett had a license to use the song in question.

Tax Negotiations Gaining in Mexico

(Continued from page 1)

strike of employes in American exchanges hit a snag here recently. After wide advertising and a good start the Cine Regis withdrew "Extasis" suddenly after receiving notification from Universal that it held the Mexican distribution rights.

* * *

A Supreme Court ruling here is to the effect that non-copyrighted Mexican works can be used by anybody for films without payment of any fees.

* * *

Troubles of the National M. P. Production Co., the first Mexican company to produce sound films, have been increased as the result of the filing of a suit for $7,500 by 14 former employes on the ground that their dismissal was not justified. Another suit filed by a group of extras is also pending, and the company has a strike of workers on its hands.

"Scrooge" Print Here

Olympic Pictures has received a print of "Scrooge," first of the Twickenham Pictures produced in England which it will release in this country, and will release it generally for the Christmas season.

A print of "The Private Secretary," another Twickenham film, also has arrived.

Rockefeller Claim Stirs RKO Action

(Continued from page 1)

RKO reorganization. Current negotiations looking toward a settlement of the claim are understood to be directed, first, at obtaining a reduction of the amount in which it shall be allowed and, second, an agreement on the issuance of securities of the new RKO company in satisfying the claim. Indications are that both stock and debentures of the new company will be offered in payment, probably in amounts sufficient to assure Rockefeller Center of at least two representatives on the board of the new company.

The RCA and Atlas-Lehman securities will be exchanged for securities of the new company on a basis similar to whatever the agreement reached with Rockefeller Center provides for, it is believed.

These three, with the approximately $1,400,000 of first lien gold notes of RKO owned by Consolidated Film Industries, comprise the principal obligations of RKO and, as such, command first consideration in the reorganization of the company. The new RKO company will assume liability for the notes held by Consolidated at face value. It is believed that the existing agreement providing for the retirement of a minimum amount of these notes monthly will be satisfactory to the reorganized company and will be continued. The notes are secured by virtually all of the assets of RKO and its principal subsidiaries.

Satisfactory settlements for the remainder of the company's creditors are expected to be reached without difficulty or delay, according to principals in the reorganization. No estimate has been made yet of a date on which a reorganization plan may be ready for presentation to the Federal court, but present indications are that this cannot be done before the end of the year, with February or March of next year regarded as more likely.

Federal Trade Body Curbs Film Schools

(Continued from page 1)

training home study for the art and science of cinematography and sound projection. His experience in these lines of endeavor dates back to 1900, when he started with Thomas A. Edison at Orange, N. J., at the very birth of the motion picture in America."

The stipulation points out that in fact Keepers' experience does not point back to 1900 and that he did not start with Edison and that other representations made by Keepers were exaggerated and misleading. Keepers agreed to stop representing that he is a recognized authority on motion pictures; that his course is being studied all over the world; that many theatre owners or managers are interested in the course, and other representations.

Columbia Stock Listed

The New York Curb Exchange has approved for listing 105,532 shares of no-par common stock of Columbia Pictures Corp.



REPUBLIC HAS A COMEDY TOO, MR. CHAPLIN

Charlie, we're sorry. We know that you have just finished your newest picture "Modern Times." We know they're saying it's a knockout. Charlie, we've got a comedy, too. It's called "A Thousand Dollars a Minute." And it's a honey. We've got some of the industry's best comics in it. The critics are raving about it. Do you mind if we tell the world we too have a great laugh sensation?

"$1,000 A MINUTE"

WITH

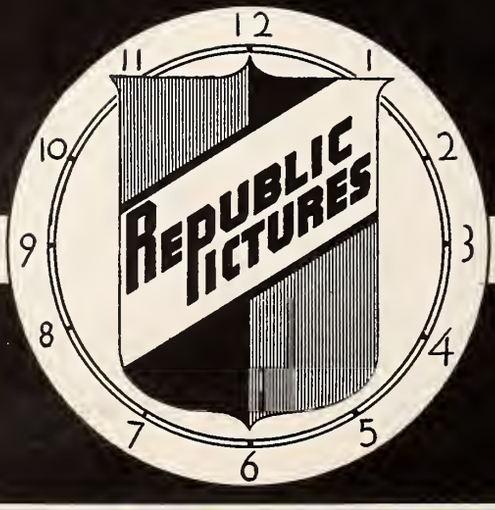
ROGER PRYOR · LEILA HYAMS

EDGAR KENNEDY • STERLING HALLOWAY
EDWARD BROPHY • WILLIAM AUSTIN
HERMAN BING • FRANKLYN PANGBORN
ARTHUR HOYT • PURNELL PRATT

. . . A pip of a satire . . . Has been given swell screen treatment . . . Loaded with laughs and spine-tingling suspense . . . Scotto directed the piece with a sure and fast hand, turning in a swell job all the way through.
—Hollywood Reporter

. . . Scotto's direction keeps the action moving, picks up all the available laughs . . . Excellently mounted.
—Variety

. . . The picture can hold its own . . . This picture should please . . . A fast farce comedy. *—Motion Picture Daily*



NOW'S THE TIME TO BOOK REPUBLIC

FROM THE SATURDAY EVENING POST STORY by EVERETT FREEMAN

Directed by AUBREY SCOTTO
Adaptation by JACK NATTEFORD
Screen play by JOSEPH FIELDS

A NAT LEVINE Production

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 99 NEW YORK, SATURDAY, OCTOBER 26, 1935 TEN CENTS

Court Fines U. S. Counsel For Contempt

Schilz, Losing Temper, Feels Bench Wrath

By BILL ORNSTEIN

ST. LOUIS, Oct. 25.—Harold L. Schilz, one of the four Washington attorneys assisting Russell Hardy, was fined $25 for contempt of court, and Herman Starr, vice-president of Warners in charge of real estate, heard the prosecuting attorney characterize him as a "dynamic, dominating and dictatorial" person, "as imperious as a feudal baron and as powerful as the owner of the largest diamond mine in Africa," in an exciting court session without jury today, which was marked by a combination of extemporaneous drama, humor and sarcastic retorts.

The entire day was devoted to arguments on directed verdicts of acquittal and dismissal motions. Three of defense counsel and two Government lawyers were heard. Rebuttal arguments will be heard tomorrow.

The Government attorney was fined

(*Continued on page 4*)

Wins a Restraining Order on Bank Night

INDIANAPOLIS, Oct. 25.—A restraining order prohibiting authorities from interfering with Bank Night programs was granted Affiliated Enterprises here today in Superior Court. The action resulted from Prosecutor Herbert M. Spencer's opinion that Bank Night was illegal. A test case is expected, since Police Chief Michael Morrissey has ordered discontinuation of the games.

A riot, following a conspiracy admitted by the theatre janitor, Jesse Low, and A. E. Fletcher, in connection with a drawing at the Rivoli, led to the police action.

AFA Benefit Plans Talked at Luncheon

Plans for the American Federation of Actors' benefit to be held at the Majestic Nov. 10 were discussed yesterday at a luncheon attended by stage, screen and radio figures and civic officials. The gathering was held at Manny Wolf's restaurant.

Rudy Vallee was formally introduced as the new A.F.A. president. Joe Laurie, Jr., acted as master of ceremonies. He presented Judge Jonah S. Goldstein, Aldermanic Presi-

(*Continued on page 3*)

B. & K. Reported Ending Chicago Clearance Fight

CHICAGO, Oct. 25.—It was reported here today that B. & K. has dropped its fight for seven-days' clearance over general release, at least for the present. The circuit is reported as expecting to get clearance without difficulty next season.

Local exchanges were understood to be denying the clearance asked by B. & K., unless they had specific orders from their home offices. Barney Balaban and Walter Immerman were in New York recently in conference with distributors on the problem, but apparently without concrete result.

It was understood Paramount had allowed the clearance as asked, but was the only exchange to do so. In general it is believed along Film Row here that major distributors will not allow the clearance demanded. Allied has intimated it would fight the granting of the clearance.

Legion Drive an Aid To Takes—Milliken

WILMINGTON, Oct. 25. — Declaring that the recent clean film drive and the resultant showing of better films have brought about an increase in attendance, Carl E. Milliken, of the Hays office, told a luncheon meeting of the Hercules Powder Co. of the results achieved. Milliken praised the work of women's organizations throughout the country that have helped the industry in showing better films.

Toots, Eet ees Out

That "Toots" crack by Lily Pons at a film party some time ago traveled too fast.

"Call me Toots," she told the newspapermen. They did.

Now it has become too general—especially for the dignity of an opera singer. N'est pas?

Now it's non, non, non on ze Toots.

5 Sign to Adopt 2,000 Foot Reels

Five companies have made definite commitments in favor of adoption of the 2,000-foot reel by next April 1, it was learned yesterday.

The companies are United Artists, M-G-M, Warners, Twentieth Century-Fox and Columbia. No company has formally objected to the adoption of the new standard reel, although four other companies remain to be heard from between now and Nov. 1, the date by which all companies have been asked to make known their attitude. The four remaining to be heard from are Radio, Universal, Paramount and Republic. Of these only Radio and Universal are known to have had serious enough objections to oppose adoption of the new reel.

Just Exploitation!

Kansas City, Oct. 25.—Elmer Bills, owner of the Roxy at Brunswick, Mo., was in town the other day telling his story of "the last word in exploitation."

Bills' brother, who has been operating the house for him, had no previous experience in exhibition, so Elmer explained to him the finer points of exploitation. He pointed out that when he had a murder story coming up, just before flashing on the trailer, he frequently followed the practice of dimming the lights and rattling an old log chain across the stage to create attention. The idea worked very well.

The other day Bills' brother noted a murder story coming up and prepared for it. A Western was being played on this particular night.

One of the boys pulled a switch and threw the entire house in darkness. Another fired a gun from the stage several times, letting out shrieks and groans as he did so, and from back stage came the sound of the heavy log chain being thrown across the boards. The lights failed to come up after the proper interval, and Bills' brother went down to turn them on.

The house was empty. Everyone was gone except one fellow who had just gotten out of the hospital where he had been with a broken hip. The Roxy's customers were all on the street looking for a good hiding place.

Warners See Profits for Fiscal Year

Stockholders Get News; Will Meet Dec. 8

Although definite figures are not available as yet, Warners are predicting a profit for the fiscal year ending Aug. 31, in contrast to a deficit of $2,530,513.68 for last year.

This prediction is net, after all charges, including interest, amortization, depreciation and Federal taxes.

Letters to this effect are being sent out to stockholders in advance of the annual meeting at Wilmington Dec. 9 at which time six directors, a majority, will be named by the preferred stockholders. Directors whose terms will expire are: Harry M. Warner, Albert Warner, Jack L. Warner, Abel Carey Thomas, Waddill Catchings and Henry A. Rudkin.

Proxies are being sought by the management with the understanding that these directors will be reelected and that a compromise settlement worked out on the employment con-

(*Continued on page 3*)

"March of Time" Cut By Censors in Ohio

COLUMBUS, Oct. 25.—Upon orders of Roy Reichelderfer, newly-appointed supervisor of the censor board, the scenes showing Storm Troopers attacking Jewish shopkeepers, despoiling stores, and warning other Germans not to patronize Jewish merchants, have been deleted from the current issue of "March of Time," opening in several Ohio key situations today.

Stanley C. Jacques, Cincinnati branch manager for RKO, protested on the ground that the scenes were of a political and not a moral nature. Reichelderfer, however, contends that "they are harmful and should not be shown at this time."

There is no appeal from the censor board.

Cross Picketing Is Resumed by Unions

Cross picketing flared up again on Broadway after a one-month interlude when the Allied Operators' Union yesterday put pickets on duty at Loew's State. The move was described as retaliation for the picketing of the Astor by Local 306.

Representatives of both unions de-

(*Continued on page 3*)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 October 26, 1935 No. 99

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Ohio Sales Tax Law Is Upheld by Court

AKRON, Oct. 25.—On the ground that it is an excise tax, Judge C. G. Washburn, of the Appellate Court, has upheld the constitutionality of the Ohio sales tax, in an injunction suit brought by Michael L. Fox, president of Summit Growers Market, who contended the law was discriminatory and unconstitutional.

The decision, concurred in by Judges Perry H. Stevens and Ross Funk, cites that the Legislature misnamed the law a "sales tax," but this does not affect its constitutionality as a law, as it provides for a tax on the right to acquire property, and as such is an excise tax.

Plaintiffs may carry the case to the State Supreme Court, although a vote of six of the seven Supreme Court judges would be required to reverse the Appellate Court's decision.

Brient Heads Company

RICHMOND, Oct. 25.—Elmer H. Brient heads the New Dominion Amusement Corp. which has taken over the Broadway and Beacon, Hopewell. H. A. Lucas is vice-president and J. W. Young is treasurer.

Korda Signs Hubert

LONDON, Oct. 25. — Rene Hubert, fashion authority, has been signed by Alexander Korda as head of the costume department of the new London Films Studios at Denham.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Peter Ibbetson"

(Paramount)

HOLLYWOOD, Oct. 25.—This strange mystical romance needs special emphasis on the deathlessness of great love in life and after death to attract the superior type of audience at which the film is aimed. A handsomely produced picture, it needs plenty of exploitation to draw those who are not reached by the average love tale.

Virginia Weidler and Dickie Moore shine brightly in the introductory scenes. Circumstance separates the childish lovers, but each treasures the memory of perfect companionship into adult life. Gary Cooper, as the young architect, does not know why he loves instantly Duchess Ann Harding, until they dream identical scenes and discover their youthful association. Jealous Duke John Halliday accuses Miss Harding of infidelity and is killed by Cooper, who is imprisoned for life. Miss Harding and Cooper meet in their dreams, fantastically, imaginatively and sensitively done. Rising out of the grim, unwholesome prison, Cooper wanders with his love through the unearthly terrain of dreamland until death frees both. Miss Harding is lovely, dignified and credible as the duchess. Cooper is less convincing as a mystic lover, but appealing to his audience.

The supporting cast, above reproach, includes Ida Lupino, Douglas Dumbrille, Doris Lloyd, Gilbert Emery, Ferdinand Gottschalk and Christian Rub. Henry Hathaway's direction is sensitive and sure of the famous novel by Gerald Du Maurier and the play by John Nathaniel Raphael, adapted by Constance Collier, with the screen play by Vincent Lawrence and Waldemar Young and additional scenes by Edwin Justus Mayer and John Meehan. The photography by Charles Lang and special effects by Gordon Jennings are important in sustaining the unearthly mood. Louis Lighton produced.

Its special appeal is for feminine audiences.

Production Code Seal No. 1,172. Running time, 88 minutes. "G."

"Show Them No Mercy"

(20th Century-Fox)

HOLLYWOOD, Oct. 25.—A new method of preserving the showmanship and entertainment vitality of the gangster—G-Man conflict, yet introducing a powerful dramatic contrast, is uncovered here. Paralleling recent front page kidnapping, the production, in a new treatment, reveals the inside workings of the snatch racket.

As typical menacing melodrama is vividly portrayed by gangsters Cesar Romero, Bruce Cabot, Edward Brophy and Warren Hymer, heart-touching drama is played by Rochelle Hudson, Edward Norris and their baby. Held prisoners in a deserted farm house by the gang, whose planned perfect crime is frustrated by G-Men broadcasting the ransom money serial numbers, the lives of the three are constantly menaced by the four gangsters. Romero's attempt to have Norris pass the "hot" money springs the trap. As the panic-stricken gangsters quarrel Brophy and Hymer are killed by officers while attempting a getaway. With tense suspense marking all action, Cabot kills Romero, only to be machine-gunned by Miss Hudson, fighting for the lives of her husband and baby, as officers swoop down.

Embellished by exceptional performances on the part of the players mentioned and the supporting cast, the story content has appeal and commercial quality. As speed and thrill action intensify the dramatic suspense, the story is smartly directed by George Marshall so that the novel method of narration is an asset. The story is by Kubec Glasmon, with adaptation by Harry Lehrman. Darryl F. Zanuck produced. Sold in a forceful, convincing style, taking advantage of exploitation opportunities, the picture should impress at the box-office.

Production Code Seal No. 1,547. Running time, 75 minutes. "G."

[*Reviews continued on page* 3]

Kenneth O'Hara Dead

LOS ANGELES, Oct. 25. — Kenneth O'Hara, scenarist and former *Brooklyn Eagle* reporter, died yesterday in a hospital from pneumonia and other complications which followed a tonsil operation.

He is survived by a brother, Edward O'Hara, and two sisters, Mrs. Mildred Corman of New York and Mrs. Ada M. Eide of this city.

Macfadden to Move

Macfadden Publications, Inc., will move all of its editorial and advertising offices to the 15th and 16th floors of the Chanin Bldg. next week.

Celebrated Picks Story

Celebrated Pictures will put "Brain Snatcher," an original by Ted Lloyd, into work as the company's first feature about the beginning of the year.

Purely Personal

DAVE LOEW'S impending dinner will be different on at least one count. By arrangement made with the Waldorf management, an extensive bar will be set up where cocktails en masse will be served without limit. Wine with the dinner will be dished out on the same basis, each guest's libations to be limited only by his capacity.

•

J. THEODORE REED and his Paramount production unit which has been shooting rodeo scenes at Madison Square Garden for Bing Crosby's "Rhythm on the Range," are en route to the coast by train after two weeks here.

•

MARK OSTRER and MICHAEL BALCON of G. B., are scheduled to sail from England on the *Aquitania* Oct. 30. They are coming over on their semi-annual tour of inspection, arriving here Nov. 5.

•

ANN RONELL, LESTER COWAN, LOUIS NIZER, W. RAY JOHNSTON, GREG LA CAVA, JACK CONNOLLY—all caught in one swift glance—at "21" yesterday.

•

ZASU PITTS, now in New York, will be heard on the Radio Theatre program over WABC and the CBS network Monday night.

•

PETER LORRE's plane was grounded in Arizona yesterday, so he is completing the trip by train and will arrive Sunday.

•

MONROE GREENTHAL discussing United Artists business with President MARY PICKFORD in and around the exits of 729.

•

FRANK and MRS. PARTOS sailed on the *Santa Elena* for California. A fellow passenger on the same boat is JACK LAIT.

•

FRED MOHRHARDT, general auditor for Paramount, leaves today for a two-week business trip to the coast studio.

•

GEORGE W. WEEKS is on a tour of G. B. branches in St. Louis, Kansas City, Des Moines, Oklahoma City and Chicago.

•

BOB SISK's plane was grounded in Kansas City yesterday. He is due in today or perhaps Sunday.

•

CLIFFORD ODETS, through the *Times* dramatic department, says he is not going to Hollywood.

•

FRANK BUCK talked at the annual dinner and ball of the Police Honor Legion last night.

•

JULIA FAYE, the coast advises is now the bride of WALTER ANTHONY MERRILL.

•

WALTER FORDE and MRS. FORDE left Thursday night for the coast.

•

NICHOLAS M. SCHENCK leaves for the coast next week.

•

JOSEPH M. SCHENCK has left for Hollywood.

Warners See Profits for Fiscal Year

(Continued from page 1)

tract with the three Warners and Renraw, Inc., will be approved.

Max Goldberg, a stockholder, filed suit many months ago attacking the employment contract, some question about which was raised following a two-for-one split of Warner stock in June, 1929. Under the terms of a six-year agreement starting Sept. 1, 1928, the Warners and Renraw, Inc., were to have received 90,000 shares of common stock in installments.

As a result of the Goldberg suit, a letter to stockholders states, the law firm of Davis, Polk, Wardwell, Gardiner and Reed was called in to work out a settlement satisfactory to the company and its principal executives. The board has since approved this settlement and the Goldberg suit has been called off by payment of his costs. Other suits have been filed since, however.

Calls "Dream" Business Aid

ST. LOUIS, Oct. 25.—Harry M. Warner says that with exploitation "A Midsummer Night's Dream" will cost $1,250,000 and adds he will be satisfied with a reasonable profit on the picture "if it helps to develop the business."

He also asserts that in the few spots already shown, the Reinhardt-Shakespeare spectacle has shown fine results and, if the public continues to react favorably to the film, it is likely the other Shakespearean stories planned by Warners will be made on a similarly sumptuous scale. He claims the "Dream" is a test to see if the public responds to art in motion pictures.

AFA Benefit Plans Talked at Luncheon

(Continued from page 1)

dent Bernard S. Deutsch and Gene Buck.

After Vallee had accepted the executive post and other speakers had congratulated him, Buck spoke of the present day headliners, tracing their careers back to the vaudeville stage. He pointed out various "finds" he had made while talent scouting for Ziegfeld, notably Will Rogers, W. C. Fields, Eddie Cantor and others. He spoke at length of the inroads made by radio and the screen on the vaudeville stage and warned that the downfall of these entertainment mediums would, in his opinion, come in five to 10 years due to the disappearance from theatres of vaudeville.

41 Theatres Dark, Refuse Wage Raise

MILWAUKEE, Oct. 25.—Forty-one neighborhood houses were dark here today as exhibitors refused a seven and one-half per cent increase demanded by projectionists' Local 164. About 30 Warner, Fox and Saxe houses operating under the wage raise have signed with the union. The old contract expired Aug. 31.

Looking 'em Over

"Rendezvous"

(*M-G-M*)

Turning to the fascinating, factual record of the use of ciphers and codes during the World War, as told by Major Herbert O. Yardley in his "American Black Chamber," M-G-M has retained much of the original as background, has woven into it romance and spies with results highly entertaining, engrossing and exciting.

William Powell, ex-newspaper man but now enrolled in the army, is the hero. Rosalind Russell is the heroine and Binnie Barnes is the Mata Hari of the piece. The story narrates the activities of the German spy ring in America, its interception and its deciphering of the American code and the steps, centering around Powell as codist, to prepare a new one to confound the Teutonic espionage system and thereby keep U-boat torpedos from blowing up American troopships on their way to the front.

All of this happens, of course, with the ultimate and anticipated romantic clinch between Powell and Miss Russell. However, the unfolding is always interesting and often gripping what with the match of wits between American and German intelligence, laboratory experimentation on invisible inks and the like. The treatment by P. J. Wolfson and George Oppenheimer from an adaptation of the original book by Samuel and Bella Spewack stresses comedy values. Director William K. Howard mixes them and the melodramatic content with pronounced dexterity. Performances on all hands are substantial and competent. William Daniels' handling of the camera is expert.

Production Code Seal No. 529. Running time, 106 minutes. "G."

Ridgefield Row May Start New Theatre

RIDGEFIELD, Conn., Oct. 25.—As a result of a contest over the proposed leasing of the Town Hall for films, several residents have offered to form a company and erect a theatre here. A state inspector declared many changes would have to be made in the hall before it could be used and it has been suggested that the town contribute the money needed.

Under the proposed plan, Robert S. Horsley, who sought the lease on the hall, would be made manager.

Wall Street

Warner Stocks Best Gain

	High	Low	Close	Net Change
Columbia	65¼	64	64	—1
Consolidated	5½	5½	5½	.....
Consolidated, pfd..	19⅛	18⅞	19	+ ⅛
Eastman Kodak	163½	162	163½	+ ½
Loew's, Inc.	49⅛	48	48¾	+ ⅜
Loew's, pfd	107½	107½	107½	— ¼
Paramount	10⅞	10⅝	10¾	+ ⅛
Paramount, 1 pfd	95	94	94	— ½
Paramount, 2 pfd	13¼	12⅞	12⅞	.....
Pathe Film	5⅞	5¾	5¾	— ⅛
RKO	5¼	5⅜	5⅜	— ⅛
20th Century-Fox	17¼	16⅝	17⅛	+ ⅝
20th Century, pfd	27⅜	26⅞	27¼	+1¼
Universal, pfd.	35	35	35	.....
Warner Bros.	8⅛	7¾	8	+ ¼
Warner, pfd	47¾	45½	47¼	+2¼

Curb Issues Show Gains

	High	Low	Close	Net Change
Sonotone	3	2⅞	3	+ ⅛
Technicolor	18½	18¼	18½	+ ¼
Trans-Lux	3¾	3⅝	3¾	+ ¼

Bonds Hold Levels

	High	Low	Close	Net Change
General Theatre 6s '40	15⅛	15	15⅛	+ ⅝
General Theatre 6s '40 ctf.	15	14½	15	+ ⅜
Keith B. F. 6s '46	91¼	91¼	91¼	+ ¼
Loew's 6s '41 ww deb rights..	105¼	105	105¼	.....
Paramount Pict. 6s '55	96¾	96⅜	96⅝	+ ⅛
RKO 6s '41 pp.	83	83	83	— ¼
Warner Bros. 6s '39 wd	84	82¼	83¾	+1¼

(Quotations at close of Oct. 25)

Bruen Re-elected Allied Unit Head

SEATTLE, Oct. 25.—Hugh Bruen was reelected president of Allied Amusements of the Pacific Northwest at the annual convention here today. Film men from Washington, Oregon and Idaho established a new attendance record. Other officers are: William Ripley, first vice-president; Al Rosenberg, second vice-president; Milton Kenworthy, third vice-president; James Hone, executive secretary and treasurer.

Ed Kuykendall, the principal speaker at the luncheon and business session, spoke of the return of individualism and personality to the theatre industry, and lauded the Legion of Decency campaign as a great boon to theatres. The business session declared against lotteries, and discussed regulations regarding protection and bookings.

Remodel for Theatre

A two-story garage on the southwest corner of Greenwich Ave. and 12th St. is to be remodeled into a film theatre to be called the Sheridan at a cost of $32,000.

It will be operated by the Greenville Theatre Corp., headed by Benjamin Knoebel.

G.B. Sells Projectors

G. B. Equipments, a subsidiary of G. B. Pictures, has broadened its activities and is now supplying portable projectors to schools, clubs and homes for the showing of feature length 16-mm films. Release of the features is made 12 months after general release of the full-sized features.

Jack Sidney Stops Over

ST. LOUIS, Oct. 25.—Jack Sidney, Louis K. Sidney's brother, stopped here for two days on his automobile trip to the coast. Sidney is in the agency business in Hollywood and had been in the east for four weeks.

Deep Mystery

Foreign sales managers in New York yesterday expressed mystification over a Universal Service cable from Tokyo declaring the Japanese Government was about to impose new restrictions on imported films.

The Hays office, likewise, was without information.

Cross Picketing Is Resumed by Unions

(Continued from page 1)

nied that the reappearance of pickets signified a collapse of the current negotiations to effect a merger of Allied and Empire unions with Local 306. The cross-picketing which had involved virtually every Broadway house throughout the past summer was brought to a halt about a month ago with the opening of the merger conferences by Frank Tichenor, publisher and representative of Mayor LaGuardia in labor affairs. While progress through these conferences has been admittedly slow, union officials insist that they are still under way and some form of agreement is still to be hoped for.

The new flare-up of cross-picketing yesterday was confined to the State and Astor. The latter house has employed Allied operators for some weeks past and has been picketed by 306 men. The State is directly across the street from the Astor and its new contract with 306 was signed by Loew's only a week ago.

Attack Wilby-Kincey Status in Tennessee

CHATTANOOGA, Oct. 25. — Charges that the Wilby-Kincey Corp., which recently won possession of the Bijou after litigation, is not authorized to do business in Tennessee have been filed in Circuit Court here in a motion for a new trial.

The allegation is that Wilby-Kincey, winner in the possession battle against the Dixie Operating Co., had no right to maintain the suit.

Ascap Sues in Wichita

KANSAS CITY, Oct. 25.—Damages of $2,500 are sought by Gene Buck for Ascap in copyright infringement suits brought at Wichita, Kans., against H. E. Campbell of the Nomar and O. F. Sullivan of the West.

The cases are on the docket of Judge Richard J. Hopkins of the Federal district court which will convene Oct. 28.

CLASSIFIED

SOUND EQUIPMENT

MR. EXHIBITOR, HAS YOUR THEATRE lost its S. A. to your patrons? Improved Sound Appeal will be music to your ears at the box office. Ask Masterphone with over 350 successful installations in the northwest, who can solve your sound problems, with the new full wave sound reproducer. Guaranteed to equal any equipment on the market regardless of price or manufacture. Prices and information cheerfully furnished. MASTERPHONE SOUND CORPORATION, 2321 2nd Ave., Seattle, Washington.

Court Fines U. S. Counsel For Contempt

(*Continued from page* 1)

by Federal Judge George H. Moore when he lost his temper, contradicting George S. Leisure, RKO counsel, that Cresson Smith's memorandum of Aug. 17 was the original returned and not the Government's copy. Schilz was seated next to Hardy at the time and the RKO counsel was finishing his argument on the demurrer. Leisure asked that the original memo be produced, stating he had the returned ducument examined and the water stamp proved to be a Government copy.

Leisure was referring to the original subpoenaed for the grand jury investigation while Schilz thought the copy subpoenaed and returned to Leisure for this trial was the one in question. Schilz looked through his brief case while Dwight L. Savage, another Government attorney, took the floor and tried to dismiss the issue, stating, "That's a charge of moral turpitude and is not the case here."

Judge Orders Apology

Still seated, Schilz looked at Leisure when the latter approached him for the original and said, "That's a lie."

"What was that you said?" Judge Moore inquired, a bit flushed. "Stand up," the judge ordered.

"I said it was a lie," Schilz answered reluctantly, his face extremely red.

"Now apologize," the court commanded, and the Government counsel did, following which Schilz was fined.

Regretting the incident, Hardy then took the floor and said he thought the Government had kept the original pursuant to an agreement. Leisure denied any agreement.

Former Senator James A. Reed, William R. Gentry, Leisure, Jacob M. Lashly and Hardy all made individual pleas to have the levy remitted, but Judge Moore declined, stating, "Counsel should always have in mind to conduct themselves with the dignity of the court. Where I come from (rural Missouri) this sort of language is fighting language and usually results in physical violence. I have no sympathy for this sort of action and I regret I cannot see my way clear to remit the fine."

Gentry Argues for Defense

Starr was seated in one of the two alternate jurors' swivel chairs when Hardy lashed into his biting description. The prosecuting attorney was arguing about the meeting Harry C. Arthur and Jack Partington had with Gradwell Sears, Abel Carey Thomas and Starr on March 6, 1934, when Sears was declared by Arthur to have said, "We have nothing against you, but F. & M. are the lambs to be slaughtered."

Hardy defined Arthur and Partington as "two innocent poachers who had come before a Warner tribunal which announced sentence in an indictment to destroy all parties who crossed their paths in St. Louis."

Gentry was the first defense counsel to argue the demurrers and dismissals. He took one hour, covering virtually the same ground as Wood did yesterday. In brief, he stated, independent evidence must be introduced by the Government before the court can permit the jury to consider declarations made by others as applying to his clients. He said the statements made by Arthur in connection with a conversation assertedly held with George J. Schaefer were untrue and he was prepared to prove it, that Paramount had a right to choose its own customers, that Schaeffer did not know Warners had bought RKO product at the time he was negotiating with them, that Paramount's business dealings were based on sound and reasoning judgment, and that Schaefer did not want to deal with F. & M., which, he said, had a monopoly, when it was to their advantage to get better terms from Warners.

"The preliminary question which must be settled," Gentry asserted, "is whether there is any evidence for the jury to properly proceed to render a verdict. I think there is no substantial evidence against any of the defendants and I believe the court should dismiss the indictment."

Fordyce Brief

Samuel W. Fordyce, Paramount counsel, was brief. He centered his arguments around the alleged conversations Arthur and Partington said they had with Schaefer over the telephone and in the Paramount Building. He declared Schaefer had been in Florida from April 15 to March 12, 1934, and that the telephone discussion and meeting described by the witnesses were "fictitious and based on something that had never happened."

"This is no memory test nor a quibbling matter as to a date, but it is vital as far as Schaefer is concerned. The Government must have had some reason for bearing down on us as hard as it did," he said.

Fordyce admitted Arthur had talked to the Paramount vice-president after Schaefer had returned from the south, but not immediately after the March 6 session with Warner officials.

John S. Leahy, attorney for Allen L. Snyder, was the subject of much ridicule today. Gentry was the first to bring his name into the discussion when he referred to the Plaza Hotel, New York, meeting where Leahy said he gave Ned E. Depinet some legal advice on the Sherman Act.

"A lawyer's opinion," Gentry declared, "is worth what he is paid for it and Leahy didn't get anything, which is just how much the advice was worth."

Draws Hearty Laugh

Fordyce drew a hearty laugh when he referred to an incident as "an alcoholic telephonic communication" between Schaefer and Leahy. The Paramount attorney was about to relate who was at the meeting when Judge Moore stopped him, explaining, "Those were the men of great capacity." Leahy, on the stand, had used the very same words.

Leisure was next and gave a comprehensive recapitulation of the various parts Depinet and RKO are alleged to have played in the so-called conspiracy. He said, "There is not a scintilla of evidence that Depinet had any knowledge of or entered into a conspiracy in St. Louis." He added, "Four admissions were introduced by the Government to show the RKO president did have knowledge of what was going on. Arthur," he said, "met Depinet three times and talked to him once on the telephone. Not much has been said about the telephone conversation, but if this were brought in I am sure it would be favorable to us.

"We didn't keep RKO pictures out of the three theatres. The prosecuting witness made a contract with the receivers of the Fox to keep them out," Leisure said. He asked why Arthur waited from March 6 to April 1 before he saw Depinet, then supplied the answer himself, declaring, "that's when he got the thought of triple damages."

It was then that he asked Hardy for return of the original memo of Smith's which met with the sudden outburst of temperament from Schilz.

Savage was the first Government attorney to argue. He said he would confine his arguments to the law as to the purposes of the Sherman Act and what it is intended to prove, particularly, "that one can infer conspiracy for almost any unrelated acts."

Savage Connects Issues

With citations to read from, Savage attempted to connect various issues with those charged in the indictment. He touched on the objective of the Sherman Law, citing the compulsory arbitration case of Paramount against the U. S., the case of Eastern States Lumber Co., where a retail association agreed not to do business with a wholesaler who had been dealing directly with a consumer, and the famous Binderup case where distributors are said to have combined for the purpose of not dealing with exhibitor Binderup after he had offended an agent of one of the companies in Omaha. The Raymond Bros. Stores' legal action also was discussed. The Raymond Brothers, it was stated, refused to do business with Snyder Manufacturing Co. of Illinois because the latter had sold a competitor who was both a wholesaler and retailer. The renowned Strauss suit against Victor Talking Machine, where Macy sold under an agreed price; Bosch Tool Co. against Aluminum Co. of America, and the Federal Trade Commission-Paramount Famous Lasky block booking cases were among the others gone into by Savage.

Hardy's resume of his case concluded the session. It was marked by continuous interruptions by defense counsel challenging the Government attorney to check the record on certain statements made. Several times Hardy ignored the interferences and continued calmly as though nothing had happened.

He stated the case was not one of interest of private parties, but public parties, and that F. & M. were not Government clients, the men with this company being witnesses of the Government. He added, "Several and certain facts must be shown in a conspiracy.

"One of the facts is that Warner's is a big and powerful organization," Hardy asserted. Also, RKO is part of an organization which has more than 100 corporations. Paramount also is part of a similar corporation, he declared.

"The three corporations during the last three years controlled production and distribution of 50 per cent of the films and, therefore, 50 per cent of interstate commerce.

"F. & M.," the prosecutor said, "as the victim, is an oppressed party and pretty small."

Hardy added Fanchon & Marco wouldn't have a chance to fight these companies. He said this was the Government's duty.

Tells of Conferences

"Warners had a certain technique it used in situations as we have here. It attempts to acquire properties in foreclosure and then ties up the necessary film supply to cut off competition for control of the theatres.

"It is the abuse of size and power to accomplish this purpose we are complaining about and not an attack on wealth."

Hardy then related various conferences which a number of witnesses had with Starr and cited the conversations they said took place. He referred particularly to the Chicago meeting among Spyros Skouras, Clarence M. Turley, Gradwell Sears and Starr; the Dysart session with the Warner vice-president at a bondholders' gathering; the Arthur confab on March 6, 1934; the conference Harry M. Warner had with M. A. Rosenthal and Frederick W. Strauss in New York and a meeting in the local office of Sam B. Jeffries.

After he finished this line of attack Hardy discussed the various letters by Schaefer, Depinet, Abel Carey Thomas and Lester Kreiger, asserting that the distribution heads knew Arthur had the theatres in association with Snyder at the time.

Repeats Expressions

During his review of the meeting held by Starr, Schaefer and Depinet with the numerous witnesses, the prosecutor emphasized certain expressions used, such as "lambs to be slaughtered," "sucker deal," "put the pressure on me," "opening gun," "would destroy all who came in our way," "gummed up the works" and "we had to do it."

He also said that Starr's description of F. & M. as "fly-by-nighters" was an illegal defamation of character.

Fordyce got over a point when Hardy referred to Arthur's conversation with Agnew on the high price Warners would have to pay for the product. The Paramount attorney stated the fact that Warners paid the price with a big squawk proves the distributor had the liberty to charge as much as it wanted and that Warners had to meet the terms or lose out on the deal.

None of the eastern executives will week-end in New York. The jury meanwhile also is vacationing until Monday.

The Lighter Side

St. Louis, Oct. 25.—It's getting so around the court that, whenever a reporter approaches executives on a query, the men refuse to talk unless their lawyers are present.

✚

The tonsorial appearance of the many lawyers and film executives Thursday afternoon showed that every one of them had visited the barber. The reason: Opening that night of "A Midsummer Night's Dream" at the Shubert-Rialto. All were invited.

✚

Ned E. Depinet brings all his airmail to court and there goes over the day's business, knocking off two birds with one stone.

✚

Jim Arthur, the youngest of Harry's brothers, has just passed his bar exams on the coast.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 100 NEW YORK, MONDAY, OCTOBER 28, 1935 TEN CENTS

Fox Suit to Check Merger May Be Ended

William Fox Is Ill and Lawyers Make No Move

The action of Eva Fox and the All-Continent Corp. charging officers and directors of Fox Film Corp. with dissipation of the company's assets through the merger with Twentieth Century may be abandoned, it was indicated on Saturday by attorneys for the plaintiffs.

Mrs. Fox, the wife of William Fox and reputedly the owner of a controlling interest in All-Continent, an investment corporation holding Fox securities, was granted leave some time ago to conduct an examination of the principal defendants in advance of trial of her action. The defendants include Sidney R. Kent, W. C. Michel, former Senator David O. Hastings and officers of Chase National Bank. No move has been made yet to begin these examinations and it was stated at the offices of Hirsh, Newman, Reass & Becker, attorneys

(*Continued on page 6*)

Sale Tax Hearings To Start on Nov. 8

Formal hearings on opposition by United Artists and Universal to the city's efforts to apply the sales tax to local film rentals will be begun on Nov. 8, officials of the city comptroller's office said on Saturday.

While the assessments have been made against only United Artists and Universal exchanges here, the cases obviously are of a test nature and their outcome affects all local distributors and involves an estimated $700,000, it was said. The distributors are staking their case on the contention that licensing under Federal

(*Continued on page 6*)

No Valid Reason for Cuts, "Time" Holds

"The March of Time" on Saturday hit back at Ohio and Illinois censors who have generously clipped scenes and dialogue from the Palestine sequence of its seventh release, declaring "there was no valid reason for the action of these two boards."

The producers asserted they had included scenes of Nazi anti-Jewish activity because it was largely responsible for the migration of Jews from Germany to Palestine and because such scenes were necessary for proper

(*Continued on page 6*)

First Runs In 22 Keys Bulk $66,463,244

Compilation Embraces a Full Year

First run theatres in the 22 key cities which comprised last season's box-office index of MOTION PICTURE DAILY bulked $66,463,244 in the 52 weeks which began with the theatre week ending Sept. 27-28, 1934, and terminated with the theatre week of Sept. 19-20, 1935.

Reporting cities were these: Boston, Buffalo, Chicago, Cleveland, Denver, Detroit, Indianapolis, Kansas City,

Comparative chart of key city grosses for the first half of October appears on page 10.

Los Angeles, Minneapolis, Montreal, New York, Oklahoma City, Omaha, Philadelphia, Pittsburgh, Portland, Providence, San Francisco, St. Paul, Seattle and Washington.

The constantly shifting picture was responsible for a fluctuating total of theatres which contributed to the total, ranging from a combined low of 122 for the week ending Aug. 15-16 to a high of 141 for the week ending Jan. 3-4, which was peak in point of weekly gross, as well, at $1,719,887.

For the identical period in 1933-34, the same 22 cities amassed a combined first run gross of $67,598,554. Any comparison, however, cannot be a true one in view of the variance in the number of reporting houses.

Safety Device Cuts Projector Insurance

LOS ANGELES, Oct. 27.—A 20 per cent insurance rate cut on buildings housing projection equipment where Hawkins projection safety devices are used has been obtained through the Academy Research Council.

The reduction applies to theatres and studio projection rooms and is a result of negotiations covering several months with the Pacific Coast Branch of the National Board of Fire Underwriters in San Francisco.

The Hawkins device consists of a specially adapted sprocket fitted to projectors with necessary electrical relays and switches which stop the projector motors and shut off the arc light when a break in film occurs. Tests conducted at the Radio studio show, it is said, that the light is shut off in one-third the time necessary to ignite acetate film. Gordon Mitchell, John Aalberg and William Mueller are on the Academy committee.

His Future

St. Louis, Oct. 27.—Harry C. Arthur tells this one and says it's an actual experience. The other day he noticed a former usher who had been promoted to a post in the publicity and advertising department at the Fox Theatre. Said Arthur:

"I remember you. You were a former usher. If you work hard in your new job, you'll grow up and get yourself a lawsuit."

Walter Eberhardt Dies By Own Hand

Walter F. Eberhardt, believed to have been confronted with blindness, committed suicide yesterday in the garage of his home at 46 Walbrooke Road, Scarsdale. The police of Greensburgh Township in which the Eberhardt residence is located, reported the body was found at 12:55 P. M. yesterday afternoon. Eberhardt was seated in his car, a Marmon sedan, and alongside of him was a garden hose which had been joined with the exhaust. Carbon monoxide poisoning was the cause of death.

About 44 years of age, Eberhardt, for years, had been press representative for Erpi. Prior to that he was long in the publicity, advertising and exploitation department of First National and earlier was employed by Paramount. Widely known and as widely liked in the New York trade, he was Ampa secretary in 1924-25, its vice-president in 1925-26 and ultimately president in 1926-27. He was also author of several mystery stories, including a "A Dagger in the Dark" and "The Jig-Saw Puzzle Murder Mystery."

Eberhardt had lost the sight of one eye many years ago and was believed to have been faced with fading vision in the other. His widow, Harriett, who survives him and who has been in Duluth visiting friends, arrives by air this morning. Beside the body police found several notes. One was addressed to Mrs. Eberhardt. Another, to the police, made it clear the action was of his own planning and volition.

Kuykendall to Talk Before Californians

SAN FRANCISCO, Oct. 27.—Several hundred exhibitors from all over Northern California will hear Ed Kuykendall address the Northern California I.T.O. here tomorrow.

In the absence of Morgan Walsh, president, Aaron Goldberg, vice-president, will preside at a banquet to be given in the William Taylor Hotel.

Court to Rule Today on Plea For Acquittal

Defense Ready to Start If Plea Is Denied

By BILL ORNSTEIN

ST. LOUIS, Oct. 27.—Whether or not there will be a directed verdict for acquittal in the anti-trust suit against major film executives and their companies will be known Monday when U. S. District Judge George H. Moore ascends the bench.

After three days of argument on the point he reserved decision on Saturday and said he would hand down a ruling Monday. A mass of data was submitted to him Saturday.

All day Thursday, Friday and most of Saturday defense counsel argued that the Government had failed to establish a conspiracy in restraint of trade.

Monday marks the beginning of the fifth week of the trial and the 21st day. Whether or not the defense will start its rebuttal depends on the court's ruling on the directed verdict motion. Defense attorneys are ready to pro-

(*Continued on page 6*)

"Solomon" $36,000 In Dull B'way Week

Broadway attractions failed to give cashiers nervous prostration last week, although some of them were above the weak sister classification.

"King Solomon of Broadway," with Stepin Fetchit on the stage at the Roxy, was good for $36,600. "Metropolitan," at the Music Hall, reached $74,500.

The Strand took $21,500 with "Shipmates Forever." "I Live My Life" fell off to $21,500 in its second week at the Capitol. The first week of "The Crusades" at the Paramount was good for $27,000. "Little America," at the Astor, had about $7,000.

End Clearance Fuss; In Force Next Year

CHICAGO, Oct. 27.—The clearance issue, which threatened the local scene with serious repercussions, has been settled amicably, as intimated in earlier dispatches to MOTION PICTURE DAILY. By "a gentlemen's agreement," B. & K. have dropped their plans for an extra seven days this season with a general distributor understanding that the circuit will be accorded the extension for the 1936-37 season.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 October 28, 1935 No. 100

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Aid Fund Held Intact

ST. LOUIS, Oct. 27.—Efforts to secure distribution of $20,723 owned by the Skouras Employes Mutual Aid Ass'n., have been thwarted by Judge O'Malley in Circuit Court, who has ruled that the fund shall be held intact for employes of Skouras Brothers Enterprises and the St. Louis Amusement Co.

The former company is not functioning at present and the latter is in the hands of a Federal trustee.

F. D. Staff Increased

First Division personnel additions in the field include the appointment of Joseph W. Bohn as office manager and salesman, Indianapolis; Sam Haber, salesman in Tennessee; George C. Nungesser, salesman in New Orleans, and Arthur Newman, salesman in New York and on Long Island.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

THESE immediate days are important days in the affairs of G. B., marking as they do the first anniversary of that company's entrance on its own into the domestic selling field. Facing and battling stern competition with its tussle not ended, the short span which is one year has seen this company succeeding in having recognized the fact that it is around. G. B. has had and will have its share of growing pains, but those aches, it would appear, have a substantial chance of becoming less acute as the company steps into its second stanza. . . .

▼

It has had to face the difficulties of organizing a sales staff, of capturing dates, of indifference on the part of powerful circuit buyers, of beating down the unfair handicap of foreign pictures, of introducing stars and players known not at all or known little in this field, of learning something about the requirements of the American exhibitor, of readjustments in its studio organization. Not an easy task whether for G. B. or any other array of initials and one that takes time.

▼

G. B. took its bow here with a product largely fashioned with no very direct glance at what would or would not get over on this side of the Atlantic. The first year brought that phase to its conclusion, saw Mickey Balcon visit the coast, there to effect an interchange of players between his organization and Metro, and a clearer comprehension of the type of attraction which would have appeal to showmen here. The result of the planning will reflect itself in the coming product where the test, in this year or in any other, eventually must be met. . . .

▼

The foreign picture label which is affixed to G. B. has been and continues to be one of its most difficult problems. It is an unfair problem, traceable in part to competition, to exhibitor lethargy and shortsightedness and to box-office experience with much of the product which has hit these shores from overseas studios. One difficulty about the matter centers around the exhibitor himself. Setting himself up as the supreme arbiter of the public's likes and dislikes, lacking the daring to foray into fields that are new, slavishly and often lazily depending upon names that are known but do not always draw, there has been much too much disregard of the freshness in players, in treatment and in style which non-Hollywood product is quite apt to embrace. . . .

▼

Hollywood still leads the world as the mass production center of saleable film merchandise. Year after year, its supremacy continues to assert itself and no doubt that status will continue. But there is the danger of stereotyped goods which is handmaiden to any vast concentration of enterprises such as exists in Hollywood and would exist in any central point turning out the preponderant percentage of world entertainment. There is no attempt to convey an idea that all Hollywood product is inferior any more than it must be construed as an effort to imply all foreign product is superior; there are failings in both. This, however, is an argument designed to point out that, because motion pictures are international, there can be no monopoly on results. . . .

▼

It is our opinion that, tried as the exhibitor and the public have been in years past on the shortcomings of the bulk of pictures made abroad, there is no genuine foundation to the theory advanced and accepted in many directions that the traffic-bearers in this country are death on attractions at large because they do not carry an American label. Quality, no matter from where it springs, has a persistent habit of asserting itself, sometimes handicapped by tradition, sometimes sluggish in achieving its own. A goodly percentage of the talent now employed in Hollywood comes from across the sea to be accepted by the public here in proportion to whatever merit is inherent in that talent. As it goes with personalities, so will it go with pictures regardless of trademarks or country of origin. . . .

▼

There was the time before the war and before American production had advanced toward its majority when the big pictures came from Europe. Veterans will remember "Quo Vadis," "The Life of Christ," "Dante's Inferno," "The Life of Wagner" and "The Last Days of Pompeii." Relatively recently have been the best in German endeavor, such as "Passion," "The Golem," "The Cabinet of Dr. Caligari" and "Danton." Throttled by the war when laboratories were converted into factories making gasmasks and blocked in efforts to reconstruct finances, overseas production had its moments in the post-bellum period and those moments were not pleasant. It was during this period that Hollywood went into the full bloom to stay that way since. But now, Europe, partially back on its feet and recognizing the power inherent in motion pictures, is going through a renascence. From it there must be expected some notable efforts in picture-making. That product, little or much, is entitled to a place in this sun. Moreover, it will get it. . . .

Cleveland "Dream" Run on Profit Side

CLEVELAND, Oct. 27.—A "Midsummer Night's Dream," playing a two-a-day at the Hanna at $1.75 top, is in the black, according to Warner officials. This is said to be the first roadshow that has made any money here in many years. Officials report that the overhead was covered after the fifth day. The local run is for 10 days. The complete coverage of schools, churches, clubs and organizations by the exploitation department, assisted by Mrs. Georgia Moffett, former code secretary, is credited with the success of the engagement.

"U" Loss $735,756

For the nine months to July 27, Universal Pictures Co., Inc., reports a loss of $735,756 after all charges including depreciation of fixed assets which total $301,120 and after giving effect to deduction from costs and expenses of $197,448 on account of excessive provision for royalties and foreign income made prior to the advent of the current fiscal year.

Japan Talks Quota

Weekend cables from Tokyo, shedding more light on the report that restrictions against foreign pictures were on the way, declared the police board in that city was drawing up regulations making it compulsory for theatres there to show a percentage of Japanese-made pictures on each program.

P. J. Wood Heads Drive

COLUMBUS, Oct. 27.—P. J. Wood, secretary of the Ohio I.T.O., has been named chairman of the Community Chest Drive, soon to be launched here. His committee will consist of C. Harry Schreiber, RKO city manager; Max Stearn, operator of the Southern, and Al Haft, sports promoter.

Sell Whiteman Estate

DENVER, Oct. 27.—The 163-acre home of Paul Whiteman's father, located a short distance from Denver, is being sold. W. J. Whiteman desires to make his home in the east. This estate is perhaps the loveliest suburban home near Denver. Paul's mother is not living.

Fawcett to Move East

Fawcett Publications will move its general offices from Minneapolis to Greenwich, Conn., on Nov. 4, according to Roscoe Fawcett, vice-president and general manager. Sixteen publications are involved.

Funeral for Leist

CHICAGO, Oct. 27.—Funeral services for Charles Leist, former B. & K. official who died from a heart attack Wednesday, have been held.

"APPLAUDIENCE-APPEAL"

THANK YOU, WALTER WINCHELL, FOR THE SMARTEST WORD YOU EVER COINED TO DESCRIBE A GREAT BOX-OFFICE PICTURE.

I saw a preview of "3 Kids and a Queen" (due at the Roxy next week). It has lots of applaudience-appeal. Like that "applaudience"?

Walter Winchell, N. Y. Daily Mirror, Oct. 25

Universal's Knockout

"THREE KIDS AND A QUEEN"

THEY NEVER CHEERED

"'THREE KIDS AND A QUEEN' A PIP... Audiences of all kinds will roar with delight and box offices will echo the roars in happy mood. It is a pip of an audience picture ...a box office natural"! — *Hollywood Reporter*

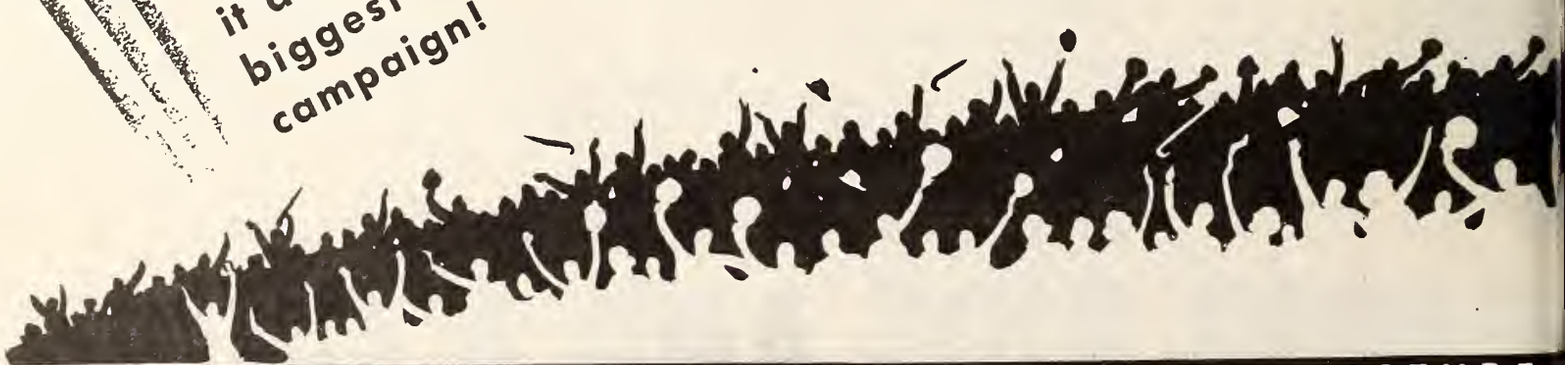
"AN EXCELLENT AUDIENCE PICTURE that will warm the hearts of all patrons, due to the lively comedy and the heart throbs"! — *Showmen's Trade Review*

PREVIEW IT for all the important people in your city to prove to yourself that it deserves your biggest smash campaign!

3 KIDS AND

STARRING

MAY ROBSON *with*



CARL LAEMMLE Presents A UNIVERSAL PICTURE

LIKE THIS BEFORE!

"DISTINCT TRIUMPH...IN B. O. SMASH CLASS... Inspired writing, direction and playing and careful production combine to make 'Three Kids and a Queen' an outstanding comedy of the homely, heart-warming kind. It is grand entertainment throughout, should build for impressive box office"! — *Daily Variety*

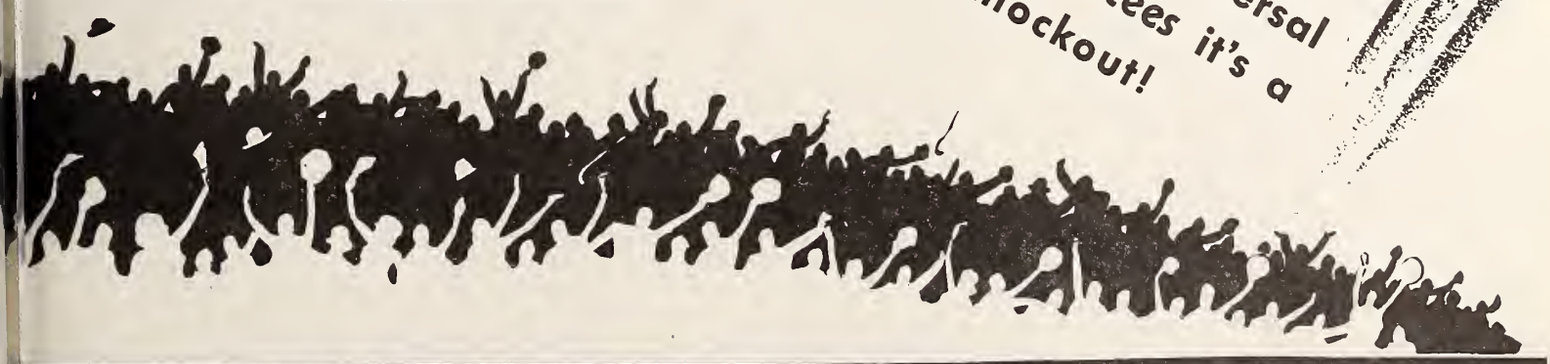
'"THREE KIDS AND A QUEEN' indicates a full house of patrons forgetting their poker faces after the first reel"! — *Motion Picture Daily*

A QUEEN

CHARLOTTE HENRY • FRANKIE DARRO
HENRY ARMETTA • BILLY BURRUD
HERMAN BING • WILLIAM BENEDICT

Screenplay by Barry Trivers and Sam Ornitz
Story by Harry Poppe and Chester Beecroft

GUARANTEE IT to your patrons and bring them stampeding, because Universal guarantees it's a knockout!



Directed by EDWARD LUDWIG . . . Produced by BEN VERSCHLEISER

Court to Rule Today on Plea For Acquittal

(*Continued from page* 1)

ceed. The principal defendants are expected to take the stand and witnesses have been summoned from various sections of the country.

Since Thursday defense attorneys have argued, with the jury absent, that defendants' acts cited by the Government have been lawful. Counsel for Harry M. Warner, Herman Starr, Gradwell Sears, Ned E. Depinet, George J. Schaeffer, Warners, Paramount and RKO have insisted that testimony concerning their clients has been simply a narrative of past events and that the Government has failed to show enough connection between these incidents to establish a conspiracy. Authorities covering similar cases have been cited profusely.

Cites Other Suits

Russell Hardy, prosecuting attorney, has persistently contended that plenty of facts have been shown to link the defendants. He has quoted from the testimony of a number of witnesses regarding alleged threats made by Warner executives.

Dwight L. Savage, one of the four assistants working with Hardy, has held that while it was perfectly proper for the defendants to choose their own customers, where groups of individuals or companies combined or conspired to control the right to do business courts had held the acts to be unlawful. He cited precedents to show that conspiracies can be entered into at various times.

He declared further that film distribution had been declared interstate commerce by the Supreme Court in the Binderup case. He also insisted that in the suit of the Federal Trade Commission against Paramount-Famous Players Lasky block booking had been declared legal insofar as one company was concerned. The commission in that case, he said, had failed to show concerted action.

In a three-hour argument for a directed verdict of acquittal Thursday afternoon Frederick H. Wood, the man who brought about the downfall of the NRA in the Schechter poultry case, gave a summary of facts that received the closest attention from an audience composed of many members of the bar as well as judges and former judges. Wood was not interrupted, except for one recess and he held his hearers spellbound.

Hardy Virtually Alone

The fact that he virtually stands alone against an eminent and highly paid galaxy of opposing counsel has not been overlooked by Hardy, who, several times, has mentioned this to the court. Last Tuesday he brought the issue to the fore when he stopped in the middle of his rebuttal to answer claims made by defense counsel that they would be at an unfair disadvantage if Harry C. Arthur and Jack A. Partington were brought back on the stand to correct parts of their testimony and to have conferences they had testified to apply to all defendants instead of the individuals present at the meetings.

The prosecutor faced the closely grouped legal representatives as he pointed at them, and declared: "Look at that great and glorious array of defense lawyers seated here, and there's twice as many outside, yet they claim they will be at a disadvantage."

Friday's session had a spark of excitement which was quickly extinguished by Judge Moore when he fined Harold L. Schilz, one of Hardy's aides, $25 for blurting out: "That's a damn lie." Schilz was confused at the time about George S. Leisure's reference to a return by the Government to RKO of a copy of a memorandum, written by Cresson Smith on Aug. 17.

In a 90-minute review of his arguments, Wood contended Hardy and Savage had not controverted him in the propositions of law and that Savage, in substance, had agreed on the application of law while Hardy had relied upon alleged facts which were not in evidence and strained the obvious meaning of the language used in conversations and letters.

Leisure held there was no evidence in the record tending to show Depinet had entered into or had any knowledge of a conspiracy in St. Louis. He claimed Arthur had prevented himself from showing RKO product in the Ambassador, Missouri and New Grand Central as a result of his contract with the receivers of the Fox Theatre which distinctly so provided. Leisure took about 30 minutes for his presentation.

During both arguments, Hardy interrupted to clarify certain points being brought out. The Government had no right to a reply, hence Leisure's rebuttal closed the session at 12:45 P.M. Judge Moore stated he would accept memoranda at his home over the weekend if any were planned for his attention.

The Lighter Side

ST. LOUIS, Oct. 27.—GRAD SEARS is terribly annoyed by the soft coal smoke. The other day he appeared in court with a dark suit and was complaining. He said: "This was a grey suit when I came here."

✚

FRED WEHRENBERG is another disappointed Government witness. After spending practically four weeks in the court waiting to go on, WILLIAM R. BENHAM, one of RUSSELL HARDY'S assistants, discharged him along with all the other witnesses subpoenaed.

✚

LETO HILL, in charge of the St. Louis Amusement Co., which is in receivership, is expected to be a Warner witness when the defense starts its rebuttal.

✚

L. K. BRIN of Milwaukee didn't spend much time in the courtroom during his visit here.

✚

The court seems deserted these days with the various branch managers discharged and permitted to get back to work. SCHWEITZER of Paramount, however, puts in an appearance every morning and lends whatever assistance he can to LOUIS PHILLIPS.

✚

The jury is beginning to complain about the deck of cards it has been putting to extraordinary use during recesses. One of the jurors is thinking of asking the defense lawyers for a new stack of cards, the pictures and numbers on those now in use being somewhat past the recognition stage.

Fox Suit to Check Merger May Be Ended

(*Continued from page* 1)

for William Fox, that not only have no definite plans been made to summon the defendants for questioning, but that it was not unlikely that the entire action might be permitted to lapse. It was added that, among other reasons, the physical condition of William Fox, who is undergoing treatment for a diabetic condition in a Toronto hospital, was a factor contributing to this possibility.

Mrs. Fox's action was instituted in July when plans for the Twentieth Century'-Fox merger were first made known. In addition to bringing charges against the former officers and directors of the company she sought to enjoin Fox from consummating both the merger and a financial reorganization. She succeeded in obtaining a temporary injunction which was later set aside and the merger and reorganization were effected after having been approved earlier by the company's stockholders.

Sale Tax Hearings To Start on Nov. 8

(*Continued from page* 1)

copyright does not involve a sale and, thus, is not subject to the tax.

In anticipation of an adverse ruling from the judicial tax commission before which the hearings will be held, attorneys for distributors are already preparing for an eventual appeal to the appellate division, it was learned. This is being done in the belief that the city will not, itself, abandon its efforts to collect the large sum involved in the first judicial test.

No Valid Reason for Cuts, "Time" Holds

(*Continued from page* 1)

background. "It was these sequences with which the censors took issue, particularly with the statement by the editors that 'Hitler has wrought more evil on the Jews than any man of his generation'," read the statement. Ohio and Illinois objections are the first the reel has received, it stated.

Essanay to Get Sound

CHICAGO, Oct. 27.—The Essanay Studio is being modernized for sound pictures and will be opened about Dec. 1 by Wilding Picture Prod., Inc., makers of business pictures.

Headed by Norman E. Wilding, the company has studies in Detroit, New York and Hollywood. In Chicago, L. Mercer Francisco will have charge of sales and service with John R. Kneebone handling the sales department.

Ask V.T.C. Registration

WASHINGTON, Oct. 27.—Application for registration on the New York Stock Exchange of Columbia Pictures voting trust certificates for 105,533 shares of no par common stock was filed with the Securities and Exchange Commission here yesterday by Harry Cohn et al, voting trustees.

Purely Personal

DAVE BLUM, who is in general charge of the DAVE LOEW Farewell Dinner slated for the Waldorf tomorrow night, has arranged to extend the time limit on reservations to Tuesday noon. Already the attendance hovers around the 400 mark with the end not yet in sight.

•

HARRY M. GOETZ, president of Reliance Pictures, and MONROE GREENTHAL, publicity and advertising director for U. A., leave today for Philadelphia to set the opening of "The Melody Lingers On" at the Aldine.

Quip of the Day

"Why is it studios are crying for new faces and go outside to get them?" queries Mox Shobbus.

"The way things are stewing around Hollywood today, all they should do is film some of the executives as they come in, and they'll stop crying for new faces while they're laughing at the old."

MARY KIRK BROWN, CHARLIE PAINE, CHARLIE MACARTHUR and GEORGE JEAN NATHAN among the dinner throng at "21," where DOROTHY MACKAILL may be found constantly.

•

BOB GILLHAM, JOE MOSKOWITZ, BOB GOLDSTEIN and CHARLIE PAINE were among a sizeable aggregation of film men who went to New Haven on Saturday for the Yale-Army game.

•

LILLIE and ARTHUR MAYER, MORRIS ERNST, SI SEADLER and DONALD STERN at the Algonquin around the midnight hour for coffee and highballs.

•

DON MERSEREAU leaves for Hollywood Tuesday. Report has it he goes west to consult with the Pacific Coast editors of *Esquire*.

•

The LYNN FARNOLS entertained for MERRITT HULBURD Saturday evening.

•

LUIS TRENKER left Saturday on the *Bremen*.

•

. . . St. Louis

ALLAN JONES, who appeared at the local Municipal Opera as leading man for three years, will make a personal appearance at Loew's State on Nov. 1 when "A Night at the Opera" opens. Jones has a leading part in the picture and will make four appearances from the stage on the opening day. He is slated to arrive from Hollywood next Wednesday by plane. BILL FERGUSON, M-G-M exploitation director, is expected to blow in town from New York for the event.

GEORGE PLIAKOS, one of SPYROS SKOURAS' countrymen and operator of the Criterion in St. Louis, says he's been in the exhibition business for 26 years and that's long before SKOURAS' time here.

DINTY MOORE, city manager for Warners, closed the Shubert Rialto for two days to rehabilitate the theatre for the two-a-day showings of "A Midsummer Night's Dream."

CLAYTON BOND, Warner circuit film buyer, says he's feeling a little weak from that four-week influenza attack which kept him in a Philadelphia hospital. He's up and around, but his legs are a little shaky.


THE ROUSING RING OF CLASHING STEEL ON STEEL! . . . as the grandest romance ever written re-lives in glorious excitement on the screen!

Adventure leaps in tingling veins! ...Feminine hearts stand still!...as fiction's fondest heroes dare to do and die for laughter, love and king!

Dumas' Fiery Classic Hurled Throbbing to the Screen

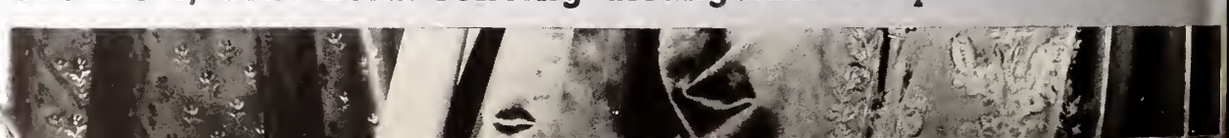
THE THREE MUSKETEERS

With **WALTER ABEL,** Broadway stage idol, as the audacious D'Artagnan; **PAUL LUKAS,** polished screen lover, as heart-breaking Athos; **MARGOT GRAHAME,** English stage beauty, as the dangerous Milady de Winter; **HEATHER ANGEL,** as Constance; **IAN KEITH,** as de Rochefort . . . **Moroni Olsen, Onslow Stevens, Rosamond Pinchot, John Qualen, Ralph Forbes, Nigel de Brulier.**





RKO-RADIO PICTURE. Directed by ROWLAND V. LEE
Screenplay by Dudley Nichols and Rowland V. Lee, Associate Producer, Cliff Reid. Fencing arrangements by Fred Cavens



"Dream" Gets Fast $12,000 Start in L. A.

Los Angeles, Oct. 27.—"A Midsummer Night's Dream" got off to a strong start at Warners' Beverly, the take for the first week going to $12,000 when nearly all the other downtown and Hollywood first runs were having a hard time making the grade. Normal for the Beverly at regular admissions is $3,500.

"Alice Adams" was in the hit class at the Pantages, the $8,000 take being over par by $4,800. The only other attraction to make a dent in the prevailing dullness was "Peasants," a Russian film which took $2,000 at the Grand International.

Total first run business was $82,500. Average is $86,000.

Estimated takings for the week ending Oct. 23:

"WAY DOWN EAST" (Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $5,700. (Average, $12,500)
"HERE'S TO ROMANCE" (Fox)
4 STAR—(900), 30c-55c, 7 days, 3rd week. **Gross:** $2,200. (Average, $3,250)
"PEASANTS" (Amkino)
GRAND INTERNATIONAL THEATRE—(750), 35c-40c, 7 days. **Gross:** $2,000. (Average, $1,200)
"ALICE ADAMS" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $7,500. (Average, $8,000)
"WAY DOWN EAST" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $6,200. (Average, $14,000)
"THE LAST OUTPOST" (Para.)
"LITTLE AMERICA" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Benny Goodman and his orchestra. **Gross:** $16,600. (Average, $18,000)
"A MIDSUMMER NIGHT'S DREAM" (W. B.)
WARNER BROS. (BEVERLY)—(1,612), 50c-$1.50, 7 days. **Gross:** $12,000.
"SHIPMATES FOREVER" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. 2nd week. **Gross:** $10,600. (Average, $14,000)
"SHIPMATES FOREVER" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. 2nd week. **Gross:** $11,700. (Average, $12,000)
"ALICE ADAMS" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $3,200)

Wall Street

20th Century Issues Show Gain

	High	Low	Close	Net Change
Columbia	64½	63½	63½	— ½
Consolidated Film	5½	5¼	5¼	— ¼
Consolidated, pfd.	19⅜	19	19	.....
Eastman Kodak	163	163	163	— ½
Loew's Inc.	49	48⅝	48¾	.....
Loew's pfd.	107½	107½	107½	.....
Paramount	10⅝	10	10⅛	— ⅝
Paramount 1 pfd.	92	90⅝	90¾	—3¼
Paramount 2 pfd.	13	12⅜	12½	— ⅜
Pathe Film	5¾	5⅝	5⅝	— ⅛
RKO	5½	5¼	5¼	— ⅛
20th Century-Fox.	18¼	17⅜	18¼	+1⅛
20th Century, pfd.	28⅜	27⅜	28⅛	+ ¾
Universal pfd.	35½	35½	35½	+ ½
Warner Bros.	8⅛	7¾	7¾	— ¼
Warner, pfd.	47⅜	46½	47	— ¼

Technicolor Up on Curb

	High	Low	Close	Net Change
Sonotone	3	2⅞	2⅞	— ⅛
Technicolor	19	18⅞	19	+ ½
Trans Lux	3¾	3¾	3¾	.....

Little Bond Trading

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15⅛	15⅛	15⅛	.....
Paramount Pictures 6s '55	96⅝	96⅝	96⅝	.....
RKO 6s '41 pp	82½	82	82½	— ½
Warner Bros. 6s '39 wd	84	84	84	+ ¼

(Quotations at close of Oct. 26.)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Annie Oakley"

(*Radio*)

Hollywood, Oct. 27.—The life of the famous markswoman is herewith turned into lively entertainment, although the story probably contains more fiction than fact. Director George Stevens has pepped up the incidents by inserting gags which subtly kid the spirit of the gay nineties and speed the action to several hilarious peaks.

The story starts with Barbara Stanwyck in the title role entering a shooting match with Preston Foster, who is billed as a world champion shot with the Buffalo Bill show. To save Foster's job she throws the contest, later winning his love by telling him when she, too, joins the show. Foster's eyes are ruined when he fights to save the life of Chief Thunder Bird. Without mentioning the accident he goes on with the show and wounds Miss Stanwyck during his trick shooting exhibit. Accused of missing purposely, Foster goes on with the show, is dismissed from the company and not reunited with Miss Stanwyck until Thunder Bird, in a rousing finish, chases him and brings the pair together.

Producer Cliff Reid has chosen a well-balanced cast and mounted the picture with showmanlike production. Moroni Olsen as Buffalo Bill and Melvyn Douglas as his partner give splendid character portrayals. Andy Clyde and Pert Kelton are also well cast. Joel Sayre and John Twist wrote the screenplay from the story by Joseph Fields, and Ewart Adamson furnishes the frequent dialogue laughs.

The subject lends itself readily for exploitation tieups and the picture should be sold without difficulty.

Production Code Seal No. 1,538. Running time, 89 minutes. "G."

"Paddy O'Day"

(*Twentieth Century-Fox*)

Hollywood, Oct. 27.—An Irish accent thick enough to cut with a knife added to Jane Withers' stranglehold on the public imagination is the keynote for the showman's angle on this story of an immigrant child making good.

Jane, smuggling her dog into America, is held up at Ellis Island by the death of her mother. Believing her mother to be only seriously ill, she evades the authorities and escapes in a milk can with the officials in pursuit. Her mother's fellow servants try hiding her with the aid of Pinky Tomlin, the bird-collecting nephew of a rich comedy aunt. George Givot brightens the film considerably as a Russian cafe owner with a wild accent but no money until Tomlin is introduced to the glories of night life. Rita Cansino, Michael and Nina Visaroff as immigrant entertainers put Jane in their show. Love blooms smoothly between Miss Cansino and Tomlin until his aunts chase down Jane as the cause of Tomlin's going in for a wild life with Jane eventually finding a happy home. Her wicked streak is gone but an Irish accent and two cute songs help. A new Tomlin song, "Changing My Ambition," is short but effective.

Jane Darwell, Francis Ford, Vera Lewis, Louise Carter and Russell Simpson complete the cast under the direction of Lewis Seiler. The screenplay by Lou Breslow and Edward Eliscu gives Jane plenty of footage. Attractive dances are staged by Fanchon.

Jane Withers' talent in a laugh show is the best exploitation for this one.

Production Code Seal No. 1,665. Running time, 70 minutes. "G."

"Society Fever"

(*Invincible*)

Hollywood, Oct. 27.—This domestic comedy deals with the trials and tribulations of a large family experiencing new poverty after the death of a wealthy father.

Expensive tastes and lack of business experience bring the family to the verge of eviction after nearly all the furniture has been sold from the mansion. The situation is complicated by the necessity for a formal dinner to visiting nabobs.

Guinn Williams takes top honors as the runaway son who returns with heavyweight manners and a prize fighter's vocabulary. Lois Wilson, Lloyd Hughes, Grant Withers, Sheila Terry, Lois January, Hedda Hopper, Katharine Sheldon, George Irving, Marion Shilling and Anthony Marsh take important roles under Frank Strayer's direction. Maury Cohen produced from a story and screenplay by Karen De Wolf.

Family appeal is the best angle to stress. No production code seal. Running time, 66 minutes. "G."

"Grimm" Top In Cleveland With $4,500

Cleveland, Oct. 27.—"The Return of Peter Grimm" made the best showing in the worst first run week in three months, grossing $4,500, which is $1,500 over the line.

"The Big Broadcast of 1936" came in second with a $10,500 take at Loew's State, where $10,000 is par.

"Accent on Youth" closed with an average $4,000 at Loew's Stillman. "The Gay Deception," with Ted Weems and his orchestra as the stage attraction at the RKO Palace, fell $2,500 short of average, with $12,500 as the take. "The Last Days of Pompeii" also was $2,500 shy of the $8,000 average at Warners' Hippodrome.

Heavy competition of "A Midsummer Night's Dream" at the Hanna and a big opening of the Mayfair Casino, new theatre restaurant, and two rainy nights, combined to hurt business.

Total first run business was $37,100. Average is $40,000.

Estimated takings for the week ending Oct. 24:

"THE RETURN OF PETER GRIMM" (Radio)
ALLEN—(3,300), 30c-35c-42c, 7 days. First showing of Major Bowes' amateurs. **Gross:** $4,500. (Average, $3,000)
"BIG BROADCAST OF 1936" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $10,500. (Average, $10,000)
"ACCENT ON YOUTH" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)
"THE GAY DECEPTION" (Fox)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Ted Weems and Orchestra. **Gross:** $12,500. (Average, $15,000)
"LAST DAYS OF POMPEII" (Radio)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $5,600. (Average, $8,000)

"My Life" $16,000 Hit in Providence

Providence, Oct. 27.—"I Live My Life," heading a dual bill, the other half of which was "It's in the Air," garnered the big money of the week, $16,000 at Loew's State. This tops normal by $4,000.

"Hands Across the Table," at the Strand, did a land office business following fine reviews, and cleaned up $8,000, which is $1,500 over average. Fay's also was $300 over its $7,000 par with "This Is the Life" and Jimmy Lunceford's band.

Total first run business was $45,250. Average is $40,500.

Estimated takings for the week ending Oct. 24

"HERE'S TO ROMANCE" (Fox)
"CHARLIE CHAN IN SHANGHAI" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,800. (Average, $7,000)
"LAST DAYS OF POMPEII" (Radio)
RKO ALBEE—(2,300), 7 days. **Gross:** $6,000. (Average, $7,000)
"THIS IS THE LIFE" (Fox)
FAY'S—(1,600), 15c-40c, 7 days. Stage: Jimmy Lunceford and his band. **Gross:** $7,300. (Average, $7,000)
"HANDS ACROSS THE TABLE" (Para.)
"WATERFRONT LADY" (Mascot)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,000. (Average, $6,500)
"I LIVE MY LIFE" (M-G-M)
"IT'S IN THE AIR" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $16,000. (Average, $12,000)
"THE NEW FRONTIER" (Republic)
"BRANDED A COWARD" (St. Rights)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,150. (Average, $1,000)

Stage Show Returns In Toronto Theatre

TORONTO, Oct. 27.—The stage has come back to the Imperial, ace downtown house of Famous Players, a combination film and vaudeville policy having been adopted once more under the direction of Jack Arthur. The latter was once director of stage presentations for the whole circuit when most every theatre had a concert orchestra and atmospheric prologues.

Frisco House to Go on Air

SAN FRANCISCO, Oct. 27.—The Film Arte on O'Farrell St., opposite the Columbia, has been leased by S. S. Millard, operator of the Capitol, and is now open as a "Theatre of the Air," presenting programs which will be broadcast.

Cliff Work, manager of the Golden Gate and in charge of the RKO interests here, has reopened the Embassy as a continuation house for Golden Gate pictures. The deal was consummated with Herman Cohn, operator of the United Artists.

To Build at Sweet Springs

SWEET SPRINGS, Mo., Oct. 27.—J. T. Ghosen will build a 400-seater. Robert Boller of Kansas City is the architect. Ghosen now has three theatres here, the Versailles, Tipton and Sedalia.

Glen W. Dickinson Theatres, Inc., has started Sunday shows at the Gem in Olathe, Kans. These are the first Sunday showings in that town in many years. Frank Justice is house manager. A new theatre is also being opened in Garden City, Mo., a town of only 200 persons.

To Build at Fitzgerald

FITZGERALD, Ga., Oct. 27.—Martin Theatres, Inc., has purchased three lots from Mrs. J. E. Brewer of Douglas, Ga., former owner of the Grand Opera House, which burned three weeks ago, along with an adjoining lot and will erect a modern 1,500-seat house.

Work will begin soon, according to A. E. Adams, general manager. Novel features will be a roof garden and a skating rink.

Tuscaloosa Shows Stand

TUSCALOOSA, Ala., Oct. 27.—After considering the request of the Tuscaloosa Ministerial Ass'n, to bar Sunday pictures, the Tuscaloosa Commission Board has unanimously declined to take such action.

The commissioners said they took the position that the Alabama Legislature had legalized Sunday shows in Tuscaloosa and there was no inclination on their part to pass an ordinance prohibiting them.

Virginia Building Gains

RICHMOND, Oct. 27.—Theatre building is gaining in a number of Virginia spots. New houses have been built or are building in Hillsville, Galax, Martinsville, Lynchburg, Norfolk and Richmond.

The Hillsville house is the first in that community, for a long time a center of clan disorders. Another house is soon to be started at Falls Church.

Shuffle Coast Houses

LOS ANGELES, Oct. 27.—Leo Fenton has taken over the Metro from P. G. Cameron.

L. H. Lewis has opened the Cameo in a storeroom in Montebello and Nate Schinberg is building a theatre in the same town. Simon Lazarus has reopened his Princess, and the Jacumba in Jacumba, Cal., has been closed.

Start New Detroit House

DETROIT, Oct. 27.—Awarding of a contract for a deep well for a cooling system this week marked the start of construction of the 2,000-seat University by the Sam Brown circuit. It is expected the house, in the heart of the University of Detroit district, will be completed by March 1.

Hartford House Closed

HARTFORD, Oct. 27.—Poli's Palace has closed. Lou Cohen, manager, and Wallace Cooper, assistant, go to the Poli along with Jack Simons. The Palace was built during the war to catch the overflow from the Poli. It has been open and shut at intervals during recent years.

Abilene House Opened

KANSAS CITY, Oct. 27.—Homer Strowig opened his new Plaza at Abilene, Kan., with a gala affair attended by most of Kansas City's film row notables.

Lee, Richmond, to Open

RICHMOND, Oct. 27.—The Lee, a new neighborhood theatre, was opened recently. It is operated by Neighborhood Theatres, Inc., headed by Marion G. Thalhimer. This makes 17 houses in this city.

Richmond Managers Shift

RICHMOND, Oct. 27. — Managerial shifts here include the transfer of Charles Hulbert from the Strand to the new Lee, a Wilmer & Vincent house soon to be opened, and the naming of Harold Lucas as assistant at Warners' Capitol. He succeeds Victor Rich, who has gone to the Waynesboro, Pa., house.

N. O. Theatre Opposed

NEW ORLEANS, Oct. 27.—Merchants in the vicinity of the Palace have sent a petition to the Commission Council protesting against issuance of a license to that house on the ground that it will be patronized exclusively by negroes and this will depreciate property in that section.

Weinstock Heads Plaza

STAMFORD, Oct. 27.—David Weinstock of New York heads the new officers named by Plaza Theatres, Inc. J. Joshua Goldberg of New York is vice-president, Charles Hertzig of Brooklyn is treasurer and Benjamin Weinstock of the Bronx is secretary.

Key City Grosses Fall Off Slightly in Early October

Key city grosses fell off slightly during the first two weeks of October in spite of an increase in the number of theatres open from 164 to 178.

During the last week of September 164 houses in 30 cities tallied $1,655,050. The following week there were 14 more houses in operation, but the total fell off to $1,572,310. For the week ending Oct. 10-11 the total was $1,452,499, a further decrease of $119,811.

The decline was uniform in all sections, except Cleveland, Los Angeles, Montreal, Omaha, Pittsburgh, Portland and Washington.

	Week Ending Oct. 10-11		Week Ending Oct. 3-4	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$88,500	7	$98,500
Buffalo	5	41,900	5	44,100
Charlotte	3	12,000	3	12,500
Chicago	8	114,000	8	114,900
Cincinnati	9	59,700	9	61,900
Cleveland	5	66,200	5	60,500
Denver	6	25,500	6	28,000
Detroit	7	64,400	7	73,700
Houston	4	34,250	3	34,700
Indianapolis	5	29,000	5	34,000
Kansas City	5	36,900	4	52,050
Lincoln	5	10,900	5	13,500
Los Angeles	9	76,574	9	74,800
Louisville	7	23,300	7	28,900
Milwaukee	5	23,500	5	38,300
Minneapolis	5	23,000	6	28,000
Montreal	5	42,500	5	42,000
New Haven	4	22,800	4	25,200
New York	7	177,500	8	209,160
Oklahoma City	4	13,475	4	15,300
Omaha	3	22,900	3	17,800
Philadelphia	9	66,550	9	74,300
Pittsburgh	6	51,700	5	37,700
Portland	6	29,000	6	27,700
Providence	6	39,550	6	42,750
San Francisco	8	72,700	8	94,800
St. Louis	5	47,650	6	63,500
St. Paul	5	20,000	5	20,000
Seattle	7	34,050	7	35,950
Washington	8	72,500	8	67,800
	178	$1,452,499	178	$1,572,310

Comparative grosses for the last available periods:

Week Ending	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499

(*Copyright*, 1935, *Quigley Publications.*)

Open a New, Modern House in Santiago

WASHINGTON, Oct. 27.—What is reported to be the most modern theatre in South America has just been opened in Santiago, Chile, according to a report to the U. S. Department of Commerce from Assistant Commercial Attache Harold M. Randall.

The theatre was constructed by the Retirement Insurance Bureau of the Employes of the Bank of Chile. The building includes air conditioning and an electrically operated panel indicating to the ushers all unoccupied seats. The lighting is said to be a departure from any previously installed in Chile. The building is of reinforced concrete and claimed to be both fire and earthquake proof.

More Films in Pittsburgh

PITTSBURGH, Oct. 27.—Downtown Pittsburgh will soon have another picture site when George Jaffe, manager of the Variety, puts in second run films with continuous burlesque on a grind policy. Until now, the Variety has been operating with straight burlesque, two shows daily. Under the new setup, there will be four shows daily.

Lease Wooster Theatre

WOOSTER, O., Oct. 27.—Wooster Theatres, Inc., in which Dr. J. J. Kinney and E. P. Mott are interested. has taken a three-year lease on the City Opera House, a municipal project, at an annual rental of $2,000.

Policy will be stage shows and pictures when the house opens.

Thayer to Washington

SEATTLE, Oct. 27.—Lloyd Thayer, former California exhibitor, has been named manager of the New Bijou in Aberdeen and New Hoquiam in Hoquiam, recently acquired by Warners. Tom Olsen remains as supervisor of the territory and manager of the Aberdeen Theatre.

Schwarz Frisco House Open

SAN FRANCISCO, Oct. 27.—Ben and Lionel Schwarz have opened their new acquisition, the Ellis, suburban subsequent run house. Formerly known as the Princess, the house is reputed to be the oldest in the city. The Schwarz brothers redecorated and refurnished it prior to the opening.

Delay Tampa Opening

TAMPA, Oct. 27.—Butler Gore has postponed reopening of the New Broadway to Hallowe'en because some of the renovation work was not finished for the original date set, Columbus Day. A new marquee and boxoffice are being included in the changes.

Shift Connecticut Men

SOUTH NORWALK, Oct. 27.—Christopher A. Joyce, former assistant manager of the Allyn, Hartford, has been named manager of the Regent here. John Gamble, assistant manager, has been transferred to the Empress as assistant manager.

Transfer Kingstree House

KINGSTREE, N. C., Oct. 27.—H. H. Anderson of Dillon has taken over the Kingstree, operated for several years by R. S. Rogers, Jr.

To Build at Charlotte

CHARLOTTE, Oct. 27. — A $50,000 theatre is planned here by S. W. Craver and J. F. Falls.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 101 NEW YORK, TUESDAY, OCTOBER 29, 1935 TEN CENTS

Paramount Is Not Expected To Fill Board

Vanderlip and Gray May Not Be Replaced

Indications are that no new directors will be elected to the Paramount board to fill the vacancies created by the recent resignations of Frank A. Vanderlip and William S. Gray, Jr., it was officially stated yesterday.

The resignations reduce the board membership to 14, and, although the board is permitted by the company's by-laws to elect directors to fill vacancies, it was pointed out that the original intent of the creditor reorganization groups was to provide Paramount with a "small, but actively working" board. For this reason only 16 directors were elected originally, although the by-laws authorize a board of 18. The two resignations create a situation that is in keeping with this intent of the reorganization groups and and, hence, it is expected that the vacancies will remain unfilled at least until the annual meeting of the company's stockholders next June.

Gray, who is president of Central

(*Continued on page 8*)

Three Partnerships To Be Set by Para.

New operating agreements for the A. H. Blank, Hoblitzelle-Interstate and Kunsky-Trendle circuits will be set with the operators by the Paramount theatre department within the week, it was stated yesterday by representatives of the latter.

The old agreements were extended for 30 days from Sept. 28 and the extensions expired yesterday. Basic details of new operating pacts for the three circuits have been set and will be established in new agreements to be closed before the end of the week, it was said.

Buckley Cuts Down His Theatre Duties

Pressure of new duties at United Artists Dist. Corp. compel Harry D. Buckley, vice-president and general manager of the United Artists Theatre Circuit, Inc., to relinquish activities in that direction. Joseph M. Schenck, president of the company, has named George Skouras to represent the U. A. interests with full charge of operation of the Rivoli here in New York. John Wright continues in charge of the theatre. Elsewhere, the U. A. string has operating partners.

Dangers of Federal Rule Are Seen By Kuykendall

Government regulation is a danger of increasing proportions unless something is done within the industry to reduce disputes between distributors and exhibitors, declares Ed Kuykendall in the latest M. P. T. O. A. bulletin.

Approaching legislative sessions—national and state—and an increasing number of exhibitor complaints piling up in Washington with the Department of Justice may bring about new laws unless action is taken, Kuykendall insists.

"Vast progress has been made in production," Kuykendall says, "and in exhibition the presentation of pictures, modern design of theatres and steady improvement in comforts and allure show remarkable progress.

"Yet in the dealings between distributor and exhibitor, in trade practices, sales policies and the regulation of unfair competition, whatever painful progress has been achieved during the past 10 or 20 years has been wiped out completely. No progressive steps to improve trade relations and sales methods, to establish and administer standards of fair competition, have been taken and none are seri-

(*Continued on page 2*)

Uptown Dual Adds to K.C. Complication

KANSAS CITY, Oct. 28. — Double bills were started at the first run Uptown Saturday by Fox Midwest. The move comes as a surprise on the heels of a raise in scales at downtown first runs.

The Tower recently added vaudeville and tipped its 25-cent top to 35 cents. Loew's Midland eliminated its 15-cent matinee balcony rate. The Newman has just ended Bank Night and Screeno, and, for the showing of "The Crusades," has raised its scales to 25c-35c-55c.

This adds to the troubles of independent suburbans who are already arguing over Fox Midwest clearance and have just retained the law firm

(*Continued on page 2*)

Loew Party Set for Early Start Tonight

David L. Loew's chief embarrassment will get under way between 7 and 8 o'clock tonight in the grand ballroom of the Waldorf, where his friends and business associates—between 500 and 600 strong—will foregather at a farewell dinner to be tendered in his honor. Loew leaves for Hollywood shortly to join the Roach studio as vice-president.

Arthur Garfield Hays, well known lawyer who has known both David and Arthur Loew virtually all of their lives, will be the toastmaster. Other scheduled speakers are Adolph Zukor, David Bernstein, Louis Nizer, David Warfield, Hal Roach, who has flown in from California especially for the

(*Continued on page 2*)

Report KRS Holds Stand On Bookings

By BRUCE ALLAN

LONDON, Oct. 21.—No official statement was issued after a meeting of the Kinematograph Renters' Society which considered the booking circuit situation, but it is understood the distributors reaffirmed their previous decision that the recent Gaumont British buy of the H. & G. theatres did not comply with the K.R.S. demand that such deals should include the acquisition of financial and voting control.

Probability of action by G. B. to contest the K.R.S. action is regarded as increased by the fact that the deal for the transfer of the H. & G. houses to the G. B. subsidiary formed to manage them has been completed on terms

(*Continued on page 2*)

About 8,000 Spots Have Duals—Golden

ST. LOUIS, Oct. 28. — "Approximately 8,000 of 11,000 theatres are playing duals and the tendency is increasing in small towns," Edward Golden said on his arrival here from Kansas City today.

Golden left New York Oct. 1 and has visited Republic exchanges in Albany, Buffalo, Toronto, Detroit, Minneapolis, Chicago, Milwaukee, Des Moines and Kansas City. He plans to leave here Wednesday after conferring with Nat Steinberg and Barney Rosenthal, local Republic franchise holders, with his next stop Indianapolis. He will continue from there to Cincinnati, Pittsburgh, Washington and Philadelphia, and will return to New York on Nov. 7.

Court Denies Defense Plea For Dismissal

Begin Defense Testimony Following Ruling

By BILL ORNSTEIN

ST. LOUIS, Oct. 28.—Without giving any reasons, Federal Judge George H. Moore today denied demurrers and dismissal motions filed by the defense counsel last week upon completion of the Government's case. Three consecutive days were taken up with the arguments on various motions and as the fifth week of the anti-trust trial began this morning, Judge Moore overruled each and every one of the petitions.

Following the judicial ruling, Warners started the defense ball rolling by placing Sam B. Jeffries, local Warner attorney, on the stand. Former Senator James A. Reed examined him the entire day and will continue tomorrow. Counsel for RKO and Paramount will be given an opportunity to question the witness before Rus-

(*Continued on page 4*)

Union Merger to Be Pushed After Pact

Efforts to consummate the merger of Local 306, Allied and Empire operators' unions will be undertaken immediately upon closing of the new wage scale contracts between Local 306 and the Skouras and Randforce circuits, it was stated yesterday at Local 306 headquarters.

Basic wage schedules for the remaining independent circuits and smaller houses are expected to be an important part of the merger negotiations of the three unions. Thus, until the merger has been completed, very little more in the way of wage scale negotiations remains to be done. With a basic scale agreed upon the negotiations with individual circuits and theatres could be resumed.

Contracts between Local 306, Skouras and Randforce may be signed within the week. An agreement on a $1.60 an hour scale for subsequents has been reached and only final phases of the new pacts are to be set.

Northwest's Allied Unit Enters MPTOA

SEATTLE, Oct. 28.—A decision to affiliate with the M.P.T.O.A. and to change the name of Allied Amusements of the Northwest to M.P.T.O. of the Pacific Northwest was a closing act of the convention here.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 October 29, 1935 No. 101

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Report KRS Holds Stand on Bookings

(*Continued from page* 1)

which, it is believed, register a definite transfer of control to G. B. Originally, the directorate of the new company was 50-50 as between G. B. and H. & G. and the management was left in the hands of the old directors.

G. B. and H. & G. directors have been in conference with members of the C. E. A. Council in regard to the general principles involved in the K.R.S. policy.

* * *

The Watch Committee of Norwich, Norfolk, has banned exhibition in the town of "Bride of Frankenstein," "Mark of the Vampire," and "Hands of Orlac." Announcing this decision, the chief constable stated that the films were regarded as possessing "horrible themes" and therefore to be unsuitable for display to the general public. All three pictures were passed by the British Board of Film Censors, the decisions of which are, however, always subject to revision by the local licensing authorities.

Loew Party Set for Early Start Tonight

(*Continued from page* 1)

function; and J. Hamilton Webster, distinguished president of the New York National Bank.

At the dais, in addition to these, will be Nicholas M. Schenck, M. H. Aylesworth, J. R. McDonough, Nathan Burkan, Martin Quigley and Jack Cohn.

Funeral Today



Funeral services for Walter F. Eberhardt, who died at his Scarsdale home on Sunday, will be held at the Church of St. James, the Less in that village at 11 o'clock this morning.

His widow, the former Harriet Howard Kimball, whom he married in 1925, yesterday morning flew in from Duluth where she had been visiting.

Eberhardt, it was established yesterday, was born in New York in 1898. He was a graduate of Bowdoin College and served overseas with the Canadian infantry in 1917-19.

Gordon S. White, president of the Ampa, will head an official delegation to the services. In the group will be Paul Benjamin, Martin Starr, Vincent Trotta, Ed McNamee, Paul Gulick, Jack Fuld and J. P. Cunningham.

Remand "Hat" Cases Back to Ohio Court

CLEVELAND, Oct. 28.—Federal Judge Paul Jones today remanded to the Commons Pleas Court for trial the suits of the Broadvue, Ridge and Cedar Lee theatres against RKO on the ground that the amounts involved are less than $3,000.

The petitioners seek an injunction to restrain RKO from selling "Top Hat" on the 1935-36 contracts and demand delivery of the film on the 1934-35 contracts.

M-G-M Gets Control Of Leo Feist, Inc.

E. F. Bitner, president of Leo Feist, Inc., yesterday stated M-G-M had acquired a controlling interest in the capital stock structure of that music publishing concern, one of the oldest in its field. He emphasized that no change in personnel management or personnel would follow the transaction. Inside reports declare the price to M-G-M was $400,000.

Adolphe Menjou Ill In Coast Hospital

HOLLYWOOD, Oct. 28—Adolphe Menjou is seriously ill with a stomach ailment in a hospital here. A blood transfusion has been given.

At the same time Mrs. Menjou (Veree Teasdale) is receiving treatment for colitis.

Both have been working in Harold Lloyd's "The Milky Way," work upon which has been stopped.

Imperial to Have 7 Features and Shorts

Imperial Dist. Corp., headed by William Pizor, long prominent in the independent field, yesterday declared it will release seven features and two series of shorts this season. The program was divulged through an attractive campaigning book outlining the company's plans.

The features:

Bela Lugosi in "Murder by Television," with June Collyer, Huntley Gordon, George Meeker and Henry Mowbray.

"Manhattan Butterfly," with Dorothy Grainger, William Bakewell, Betty Compson, Kenneth Thomson, Dorothy Burgess, Carmelita Geraghty and George Meeker.

"Rich Relations," with Ralph Forbes, Frances Grant, Barry Norton, Hedda Hopper, Wesley Barry, Gertrude Astor, Mary McLaren, Muriel Evans, Franklin Pangborn. From novel, by Priscilla Wayne.

"High Hat," from Alma Sioux Scarberry's novel.

"Penthouse Love," by Anna Sioux Scarberry.

"Silver Linings."

"Second Choice," by Rob Eden

The shorts include 13 Imperial Color Classics in which series are "Southern Beauties in Florida," "Towers of Melody in Radio City" and "Hidden Treaure in Bermuda."

The second series will be 13 Edgar A. Guest Poetic Gems, the titles of which are "Boyhood," "Worn Out," "Old Prospector Talk," "Sea Dreams," "Early in the Mornin'," "After the Storm," "Couldn't Live Without You," "Song of the Builder," "Call of the Wood," "Ma and the Auto," "When Redskins Bit the Dust," "Bill and I Went Fishing" and "Scout Master."

Australian Firm to Use American Talent

American talent is to be used in the production ventures of Cinesound Prod., Ltd., at Sydney, Australia, according to Harold Auten, representative here.

Helen Twelvetrees has been signed to star in "Thoroughbreds," a racing story by Edmund Seward, an American writer. Two other features planned, a pearl fishing story, and "Big Timber," an Australian backwoods story, also are to have American players.

"Barbary" Holds to $29,000 2nd Week

"Barbary Coast" held up to $29,000 in its second week at the Rivoli.

"The Last Days of Pompeii" failed to make much of an impression at the RKO Center on a $15,000 tally.

"Special Agent" and "The Return of Peter Grimm" were weak at $9,500 in the Palace.

Westcott Injured

HOLLYWOOD, Oct. 28.—Gordon Westcott is in a serious condition as a result of a fall from his horse during a polo match yesterday. His skull was fractured and he suffered internal injuries.

Labor Leases Theatre

Labor Stage, Inc., has leased the Princess at 104-6 West 39th St. and 1035 Sixth Ave. from J. Arthur Fischer, Inc.

Arliss Is Re-Signed

LONDON, Oct. 28.—George Arliss has signed a new two-picture contract with G.B. that will keep him in England during 1936.

Uptown Dual Adds to K.C. Complication

(*Continued from page* 1)

of Ringolsky, Boatright & Jacobs to take whatever legal action it deems possible.

E. Rolsky, I.T.O. president, says that Fox is the only distributor, so far as he knows, which has sold Fox Midwest protection generally. M-G-M has sold a few films and Warners have, too, he says. The independents are talking of an injunction.

Under the terms of a proposed clearance schedule submitted to distributors by independents, giveaways and prizes set back films automatically, but it is predicted that few will give them up with a first run going to duals and with Fox Midwest giving prizes in 15 houses.

Suburbans are in better shape, comparatively, than some of the downtown first runs, according to some observers. One of their advantages is lower advertising rates. First runs pay 75 cents a line week days, 85 cents on Sundays in the *Times* and *Star*. Subsequents with contracts pay according to admission price: 60 cents a line for those charging 25 cents or more, and 45 cents for admissions under the 25-cent scale.

Danger in Federal Rule—Kuykendall

(*Continued from page* 1)

ously proposed by any distributor at the present moment. Isn't it just possible that some improvement in these matters is long past due.

"It looks as though the distributors are faced squarely with deciding on their own responsibility which of two courses to pursue. One is to take definite action for the voluntary self-regulation of unfair competition and trade practices through organized effort, the other is to stand pat and stubbornly defend to the bitter end the present trade practices against any and all attacks in the courts, the legislatures and Congress, thereby definitely inviting and risking thoroughgoing governmental control and regulation of their commercial operations."

Kuykendall says that he will call a meeting of the M. P. T. O. A. board immediately upon his return from his present trip to take up possible moves toward securing some form of local industry arbitration.

Opposes Pettengill Bill

SAN FRANCISCO, Oct. 28.—Ed Kuykendall told 300 exhibitor members of the I.T.O. of Northern California here tonight to oppose the Pettengill block-booking bill, and to support the copyright law amendment to check the Ascap tax. He urged state units to fight legislative activities.

Loss Shows Increase

Heywood-Wakefield Co. reports a loss of $58,981 for the nine months to Sept. 30. This compares with a loss of $46,435 for the identical period a year ago.



Why kid ourselves

We've been in this business a pretty long time. So have you. As one of the leading outfits in the industry, we know just about all the tricks of the trade. So do you.

Then why shouldn't we--when we're talking to you--cut out all the trade ad bunk, all the poetry, the fancy adjectives, the **"COLOSSALS"** and the **"SUPER-SUPER TREMENDOUS"** nonsense?

This sort of thing may be swell for outsiders; but inside the business, it's just plain foolish!

After all, you're business men. You want facts: What kind of picture we're releasing; the sort of market it was planned for; how you can make the most money out of it.

All right! We're going to see that you get these facts in our trade ads.

For **PARAMOUNT PICTURES** are built, first and foremost, for the **BOX-OFFICE;** built to make you money. **OUR JOB** is to help you, as you prove again and again what the whole industry has known for years . . . that . . .

Paramount Pictures

It Pays to Play a Paramount Picture!

Court Denies Defense Plea For Dismissal

(*Continued from page* 1)

sell Hardy, prosecuting attorney, starts his cross interrogation.

When matters relating to certain knowledge Jeffries had about Skouras Brothers Enterprises and St. Louis Amusement Co. came up, the prosecutor insisted that the documents themselves be introduced and when this was done he objected to them as "immaterial." Hardy stated to the court, "I feel I must insist on trying this case for the Government on the best evidence. It's not a question of time that is involved, but the issues themselves." The court upheld him on this point.

Cites Oral Agreement

Jeffries related Warners' interest in Skouras Bros. Enterprises and St. Louis Amusement Co., in addition to giving a full analysis of the various reorganization plans the company submitted to the bondholders' committee for the Ambassador, Missouri and New Grand Central. He also told the court and jury how the bondholders "walked out" on an oral agreement reached with Warners on Sept. 18, 1933.

He testified that at this conference the bondholders' group and Warners had a complete understanding on a reorganization plan which required that Warners put up $400,000 fresh capital for which it would get control of the new company. He said further that David Levinson, attorney for the bondholders' committee, had been authorized to draft the plan agreed upon and although several matters not discussed at the Sept. 18 meeting were included, Warners did not object because they were considered minor.

Reed questioned the witness at some length on the management and ownership of the Ambassador, Missouri, New Grand Central and St. Louis Amusement Co. Jeffries stated that in Feb., 1934, Tom K. Smith was receiver for the three theatres, which were then operated by Spyros Skouras and Clarence M. Turley, who also had possession of the St. Louis Amusement circuit.

Bought from Koplar

He said he had been a director, but resigned in January, 1934. He also related the Blake-Skouras Bros. Enterprises and Shea-St. Louis Amusement Co. receivership suits, adding that Elsie Probstein, one of the petitioners, was a sister of Harry Koplar; that Nat Koplar, another petitioner, was a brother of Harry Koplar, who, he alleged, was behind the moves.

In 1929, Warners owned 5,000 shares of Skouras Bros. Enterprises stock and at the time an intervening petition in bankruptcy was filed, controlled about 96 per cent of the stock. This company owned 51 per cent of St. Louis Amusement Co., Jeffries declared, and Warners afterwards bought from Koplar 14,000 shares in the St. Louis Amusement circuit. Several other purchases of St. Louis Amusement stock were made which gave Warners 40 per cent of the company. Combined with Skouras Bros. Enterprises' interest, the total virtually amounted to 91 per cent.

Dysart, the Warner attorney stated, acquired the Ambassador and New Grand Central by foreclosure in January, 1934, as chairman of the bondholders' committee, which held an original first mortgage on the two properties totaling $4,500,000. Jeffries was not permitted to discuss the mortgage situation on the Missouri when Hardy was sustained in an objection on the ground that the document itself was the best evidence. After a bit of quibbling between Reed and Hardy the ex-Senator then produced certified copies of documents, including the mortgages on the three buildings.

Jeffries then asserted that the first mortgage on the Ambassador and New Grand Central was for $4,500,000, later reduced through payments to $4,050,000. The second mortgage was for $1,075,000 and later reduced to $800,000. The third mortgage was $1,000,000, which Warners held. The first mortgage on the Missouri was for $2,000,000.

Hardy Intervenes

Jeffries said he knew of the setup from Harry C. Arthur's testimony and again Hardy intervened, stating that the first Government witness should have been cross-examined on this.

Reed remarked, "I'll address myself to the court and his honor's wisdom." To which Judge Moore replied, "I don't know about that."

Jeffries said that during the latter part of August, 1933, when the two receivership suits were out of the way, he began to negotiate with the bondholders' committee, recalling a meeting in Chicago that month and a later meeting on Sept. 18 in his office attended by Herman Starr, Abel Carey Thomas, Dysart, Levinson and himself.

The local Warner legal representative then recited some of the variations put into the plan by the bondholders which were not agreed upon at the conference. Warners wanted the agreement to run 15 years and the committee insisted on making it 10. The oral understanding on exemption of accumulated interest on the bonds was for the first two years. The committee reduced this to the first 12 months only. That 25 per cent of the money deposited in a sinking fund be paid to the new corporation annually was not changed. Neither was the insurance provision or setup of the trustees.

Names Provisions

Warners were given four representatives on the board of trustees, Jeffries stated, because it would not put up the $400,000 unless it could have 60 per cent of control. Reorganization expenses, plus the amount of money the non-depositing bondholders would get out of the foreclosure sale price was to be paid by Warners. It was agreed Warners would put up $50,000 in escrow in a bank on account of the purchase price of participating certificates, the balance to be paid on delivery. At first a Chicago bank was named, but this was changed to a St. Louis institution. Skouras Bros. Enterprises guaranteed the old bonds, Jeffries said.

Other provisions included the committee getting 40 per cent of the authorized stock in the new company, an option for Warners to operate the Missouri, for which the company would get a five per cent management fee and that no capital expense should be reduced from the gross receipts in determining net profit.

Jeffries said Levinson never submitted the draft to him, but to Dysart, who personally changed it so that the committee would be in control for 15 years without putting up a penny. Warners, who were to deposit $400,000 with the committee, were to get nothing, he said.

Asked about the Allen L. Snyder bid for the three theatres, Jeffries said he had heard about it sometime in January, 1934, shortly after which he conferred with Dysart and inquired if Koplar was connected with the deal. Dysart replied he was not dealing with Koplar and all negotiations were with Snyder. Jeffries added that on Feb. 19, he saw Koplar, who told him that he would not interfere with Warners trying to get control of the St. Louis Amusement Co. On Feb. 22, the Warner attorney visited Thomas and Starr in New York and was advised Warners were drawing up a new reorganization plan, he asserted.

When Jeffries brought up the question of product to Dysart, the Warner attorney said he was told, "the committee don't care what you do about it and we're not concerned where F. & M. gets pictures. We have their $105,000 and can cancel the lease any week they fail to pay rent."

Denies Expression

"We did not say we would keep F. & M. from getting pictures. We did say that Arthur would not get Warner product and that he may not have enough films for the threee houses," Jeffries testified. He denied Starr called F. & M. "fly-by-nighters." What Starr did say, the witness testified, was that Snyder and F. & M. were not experienced enough financially to carry out so great a responsibility."

Relieving the witness for a while, Reed read to the jury Warners' proposal, dated March 8, 1934, to the bondholders' committee. This, however, was for the Ambassador and New Grand Central, the Missouri being covered by a separate deal. Both were submitted to Dysart by Jeffries on March 15, it was stated.

Under terms of the plan for the two houses, Warner Brothers Pictures guaranteed 50 per cent of the outstanding bonds as to principal and interest, the other 50 per cent to be income bonds paying five per cent annually. Warners, under this agreement, would not get one cent of the properties until all bonds were fully paid, following which the bondholders would own half equity in the properties and Warners the other 50 percent.

Plan Rejected

This proposal differed from the oral agreement in that Warners would not have to put up the $400,000 cash, as the committee thought there was enough money in the receivers' exchequer to take care of the necessary expense of reorganization. Jeffries declared that this plan was filed "in good faith" on March 30, 1934, in the Federal court here. It was rejected along with the Missouri proposal.

The Warner bid for the Missouri was virtually the same as the Ambassador and New Grand Central.

Pittsburgh's Mayor Welcomes MPTO Men

PITTSBURGH, Oct. 28.—Mayor McNair welcomed 52 members of the M.P.T.O. of Western Pennsylvania here today for their convention and told them he was in favor of abolishment of the state theatre tax.

M. A. Rosenberg, chairman of the convention, cautioned members against signing film contracts before they have had them examined and approved by the association.

Louis Senn, New York insurance man, delivered a long talk on the advisability of buying group insurance. Some action is expected on this tomorrow.

The question of Sunday shows, which will be voted on in this state next Tuesday, was not brought up, but probably will be tomorrow.

Abram F. Myers, listed as the chief speaker, didn't arrive but probably will be on hand tomorrow, as will Sidney E. Samuelson, national head of Allied.

Last night the members attended a preview of "Barbary Coast." Tonight they saw the opening of "A Midsummer Night's Dream."

Bair Indiana Head

INDIANAPOLIS, Oct. 28.—R. R. Bair of Indianapolis was elected president of the Associated Theatre Owners of Indiana at the annual meeting in the Claypool Hotel today. A. C. Zaring of Indianapolis was elected vice-president. Other officers are: Oscar Fine, southern vice-president; Maurice Rubin, northern vice-president; Frank Saunders, treasurer; Helen B. Keeler, secretary.

Directors are: Rubin, Zaring, Harry Markun, Charles R. Metzger, Alex Manta, V. U. Young, Bair, Roy Harrold, Frank Saunders, Fine, William Studebaker, W. F. Easley, H. C. Calloway, Billie Connors, S. W. Neall, Leonard Sowar, George Mallers, I. R. Holycross, H. P. Vonderschmitt, R. F. Sherer. Representative Samuel H. Pettengill held an open forum on his bill. Members voted in favor of it.

To Seek Legal Action

SAN ANTONIO, Oct. 28.—Concentration of its program on an effort to secure Department of Justice anti-trust prosecutions in this territory and on the initiation of legal actions in behalf of its members has been agreed upon by Allied Theatre Owners of Texas for another year.

The action was taken following Col. H. A. Cole's report as president at the convention last week. After Cole had told of limits put upon his work by lack of finances a budget of $12,000 was set for the coming year.

Most of the efforts to secure Department of Justice action in past months has been done in cooperation with U. S. Senator Morris Shepard and Congressmen Hatton W. Sumners and Sam Rayburn.

Selznick Moving

HOLLYWOOD, Oct. 28.—Selznick International will produce at the Pathe lot, beginning physical removal tomorrow. The deal is for one picture but may be extended. Phil Ryan has been named production manager. David O. Selznick is negotiating with William Koenig of Warners to take the post of executive business manager.

Short Subjects

"Starlit Days at the Lido"
(*M-G-M*)

The Lido in this case is the Ambassador swimming pool and its environs in Hollywood with Henry Busse and his band furnishing incidental music. Reginald Denny is master of ceremonies. Most of the action is by the Tic Toc girls, who sing; Cliff Edwards and his ukelele and a good-looking partner, and two unnamed acts.

It is all done in Technicolor—gorgeously done and sprinkled with "names." Among them are: John Mack Brown, Francis Lederer, John Boles, Baby Le Roy, Frank Shields, Lili Damita, Ben Turpin, Clark Gable, Marion Stephanie, Sally Eilers, Constance Bennett and others. Sally Eilers and Miss Bennett probably wished they had Natalie Kalmus to advise them on makeup when they saw the completed film. It's worth while, however. Production Code Seal No. 913. Running time, 20 mins. "G."

"Rhythm of Paree"
(*Educational*)

An entertaining musical comedy subject, this has one song number in particular, "Rhythm of Paree," which is tuneful and lively. Featured in the subject are Niela Goodelle, Earl Oxford and Fred Lightner. The two boys are without funds in Paris, find their way to a swank cafe, enjoy the entertainment and the company of the two members of the cast whom they meet, and are about to be forcibly ejected for failure to pay the check when rescue comes at the last moment. Entertaining to a degree. Production Code Seal No. 0625. Running time, 21 mins. "G."

"Hazardous Occupations"
(*Twentieth Century-Fox*)

Interesting and thrilling for the average audience anywhere is this number of the "Adventures of the Newsreel Cameraman" series, in which the camera records something of the danger which lies in what may seem to be ordinary jobs. Included among them are the bridge workers, steeplejacks, oil field workers and the like, not to mention the job of the newsreel cameraman himself. A good, lively subject. Production Code Seal No. 0514. Running time, 11 mins. "G."

"Vitaphone Casino"
(*Vitaphone*)

The vaudeville antics of Paul Dukes with cigars and cigarettes in a sleight of hand turn, the singing of Babs Ryan and her brothers, the dance clowning of Buster West and the Radio Rubes combine to make this short a reasonably entertaining offering that should please most easy-to-satisfy audiences. Production Code Seal No. 0328. Running time, 10 mins. "G."

"Playgrounds"
(*Vitaphone*)

The places where America plays from Coney Island to Palm Springs make a novel theme that should be entertaining. Shots of Virginia Beach, Pinehurst, N. C., Lake Placid, Miami and the rest of the resorts are shown with the best features of each emphasized. Recommended. Production Code Seal No. 0609. Running time, 11 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Mutiny on the Bounty"
(*M-G-M*)

HOLLYWOOD, Oct. 28.—Spot this as a big and important picture with a wallop, one that takes the harsh code of the sea and with hammer strokes contrasts the cruel, heartless tyranny of navy discipline with South Sea happiness, visualizing throughout the impact of brutalizing forces versus humanity.

Famed in fact and fiction, the dramatic appeal of "Bounty" is deep and primal, sometimes sadistic, thrilling and always interesting. It deals with men and the methods that stalk the scene in the universal concept pictured with magic beauty and power by director Frank Lloyd, whose "Sea Hawk" still lives in pleasurable memory.

Hitlerish Charles Laughton, captain of the *Bounty*, rules with an iron hand, flogging, stretching and hanging his men. Clark Gable, Laughton's right bower, asks fair, human treatment for the crew. Franchot Tone, a poetic midshipman, is caught between these two forces. After Laughton ladles out insufferable punishment, Gable, with the crew, is forced to mutiny. Laughton is set adrift in an open boat. Gable lands in the South Seas with the crew living and loving in the idyllic manner.

After 49 days in the open boat Laughton returns and Tone, loyal to the navy, boards his vessel and is put in irons. Gable and the crew escape to Pitcairn Island, establishing a colony that is existing even today. Court martialed in England, Tone is found guilty but is later reinstated, cruelty is abolished in the queen's navy but Laughton goes unpunished.

Audiences may be disappointed that Laughton is so lightly handled. As a reprehensible character his great artistic gifts mantle his portrayal with quality. Gable, as a rugged he-man, has an opportunity to display his box-office prowess in romantic scenes with South Sea natives, giving flesh and blood virility to complete the character. Tone, the standard bearer of naval tradition, will be cheered in England.

With 50 speaking roles in the film Herbert Mundin, Eddie Quillan, Dudley Digges, Donald Crisp, Henry Stephenson, DeWitt Jennings and Stanley Fields commit themselves admirably. Production values are the acme of perfection with entrancing seascapes photographed by Arthur Edeson vying with the action and music to achieve rare eye and ear effectiveness. Al Lewin, by a penetrative understanding of the human values involved in handling so gigantic an undertaking, arrives at his maturity as an associate producer though guided by Irving Thalberg.

The screen play by Talbot Jennings, Jules Furthman and Carey Wilson hews to the line of the book by Charles Nordhoff and James Norman Hall.

Discounting its length, "Mutiny on the Bounty" has magnitude, historical perspective, drama and romance applicable today and topped by the drawing power of Gable, Laughton and Tone. Costing nearly $2,000,000, "Mutiny" looks big domestically and in the British Empire should enjoy a prestige and profit second to none. This is a rich contribution to the screen's progress.

Production Code Seal No. 1,531. Running time, 132 minutes. "G."

"Stars Over Broadway"
(*Warners*)

HOLLYWOOD, Oct. 28.—This contribution to the operatic cycle offers James Melton, a new and pleasing singing personality, in a novel story which enables him to croon popular numbers. Pat O'Brien, a promoter on his uppers, discovers him smashing baggage in a hotel. Taking Melton under his management, O'Brien has Melton schooled for the opera, but becomes discouraged when he learns the education will take an additional five years.

He sets Melton into a night club and on the radio where the singer scores a sensational success which goes to his head. Through dissipation, Melton loses his voice but is started anew on his operatic career by O'Brien after the night clubs and radio sponsors let him go. Romance is furnished by Jean Muir, a singing student who wants to join the O'Brien group. After complications Miss Muir and O'Brien unite while Melton is making his Metropolitan debut.

Marie Wilson, another newcomer, is teamed with Frank McHugh for comedy and romance and scores repeated laughs. Jane Froman, who sings well, appears in a brief role. Frank Fay draws good comedy from a radio announcer's role. One big production number, credited to Busby Berkley and Bobby Connolly, reflects the technique of each. The direction of William Keighly shows an intimate knowledge of

(*Continued on page* 8)

"Time" Cut Stirs Up Discussion in Ohio

CINCINNATI, Oct. 28.—Elimination of 150 feet of the Hitler sequence in the current issue of "March of Time" has stirred general comment. Herman J. Bernfeld in the *Cincinnati Enquirer* calls it a "direct blow at freedom of speech."

"Censorship," he says, "is usually leveled at passages in feature length entertainment. It should not be directed at cinema presentations or discussions of news events, any more than newspapers or other printed periodicals."

Indianapolis Drive Begun on Bank Night

INDIANAPOLIS, Oct. 28. — Two arrests have followed a police drive against Bank Nights. Mark G. Margolis, operator of the Rivoli, and Urban Anderson, former manager, have been taken into custody. Charges of operating a lottery have been lodged against them by Prosecutor Herbert M. Spencer.

The drive was ordered by the police after a riot over a drawing at the Rivoli, and warnings were issued to all managers.

Minneapolis Theatre Projects Stir Fight

MINNEAPOLIS, Oct. 28. — Theatre building projects have become so numerous here of late that they are being called a racket by some. Exhibitors have become alarmed and have formed the Neighborhood Exhibitors' Ass'n to combat license applications.

Some of the projects, it is claimed, are for the purpose of forcing sales, while others represent the hopes of men inexperienced in the show business.

Del Ruth for Set Music

HOLLYWOOD, Oct. 28. — Roy Del Ruth thinks some way should be devised to provide players with the inspirational music they used to have on the sets before sound came in.

"So decidedly does this music affect the abilities of actors, particularly during scenes demanding intensity of emotion," says Del Ruth, "that sound engineers are seeking a way to furnish it without having it picked up by the microphone."

Mae Marsh Very Ill

SANTA MONICA, Oct. 28. — Mae Marsh, star of the silent films, is in the Santa Monica Hospital, with a ruptured appendix. She is the wife of Lee Arms, writer.

PEERLESS FILM PROCESSING CORP.
130 West 46th St., New York
Now processing film for:
DELUXE LABORATORIES, INC.
TWENTIETH CENTURY-FOX
EDUCATIONAL FILMS
COLUMBIA PICTURES
GAUMONT BRITISH
UNITED ARTISTS

DID YOU EVER RE



"'HIS NIGHT OU
'U' LAUGH PIC
drama, replete with lau
sixty-odd minutes of sv
dialogue that will bri
showmen who are search

"COMEDY RIC
hilarious comedy... the
comedy this product

"IN THE MONI

"HORTON CO
OF LAUGH

Carl Laemmle presents

EDWARD EVERETT HORTON *in*

HIS

with Irene Hervey, J
From original story
Directed by William N

AD SUCH REVIEWS?

UN RIOT WITH HORTON AT HIS BEST . . . RE GOOD FOR ANY B. O. . . . . A hilarious comedy t range from the snicker to the guffaw, with a goodly portion of the latter for ertainment . . . It is loaded to the hilt with a happy brand of gags and smart oars in any house . . . There is a spot on any bill for 'His Night Out', and smart a riot in laughs will find 'His Night Out' fills the bill!"—*Hollywood Reporter.*

ITH PLENTY OF DRAW . . . 'His Night Out' is question as to how it will be received at the box office. Where they like uld prove a riot!"—*Daily Variety.*

AKING CLASS!" . . . —*Motion Picture Daily.*

Y WILL PLEASE ALL HANDS; BATCH ND CAST STAND OUT!" . . . —*Showmen's Trade Review.*

NIGHT OUT

Rue, Robert McWade, Lola Lane, Billy Burrud, Jack Mulhall
rles Christensen • Screenplay by Doris Malloy and Harry Clork
Produced by Irving Starr • A Universal Picture

Purely Personal

JACK and CHARLIE'S was weighed down with film men yesterday. For instance:

M. H. AYLESWORTH, HERB YATES, PHIL REISMAN, JOE BIONDO, BOB GOLDSTEIN, JOE MOSKOWITZ, JULES LEVY, SAM DEMBOW, JACK COHN, BURT KELLY, NATE SPINGOLD, JACK GOETZ, ARTHUR GOTTLIEB, JACK ALICOATE, MAJOR LAMBERT and FRANK BUCK. BIONDO represents RKO in Italy.

•

VERA BLUMBERG is now vice-president of the Pyramid League, an organization of 13 women each one of whom takes into personal charge a worthy family requiring aid and follows through. The League will hold its annual dinner-dance at the Ritz Nov. 10. Many film names will attend.

•

JOHN E. OTTERSON and EDWIN L. WEISL, the latter associated with the new Paramount outside law firm of Simpson, Thacher & Bartlett, didn't complete their luncheon conversation at the noon hour so resumed it in Otterson's office afterwards.

•

HARRY BRANDT, on the sick list since last Friday, will probably be confined to his home for a few more days. WILLIAM BRANDT, who has been seriously ill for some time, is reported making continued improvement.

•

MERLE OBERON, CHARLES BOYER, C. AUBREY SMITH, EUGENE PALLETTE, LESLIE HOWARD, 10-year-old daughter of the actor; TILLY LOSCH, RAY NOBLE and CLIFFORD WHITLEY are aboard the *Berengaria* which docks today from channel ports.

•

JOSEPH BERNHARD, general manager of Warner Theatres, will be busily commuting in the next 10 days between Pittsburgh and Philadelphia on the Sunday show election which comes up next Tuesday.

•

AMOS HIATT, former vice-president of First Division, is back from Boston where he testified for his one-time company in a suit filed against American Feature Film Co.

•

MRS. JOHN M. BOLES, mother of the actor, arrived yesterday from the coast on the *Pennsylvania*. MRS. WILLY POGANY, wife of the artist, was another passenger.

•

MIRIAM HOPKINS is in town for a two-week stay at her Sutton Place apartment before starting work in her next for SAMUEL GOLDWYN, "The Children's Hour."

•

JACK JOSSEY, Republic's franchise-holder in and around Cleveland, is in town. W. RAY JOHNSTON had him to "21" for lunch yesterday. Winfield Sheehan was also there.

•

DICK and MARY WALLACE are due today from Hollywood. This will be the director's first trip since his plane crashed in Missouri last summer.

•

BILL GREEN, RUBINOFF'S publicity man, is back from Detroit, where he worked on three concerts. He has another on hand here at Mecca Temple Thursday.

•

NATE BLUMBERG goes to Toronto tonight on RKO circuit business, then to one or two other towns and back to New York. He'll be gone about five days.

•

PETER LORRE—finally now—sails for London on the *Berengaria* tomorrow night. He will co-star with MADELEINE CARROLL in "Secret Agent" for G. B.

•

ROUBEN MAMOULIAN leaves for the coast and more pictures toward the end of the week. Perhaps as close as Thursday now.

•

ROY HARGRAVE, actor, is reported to have signed a three-year contract for films with WALTER WANGER.

•

ROBERT SISK, after experiencing some of the weather hazards of the air traveler en route from the coast, finally got to town over the week-end.

•

NORMAN MORAY, Warner short and trailer executive, leaves this morning for Chicago. He will return Friday.

•

LOU IRWIN is hurrying east and is expected to be back in time to attend the DAVE LOEW dinner tonight.

•

LAWRENCE TIBBETT will be guest artist at the Philadelphia Academy of Music Thursday evening.

•

MARTIN BECK is abroad reputedly in an effort to bring over the Comedie-Francaise—complete.

•

ERNESTINE SCHUMANN-HEINK is in town.

•

HARPO MARX is spending a short vacation in New York.

•

HOWARD DIETZ is back from his short visit to the M-G-M studio.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page 5*)

Broadway and its characters, as does the screen play by Jerry Wald and Julius Epstein from a story by Mildred Cram. In the supporting cast William Ricciardi stands out as the singing teacher. The range of musical numbers, including "Celeste Aida" and "Ave Maria," as well as popular tunes, should make the picture satisfactory to most audiences.

Production Code Seal No. 1,553. Running time, 89 minutes. "G."

Looking 'em Over

"The New Gulliver"

(*Serlin-Mayer-Burstyn*)

From a production viewpoint and recognizing the painstaking effort entailed in achieving the results which the picture displays, this Russian effort, in its particular field, is one of the most remarkable films this reviewer has seen in almost two decades.

From a purely entertainment viewpoint, however, the appraisal must be approached from another angle, for Pushko, the director, in keeping with the concepts of his native industry, reflecting as it constantly does the political philosophy of that nation, has twisted and warped Swift's original "Gulliver's Travels" into Soviet propaganda of the most blatant kind.

The story tells of an outing of a Russian group, comparable after a fashion to a Boy Scout troop in this country, to a nearby island on a small yacht built by its own members' hands. There, a reading of Gulliver is suggested. One of the characters, a 14-year-old boy, falls asleep and awakens in Lilliput, where a modern and very much latter day version of Swift's classic is unfolded by puppets, which move, not by strings, but by animation caught in the camera box.

Where Swift originally had drawn a satire predicated on the reactions of small minds, the treatment here launches into an out-and-out conflict between royalty and the, as usual, oppressed workers with eventual victory for the masses, of course.

The manipulation of the puppets, their well-nigh human gestures and postures, the extreme accuracy in scale and the enormous cleverness with which the inhabitants of Lilliput are handled combine into a sum total of enterprise, ingenuity and charm which are constantly intriguing and arresting.

The understanding is the owners—Oscar Serlin, Arthur L. Mayer and Joseph Burstyn—are pondering a version for general release at a later date. In it, all possible propaganda elements either will be eliminated or toned down. On such a basis and for discriminating audiences, "The New Gulliver" will prove a vast delight.

No production code seal. Running time, 77 minutes. "G."

KANN

Paramount Is Not Expected To Fill Board

(*Continued from page 1*)

Hanover Bank & Trust Co., and was on the Paramount board as a member of the company's bank creditor group, resigned late last week. His action is said to be in line with an original intention of serving on the Paramount board only temporarily because of the pressure of other business. He was elected for a one-year term which would expire next June.

It is also reported that Central Hanover, together with other large Paramount bank creditors, have liquidated all or nearly all of the approximately 50,000 shares of new first preferred Paramount stock and the $4,900,000 of new debentures which were issued to them in settlement of the old bank debt and for this reason felt that their representation on the company's board should properly be diminished. Gray's resignation leaves Charles A. McCulloch and Percy H. Johnston on the board as bank representatives. Neither is expected to resign before the expiration of his term as both have interests in Paramount dating back many years, McCulloch as a member of the board of Balaban & Katz and Johnston as an active figure in Paramount financing prior to the company's bankruptcy.

It was also stated that there is little likelihood of Paramount management officials being added to the board despite the existing vacancies in view of a further reorganization intent to keep management representation on the board at a minimum so that the directorate would not be in the position of passing upon their own management activities.

Vanderlip, a representative of holders of the old Paramount bonds, resigned two weeks ago. His resignation is not regarded as having any relation to that of Gray.

Independent Session Called by Chadwick

HOLLYWOOD, Oct. 28.—I. E. Chadwick has called a special meeting of all independent producers tonight at Reliable Studios. Chadwick said the purpose was for a discussion of city licenses and to outline plans to request a revision in license fees as set up by the city council. It was learned, however, the group will also discuss ways to combat future union trouble among independent producers.

This discussion is an offshoot of the recent I.A.T.S.E. and I.BE.W. jurisdictional dispute which cost Maury Cohen of Invincible $4,000 as a result of an enforced one-day production halt. Although Chadwick denied the meeting was called for a union discussion it was learned union representatives will attend.

Take Over Cincy House

CINCINNATI, Oct. 28. — Thomas Emery's Sons, Inc., real estate operators, have taken over the Gifts Theatre building, together with adjacent properties in the downtown sector. Gifts is operated by Ike Libson as a subsequent run house.

"THE NEXT WONDER OF THE WORLD" IS THE WONDER OF THE MOVIE WORLD

Roxy . . . biggest theatre in the world . . . forced to stop selling tickets . . . 3 p. m. . . . opening day . . . This box office wonder . . . doing wonders . . . in 78 day and date keys

TRANSATLANTIC TUNNEL



NEW YORK TO LONDON

Maurice Elvey, Director. Based on the story by B. Kellermann

Roxy needed 8 box offices . . . for GB's 8 Star Special . . . and so will you.

Held over . . . naturally!

Physical Distribution • Fox Exchanges Canada, Regal Films, Ltd.

"Shipmates" Hits $13,000 In Pittsburgh

PITTSBURGH, Oct. 28.—The business locally last week was reserved almost exclusively for two local favorites. Dick Powell, who was a stage master of ceremonies here for a long time and has since been dynamite at the Pittsburgh box offices, is credited chiefly with the excellent $13,500 for "Shipmates Forever" at the Penn, while Benny Davis, also with an enormous following here, pulled the Stanley up to $18,000, its best takings in some time.

While the Penn and the Stanley were walking off with unusually profitable weeks, the other first run sites weren't faring well. Although "Harmony Lane" at the Fulton concerned a famous native son, Stephen Collins Foster, the picture took a weak $3,200. Switching temporarily to a double bill didn't do the Alvin much good, "Redheads on Parade" and "Fighting Youth" getting barely $4,700, while "The Case of the Lucky Legs" and "Freckles" gathered about $4,600 in five days at the Warner.

Total grosses were $44,000. Average is $40,500.

Estimated takings for the week ending Oct. 24:

"FIGHTING YOUTH" (Univ.)
"REDHEADS ON PARADE" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $4,700. (Average, $5,500)

"HARMONY LANE" (Mascot)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $3,200. (Average, $4,000)

"SHIPMATES FOREVER" (W. B.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $13,500. (Average, $10,000)

"GOOSE AND THE GANDER" (W. B.)
STANLEY—(3,600), 25c-55c, 6 days. Benny Davis and his gang and Sylvia Froos. **Gross:** $18,000. (Average, $16,000)

"CASE OF THE LUCKY LEGS" (F. N.)
"FRECKLES" (Radio)
WARNER—(2,000), 25c-40c, 5 days. **Gross:** $4,600. (Average, for 6 days, $5,000)

"Crusades" $9,000 Leader in Houston

HOUSTON, Oct. 28.—"The Crusades" made the best showing of the week by grossing $2,000 above par at the Metropolitan and totaling $9,000.

"Barbary Coast" at Loew's State was up $1,000 with a gross of $8,000, and "Wanderer of the Wastelands," at the Kirby, was $100 to the good with a total of $3,600 for four days.

"Special Agent" fell under par at the Majestic, with a $6,500 take against a $7,000 average. "Hot Tip" just made the grade at the Kirby, with $1,500.

Total first run business was $28,600. Average is $26,000.

Estimated takings for the week ending Oct. 24:

"WANDERER OF THE WASTELANDS" (Para.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,600. (Average, $3,500)

"HOT TIP" (Radio)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"BARBARY COAST" (U. A.)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"SPECIAL AGENT" (W. B.)
MAJESTIC—(2,250), 25c-50c, 7 days **Gross:** $6,500. (Average, $7,000)

"THE CRUSADES" (Para.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $9,000. (Average, $7,000)

Out Hollywood Way

HOLLYWOOD, Oct. 28.—GUINN WILLIAMS has purchased a ranch to raise thoroughbred cattle. . . . JACK VOTION has been made assistant to MEL SHAUER at Paramount. . . . RAY OLMSTEAD buying saddle horses for his La Jolla ranch. . . . HARRY C. COHEN, RKO district manager, bruised in a train accident.

E. W. MACLEAN, U.A. exchange manager, doing business amid much hammering. . . . They're remodeling the exchange. . . . Mrs. JOHN H. HARRIS of Pittsburgh visiting friends here. . . . JEAN PARKER detained in London for retakes on "The Ghost Goes West."

MAY and FRANK DEAN, knife throwers; The Hectors, a dog act, and JOHN RAY, fire eater, signed by M-G-M for "The Great Ziegfeld." . . . FRANK MCGLYN, SR., signed by DARRYL F. ZANUCK to play Abraham Lincoln in "The Littlest Rebel." . . . SPENCER TRACY and J. WALTER RUBIN organizing a racing stable. . . . DARLA HOOD, four years old, has seven-year contract with HAL ROACH. . . . GEORGE JESSEL to speak at Standard Oil convention Armistice Day.

BUSTER CRABBE victim of powder burns during filming of "Drift Fence," Paramount. . . . BORIS MORROS conferring with ERNST LUBITSCH on musicals. . . . DOUGLAS BIGGS, former film editor for HOWARD HUGHES, working for Academy Pictures. . . . CHARLES BELDEN and PETER MILLEN looking for locations in Oregon for "God's Country and the Woman."

✚

Casting — OLIN HOWLAND, EDDIE ACUFF and HENRY O'NEIL added to "Backfire," Warners. . . . MARGARET CALLAHAN gets lead in "The Green Shadow," Radio. . . . EDWARD BURNS cast in "Chatterbox," same studio. . . . GEORGE LOLLIER, stand-in for RICHARD DIX, gets roles in "We're Only Human" and "Mother Lode." . . . ARTHUR HOUSMAN signed by SAMUEL GOLDWYN for "Shoot the Chutes."

DAVID NIVEN borrowed from SAMUEL GOLDWYN by M-G-M for "Rose Marie." . . . JOYCE COMPTON opposite CHARLIE CHASE in untitled HAL ROACH comedy. . . . JANE WITHERS starred in "Public Nuisance No. 1," Twentieth Century-Fox. . . . SARAH HADEN in "Captain January," same studio. CLAY CLEMENT, PAT FLAHERTY and TOMMY JACKSON added to "Whipsaw," M-G-M.

ARTHUR TREACHER to play "Jeeves" in series of films Twentieth Century-Fox will base on P. G. WODEHOUSE character. . . . MARGUERITE CHURCHILL gets lead in "Man Hunt," Warners. . . . WINIFRED SHAW and WARREN HYMER get top spots in "King of the Islands," Technicolor two-reeler for Warners.

✚

Title Changes—"The Show Must Go On" changes to "We Sing Again" by SOL LESSER. . . . GEORGE JESSEL and BOBBY BREEN are featured. . . . HAL ROACH sets "Life Hesitates at 40" as title for CHARLEY CHASE's next.

✚

Directors—LOUIS FRIEDLANDER and CLIFF SMITH are directing separate units on "Frank Merriwell" serial for Universal.

"Broadcast" Hits High in Seattle

SEATTLE, Oct. 28.—Heavy money for the week went to "Big Broadcast of 1936," which garnered $6,500 at the Orpheum, thereby leaving average $2,500 astern.

"Broadway Melody of 1936" was still going strong at the end of its fourth week of an extended run from the Fifth Avenue and it was held for another stanza.

Total first run business was $32,400. Average is $30,500.

Estimated takings for the week ending Oct. 21:

"SMILIN' THRU" (M-G-M)
"HIS FAMILY TREE" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $3,700. (Average, $4,000)

"I LIVE MY LIFE" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,100. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days, 5th week. **Gross:** $3,750. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 4th week, extended run from Fifth Avenue. **Gross:** $4,300. (Average, $4,000)

"BIG BROADCAST OF 1936" (Para.)
ORPHEUM—(2,450), 25c-30c-40c-55c, 7 days. **Gross:** $6,500. (Average, $4,000)

"DR. SOCRATES" (W.B.)
"WINGS OVER ETHIOPIA" (Para.)
PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

"SHE GETS HER MAN" (Univ.)
REX—(1,500), 15c-20c-30c, 7 days. Vaudeville and stage band. **Gross:** $2,250. (Average, $2,500)

"Melody" Lincoln Hit; Gets $4,100

LINCOLN, Neb., Oct. 28.—"Broadway Melody," with the M-G-M screen testing crew for the last three days on the stage, ran the Stuart into good money, $4,100, which is $1,000 to the profit side. Another good showing in the money column was the Orpheum where three features and vaudeville on a split week drummed up $2,600, $900 over par.

"Feather in Her Hat," the much touted Columbia picture, even when dual featured, went on a rocky downhill slide at the Variety.

Total first run business was $11,700. Average is $9,850.

Estimated takings:

Week Ending Oct. 22:
"NO MAN'S RANGE" (Supreme)
"TWO-FISTED" (Para.)
COLONIAL—(750), 10c-15c, 7 days, split. **Gross:** $1,000. (Average, $850)

Week Ending Oct. 24:
"GOOSE AND THE GANDER" (W. B.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,200)

"WOMAN WANTED" (M-G-M)
"HARMONY LANE" (Mascot)
"HIS NIGHT OUT" (Univ.)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days, the first 3 with "Broadway Bandwagon" unit on stage, last four a dual. **Gross:** $2,600. (Average, $1,700)

"GUARD THAT GIRL" (Col.)
"FEATHER IN HER HAT" (Col.)
VARSITY—(1,100), 10c-15c-20c-25c, 7 days. **Gross:** $1,500. (Average, $1,700)

Week Ending Oct. 25:
"BROADWAY MELODY OF 1936" (M-G-M)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $4,100. (Average, $3,100)

Denver Gives $6,500 Start To 'Crusades'

DENVER, Oct. 28.—"The Crusades" got off to a slow start here, but snapped up later and played to continuous standouts on Saturday. The take for the week at the Denham was $6,500, over normal by $2,500, and the picture was held.

"I Live My Life" went into the Denver for the last three days of the week and reached $3,000. Normal for a week is $5,000. The feature probably will get 10 days. "Barbary Coast" was $500 over the line on a take of $1,500 at the Broadway, but elsewhere grosses were weak. "The Last Days of Pompeii" failed to get to first base.

Total first run business was $16,000. Average is $19,500.

Estimated takings for the week ending Oct. 24:

"THE RED SALUTE" (U. A.)
ALADDIN—(1,500), 25c-35c-0c-60c, 7 days. **Gross:** $2,000. (Average, $2,000)

"BARBARY COAST" (U. A.)
BROADWAY—(1,500), 25c-40c, 7 days. **Gross:** $1,500. (Average, $1,000)

"THE CRUSADES" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $6,500. (Average, $4,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 4 days. **Gross:** $1,500.

"I LIVE MY LIFE" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 3 days but will probably stay 10 days. **Gross:** $3,000. (Average for week, $5,000)

"LAST DAYS OF POMPEII" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $5,000)

"SPECIAL AGENT" (W. B.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500)

"Glory" on a Dual $9,300 Omaha High

OMAHA, Oct. 28.—"Page Miss Glory" and "Murder Man" were the big noise of the week, going to $9,300, over par by $1,300, at the Orpheum.

There was little activity elsewhere. "The Last Days of Pompeii" topped the average mark by $300 for a total of $4,300, with "Going on Two" as an added attraction. "Redheads on Parade" and "Charlie Chan in Shanghai" were $500 up on a $3,000 gross at the Omaha. "Redheads on Parade" and "Wings Over Ethiopia" were weak at $1,800 in the Omaha.

Total first run business was $18,400. Average is $17,000.

Estimated takings:

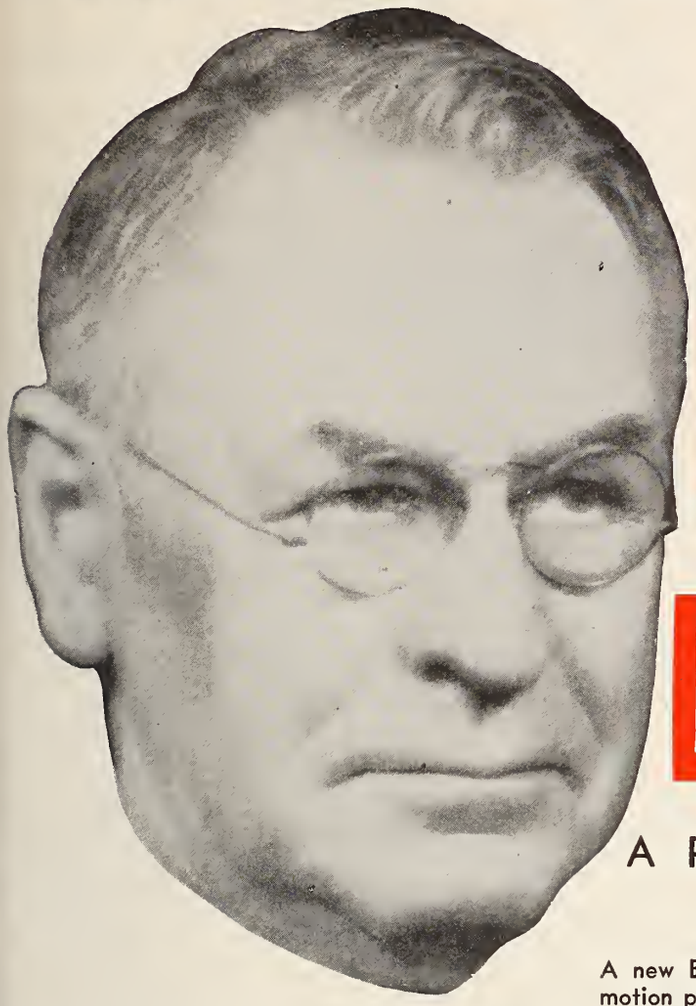
Week Ending Oct. 19:
"REDHEADS ON PARADE" (Fox)
"WINGS OVER ETHIOPIA" (Para.)
OMAHA—(2,200), 25c-40c, 3 days. **Gross:** $1,800. (Average, $2,500)

Week Ending Oct. 23:
"REDHEADS ON PARADE" (Fox)
"CHARLIE CHAN IN SHANGHAI" (Fox)
OMAHA—(2,200), 25c-40c, 4 days. **Gross** $3,000. (Average, $2,500)

"LAST DAYS OF POMPEII" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days added attraction: "Dionne Quintuplets Going on Two." **Gross:** $4,300. (Average $4,000)

Week Ending Oct. 24:
"PAGE MISS GLORY" (W.B.)
"THE MURDER MAN" (M-G-M)
ORPHEUM — (3,000), 25c-40c, 7 days **Gross:** $9,300. (Average, $8,000)

PACKED WITH USEFUL INFORMATION



Out In November

F. H. RICHARDSON'S

BLUE BOOK OF PROJECTION

A PRACTICAL GUIDE TO GOOD OPERATING AND QUICK TROUBLE-SHOOTING

A new Blue Book by Richardson is always an event of signal importance to the motion picture industry. It is being issued at this time to meet the truly urgent demand of thousands of users of the old Blue Books for an accurate, modern evaluation of the changes and refinements in the art and science of sound reproduction and projection including all the apparatus. Richardson's expert knowledge of the craft he has taught and followed for more than three decades makes this latest treatise, in the opinion of leading authorities, the most comprehensive, most useful projection manual ever published.

700 Pages of Text, Charts and Data

The new Blue Book contains 700 pages and 153 illustraitons—photographs and schematics of every description. It is 6x9 in size with large readable type for easy visibility in the projection room under all conditions. It is entirely original from cover to cover, not a line of type from any of the many previous editions being used. Its low price of $5.25 and its handiness in one volume are among the many innovations.

1 IN ONE HANDY VOLUME
The new Bluebook is complete in one handy volume. It is a great improvement over the former expensive and cumbersome three-volume sets.

2 COMPLETE and UP-TO-DATE
The new Bluebook does a three-fold job: (1) it gives a detailed description of the construction, wiring and functioning of every piece of sound and projection apparatus used in a modern projection room. (2) It gives all the instructions for the operation and maintenance of this equipment and (3) it contains a complete trouble-shooting department as a first-aid in breakdowns.

3 QUICK-FINDING INDEX
An extremely simple but comprehensive indexing system makes the new Blue Book a truly great aid to working projectionists. Whatever problem comes up in the day's routine is covered on the instant with hardly more than the twirl of your thumb. Projectionists of long experience in the projection room will be first to appreciate this remarkable time-saver.

4 QUICK TROUBLE-SHOOTER
And it is, within its 700 pages, a practical trouble-shooter, which alone entitles it to a place in every projectionists tool kit.

Collaborator on Sound:
AARON NADELL

$5.25
WITH POSTAGE PREPAID

QUIGLEY BOOKSHOP
1790 Broadway New York

GENTLEMEN:
Please send me F. H. Richardson's new BLUE BOOK OF PROJECTION, Sixth Edition. Enclosed find remittance of $5.25.

Name _____

Street _____

City _____

State _____

"Socrates" Is Philadelphia Surprise Hit

PHILADELPHIA, Oct. 28.—Surprise hit of the week was "Dr. Socrates," which took $9,000 at the Stanton, over average by 50 per cent and staying for a second week.

"Way Down East" took a nice $15,500 at the Fox, though it failed to show enough strength to warrant a holdover, which the theatre had figured on. "A Midsummer Night's Dream" progressed splendidly at the Chestnut, the $13,500 for its second week representing a slight build over the first. "Barbary Coast" also held up in its second week at the Aldine with $8,000. It went into a third.

"Shipmates Forever" and "Hands Across the Table," at the Stanley and Boyd, respectively, proved somewhat disappointing. Each got approximately $10,000.

Total first run business was $86,100. Average (excluding the Chestnut) is $71,700.

Estimated takings for the week ending Oct. 24:

"BARBARY COAST" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 6 days, 2nd week. **Gross:** $8,000. (Average, $7,000)
"I LIVE FOR LOVE" (W.B.) (2nd run)
ARCADIA—(600), 25c-40c-50c, 3 days. **Gross:** $500. (Average, 6 days, $2,400)
"The Bishop Misbehaves" (second run, 5 days). **Gross:** $1,400.
"HANDS ACROSS THE TABLE" (Para.)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $10,000. (Average, $12,000)
"MIDSUMMER NIGHT'S DREAM" (W.B.)
CHESTNUT—(1,400), 55c-85c, $1.10-$1.65, 6 days, 2nd week. **Gross:** $13,500.
"IT'S IN THE AIR" (M-G-M)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: "South Sea Cruise Unit," with 3 Ritz Brothers. **Gross:** $13,000. (Average, $12,000).
"WAY DOWN EAST" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Paul Gerritts, Tom and Betty Wonders, Lester Cole and Texas Rangers, Gertrude Briefer. **Gross:** $15,500. (Average, $12,000)
"DARK ANGEL" (U.A.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,000. (Average, $3,500)
"BROADWAY MELODY OF 1936" (M-G-M) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days, 2nd week. **Gross:** $2,200. (Average, $4,000)
"SHIPMATES FOREVER" (W.B.)
STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $10,000. (Average, $12,000.
"DR. SOCRATES" (W.B.)
STANTON—(1,700), 30c-40c-50c, 6 days. Gross: $9,000. Average, $$6,000)

Vocco Joins Remick

Rocco Vocco yesterday assumed new duties as general manager of Remick Music Corp. Well known in the professional end of the music publishing business, Vocco was for 20 years with Leo Feist, Inc., a substantial portion of those two decades having been spent in Chicago where he headed the office. Later, he was brought in to head the professional department of the same company in New York and subsequently joined De Sylva, Brown and Henderson.

Loew's Using Amateurs

BRIDGEPORT, Oct. 28.—With vaudeville definitely out of the Loew houses here, amateur acts are being used in three of the circuit's four downtown spots. The Globe offers local talent on Mondays, the Lyric on Wednesdays and the Majestic on Fridays.

"Pompeii" Is Twin Cities' Money-Maker

MINNEAPOLIS, Oct. 27.—Heavy money for the week went to "The Last Days of Pompeii" on both sides of the river. The take at the Orpheum here was $6,500, over the line by $1,000, and at the St. Paul Orpheum was $5,500, up by $1,500.

"The Dark Angel" was good for $5,500 at the Century here. This was $1,500 over normal. "The Gay Deception," also playing day and date in both cities, was good for $6,500 at the State here, and it garnered $3,000 at the St. Paul Riviera.

Total first run business in Minneapolis was $23,500. Average is $21,000. Total first run business in St. Paul was $23,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Oct. 21:

"THE DARK ANGEL" (U.A.)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)
"THUNDER IN THE NIGHT" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Oct. 25:

"LAST DAYS OF POMPEII" (Radio)
ORPHEUM—(2,200), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)
"THE GAY DECEPTION" (Fox)
STATE—(2,300), 25c-40c, 7 days. Stage: Dave Apollon's Show. **Gross:** $6,500. (Average, $5,500)
"THE 39 STEPS" (G.B.)
"CHAPAYEV" (Amkino)
WORLD—(400), 25c-55c, 3 days, 4th week. **Gross:** $1,500. (Average, $3,000)

St. Paul:

Week Ending Oct. 25:

"O'SHAUGHNESSY'S BOY" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"THE GAY DECEPTION" (Fox)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500)
"STORM OVER THE ANDES" (Univ.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"LAST DAYS OF POMPEII" (Radio)
ORPHEUM — (2,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)
"THE 39 STEPS" (G.B.)
WORLD—(400), 35c, 7 days, 3rd week. **Gross:** $2,000. (Average, $1,500)

"Crusades" Starts Strong in Buffalo

BUFFALO, Oct. 28.—"The Crusades" got off to a good start here with a take of $10,500, which was over normal by $3,200.

A dual, "The Gay Deception" and "Charlie Chan in Shanghai," also was on the profit side of the column with a $7,000 gross.

Total first run business was $48,300. Average is $37,900.

Estimated takings for the week ending Oct. 29:

"I LIVE MY LIFE" (M-G-M)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $14,800. (Average, $12,000)
"LAST OUTPOST" (Para.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5,800. (Average, $7,300)
"THE CRUSADES" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $10,500. (Average, $7,300)
"GAY DECEPTION" (Para.)
"CHARLIE CHAN IN SHANGHAI" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $7,000. (Average, $5,600)
"SHE MARRIED HER BOSS" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $10,200. (Average, $5,700)

Show In Milwaukee Hits Grosses Hard

MILWAUKEE, Oct. 28.—Off to a fairly good start, business bogged down to a bad week. "Barbary Coast" and "The Goose and the Gander" took $5,100 for the week, just $100 above par.

Main reason for the slough-off was the animal food and radio show at the Milwaukee Auditorium, which opened Oct. 21 and featured two vaudeville shows daily in addition to Sarah Ann McCabe and Irene Wicker. The exposition attracted over 125,000 people at 25 cents per head.

To meet the competition, Fox dropped its admissions at the Palace and Wisconsin from 25 to 15 cents before 1:30 P. M. The weather was clear and fair.

Total first run business was $21,950. Average is $24,250.

Estimated takings for the week ending Oct. 24:

"THE GIRL FRIEND" (Col.)
PALACE—(2,800), 15c-35c-55c, 7 days. Stage: "Villa Venice" Revue. **Gross:** $5,800. (Average, $5,000)
"HAPPINESS C.O.D." (Chesterfield)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Bring on the Dames"; Harry Savoy, Lawrence Blake, The Somer Salts, Hay Kameron. **Gross:** $4,800. (Average, $5,000)
"KING SOLOMON OF BROADWAY" (Univ.)
"THE THROWBACK" (Univ.)
STRAND—(1,400), 25c-35c, 9 days. **Gross:** $1,200. (Average, $1,200)
"BARBARY COAST" (U.A.)
"THE GOOSE AND THE GANDER" (W.B.)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $5,100. (Average, $5,000)
"WAY DOWN EAST" (Fox)
WISCONSIN—(3,200), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $8,000)

Boston to Vote on Support for "Dream"

BOSTON, Oct. 28.—The opening campaign for a "A Midsummer Night's Dream" has attracted such general attention here that the *Herald-Traveler* has decided to conduct a voting contest on whether people at large will support films of this type.

The paper describes the picture as "a turning point" for films.

Opening night receipts at the Majestic on Nov. 8 will go to the Esplanade Concerts Fund, and the sponsoring committee includes: Mrs. John T. Bottomley, Mrs. Robert Cushman, Mrs. Alvin T. Fuller, Mrs. George L. Foote, Mrs. Josephine Griffith, Mrs. Horace Morison, Mrs. Mortimer Seabury and Mrs. Samuel P. Sears.

Another sponsoring committee has a long list of names of men and women prominent in the business and educational life of the city.

"Dream" Is Sold Ahead

PITTSBURGH, Oct. 28.—"A Midsummer Night's Dream" opening here tonight at the Nixon will play to a sell-out for practically the first week of its showing, advance sales indicate. With no stage show booked for next week, it is likely that it will be held over.

SAN FRANCISCO, Oct. 28.—The Geary, a legitimate house, will be the scene of the opening here of "A Midsummer Night's Dream," Nov. 14.

Third "Shipmates" Week

"Shipmates Forever" is being held over for a third week at the Strand beginning Wednesday.

"Youth" Tops Boston with $17,500 Take

BOSTON, Oct. 28. — Universal's "Fighting Youth" went into the big money here last week by piling up $17,500 at the RKO Boston, over par by $6,500. The "Continental Revue" was on the stage.

"Hands Across the Table" proved a surprise. It sent the Metropolitan gross to $26,000, over par by $4,000. El Brendel headed a stage bill.

"The Last Days of Pompeii" was good for $13,000, up by $1,000, at Keith's Memorial. "O'Shaughnessy's Boy" and "It's in the Air," dual bill playing day and date at Loews Orpheum and Loew's State, made money in both spots. The take at the former was $14,000 and at the latter $13,000.

Total first run business was $93,500. Average is $80,500.

Estimated takings for the week ending Oct. 25:

"PERSONAL MAID'S SECRET" (W.B.)
"THIS IS THE LIFE" (Fox)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)
"THE LAST DAYS OF POMPEII" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 2nd week, 7 days. **Gross:** $13,000. (Average, $12,000)
"O'SHAUGHNESSY'S BOY" (M-G-M)
"IT'S IN THE AIR" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, days. **Gross:** $14,000. (Average, $12,000)
"O'SHAUGHNESSY'S BOY" (M-G-M)
"IT'S IN THE AIR" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000)
"HANDS ACROSS THE TABLE" (Para.)
METROPOLITAN — (4,332), 35c-55c, days. Stage: El Brendel heading stag show with Cross & Dunn, etc. **Gross:** $26,000. (Average, $22,000)
"PERSONAL MAID'S SECRET" (W.B.)
"THIS IS THE LIFE" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $5,000. (Average, $7,000)
"FIGHTING YOUTH" (Univ.)
RKO BOSTON—(3,246), 36c-65c, 7 days. Stage: Continental Revue. **Gross:** $17,500. (Average, $11,000)

Wall Street

Universal Best Stock Gain

	High	Low	Close	Net Chang
Columbia	63¾	61½	62¼	—1½
Consolidated	5⅜	5¼	5¼	....
Consolidated, pfd.	18⅞	18⅝	18¾	— ⅛
Eastman Kodak..	164¾	163¾	164¾	+1⅝
Eastman, pfd	160	160	160	+2
K. A. O., pfd.....	90	90	90	— ½
Loew's, Inc.	48¾	47¾	47¾	—1
Paramount	10	9⅝	9⅞	— ⅛
Paramount, 1 pfd	91	87	87	—3⅜
Paramount, 2 pfd	12¼	11⅞	11⅞	— ⅝
Pathe Film	5¾	5½	5½	— ⅛
RKO	5⅛	4⅞	5	— ⅛
20th Century-Fox	18⅜	18	18⅛	— ⅛
20th Century, pfd.	28⅝	28	28⅜	+ ⅛
Universal, pfd ...	40	38	40	+4½
Warner Bros.	7⅞	7½	7½	— ⅛
Warner Bros., pfd	46½	44½	45¼	—1⅜

Little Curb Activity

	High	Low	Close	Net Chan
Sonotone	3	2⅞	2⅞	....
Technicolor	19	18⅛	18⅛	— ⅝
Trans-Lux	3¼	3⅛	3⅛	....

Paramount Bonds Off 4½

	High	Low	Close	Net Chan
General Theatre 6s '40, ctf	15	15	15	...
Loew's 6s '41 ww deb rights..	105	105	105	—
Paramount B'way 3s '55	60⅝	60½	60½	—
Paramount Pict. 6s '55	96½	92	92	—4
Warner Bros. 6s '39 wd	84¼	83¾	83¾	— ⅛

(Quotations at close of Oct. 28)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 102 NEW YORK, WEDNESDAY, OCTOBER 30, 1935 TEN CENTS

Fox Theatres Met Stock Buy Before Court

Manton Delays Decision After Arguments

Decision was reserved yesterday by Federal Judge Martin T. Manton at the conclusion of hearings on an application for an order directing the receiver of Fox Theatres Corp. to exercise an option to purchase 50 per cent of the stock of Metropolitan Playhouses, the reorganized Fox Met company.

Judge Manton directed attorneys to file final briefs for or against the order by Monday and extended the time in which the option may be exercised from Nov. 2 to Nov. 16. The option provides that Fox Theatres may acquire the stock by payment to United Artists Theatre Circuit of $300,000 or may receive $150,000 for waiving its purchase right. Thus a difference of $450,000 in immediate cash assets which would be available to Fox Theatres' creditors through a liquidation is involved.

The order asking that the receiver be directed to acquire the Met stock is asked by a Fox Theatres stockholders' committee. Gustavus A. Rogers, chairman of the committee, told the court that the $450,000 difference in cash assets meant only six per cent

(*Continued on page 8*)

Twickenham Studio Swept by Big Fire

By BRUCE ALLAN

London, Oct. 29.—A fire at the Twickenham studio entirely destroyed the old floor, the wall of which collapsed on a railway, causing suburban service to be delayed for several hours.

"Broken Blossoms" and "She Shall Have Music," productions now at work, have been stopped, but probably will resume immediately in hired space elsewhere. The new floor was unflamaged, but the recording department was a total loss. Sound engineers are carrying on in portable sound vans.

Ufa's "Faithful" Is Under Ban in Mexico

Mexico City, Oct. 29.—On the ground that its German propaganda overstresses class racial antagonism in Germany, the Government censors have banned exhibition of Ufa's "Faithful Unto Death" in Mexico.

Skouras and 306 Agree on 1-Year Pact

No Contract Signed; Say Randforce to Follow

A one year agreement with Local 306 without a contract has been made for Skouras-operated houses in the metropolitan area, it was learned yesterday. The average wage scale for the circuit amounts to approximately $1.49 per hour under the agreement, which includes vacations with pay for the operators.

It was reported but not confirmed that the Randforce operated houses, likewise, have made a similar one-year agreement with Local 306 without a contract. The Skouras attitude was officially said to be opposed to a long term agreement such as that made by RKO and Loew's with Local 306. It

(*Continuel on page 7*)

Estimate $800,000 For Para. Quarter

Third quarter earnings of Paramount Pictures Corp. are estimated at approximately $800,000, or about the same as for the second quarter. First quarter net was $1,472,000 after provisions for about $400,000 quarterly interest on the company's bonds. Estimated earnings for the first nine months are in the neighborhood of $3,000,000. Earnings for the final quarter, usually the best of the year, are expected to reflect the effects of the Paramount studio reorganization which held production at a minimum during the first half of the year.

'Twas a Pass

Woonsocket, R. I., Oct. 29.— Fred Greene, theatre manager, isn't so sure he is lucky. Greene won an attendance prize at the Lions' Club, but it was a pass to a rival theatre.

K-A-O Quarter Net May Go to $300,000

Keith-Albee-Orpheum receipts for the third quarter were estimated at $300,000 more than for the same period last year on the basis of financial reports presented to the company's directors at their regular quarterly meeting yesterday. Net earnings, also, are showing a "steady increase," according to Herbert B. Swope, chairman of the board, who presided.

Nothing to indicate a prospective disposal by M. J. Meehan of his K-A-O holdings came before the meeting, it was said. Reports that Meehan had received an offer from Atlas Corp. and Lehman Bros. for his K-A-O preferred, estimated to have a value of between $4,000,000 and $5,000,000, have been circulated for some weeks past.

Wisconsin Pushing Move on Giveaways

Milwaukee, Oct. 29.—Legal action against giveaways is seen for Wisconsin towns as a result of a recent opinion by the state attorney general declaring that pin-ball machines and other gambling devices, whether operated by charitable organizations or not, are illegal.

District attorneys in various cities have called the attention of their police chiefs to the opinion and are urging prompt action.

Industry 'Blue Book' Turns Out to Honor David L. Loew

By RED KANN

It was a Dave Loew, halting and husky of voice who gratefully and with abashment acknowledged eulogy and good-natured raillery unleashed in his direction from a variety of speakers at the Waldorf last night.

The occasion was a farewell dinner marking his retirement as an officer of Loew's, Inc., to become a partner in the Hal Roach studios with the title of vice-president. It was Will H. Hays, reflecting what must have been the sentiment of the majority there who suggested the function should have been termed a testimonial.

Almost 500 men, combining into what was, by long odds, one of the most representative assemblages of film names ever to foregather in one room for one single purpose, were in attendance. Virtually all companies, from the large to the small, were represented by important executives. Those who could not attend for whatever their reason sent ambassadors or expressed their sentiments by telegraph and cable.

There were, for instance, a message of well wishes signed by 25 unnamed girls employed in Loew's and M-G-M, a cable from Laudy Lawrence and others speaking for Continental

(*Continued on page 6*)

Warners Win Point; Court Shifts Ruling

Testimony on Suits by Koplar Admitted

By BILL ORNSTEIN

St. Louis, Oct. 29. — Warner scored another important victory today when Federal Judge George H. Moore reversed himself and permitted former Senator James A. Reed to introduce testimony relating to Harry Koplar's suits against two companies, in which Warners were financially interested, in rebuttal to inferences brought out by the Government on examination of its witnesses.

Reed was interrogating Sam B. Jeffries, the first defense witness, on the stand for the second day, in connection with a conference which he had with members of the bondholders' committee of the Ambassador, Missouri and New Grand Central on Aug. 3, 1933. The ex-Senator asked Jeffries if he had then advised the committee why Warners would not enter into a reorganization plan. The witness answered that he did. He went on to

(*Continued on page 5*)

Sabath Will Probe St. Louis Theatres

By CLARENCE LINZ

Washington, Oct. 29.—Reorganizations of theatre properties in St. Louis will be investigated in the near future by the special House committee inquiring into the operations of bondholders' protective committees.

Congressman Adolph J. Sabath, chairman, has ordered hearings in seven cities during the next two months as a result of disclosures of "deplorable conditions" during recent investigations in Boston and New York.

St. Louis will not be invaded by the

(*Continuel on page 7*)

A. T. & T. Renews Its Co-Axial Cable Move

Washington, Oct. 29.—A. T. & T. hasn't given up in its attempt to get Federal Communications Commission permission to lay a co-axial cable between New York and Philadelphia.

It attacks the commission's recent ban on the project as an unconstitutional attempt to usurp management functions and asks that the ruling be reconsidered.

One of the purposes of the cable is to conduct television experiments.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 30, 1935 No. 102

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Victor M. Shapiro,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Final Tribute Paid To Walter Eberhardt

Dignified and touching services were held for Walter F. Eberhardt at the Church of St. James, the Less, in Scarsdale yesterday morning at 11 o'clock. Dr. Harry Price, rector of the church, officiated.

The remains later were taken to the Ferncliff Crematory near Hartsdale. Final services for the family only will be held today at Woodlawn.

Among those who attended the church service were P. A. Powers, Gordon S. White, Edward McNamee, Mrs. James A. Cron, Herbert and Mrs. Fecke, Arthur and Mrs. Eddy, Ray Gallagher, Solly and Mrs. Kann, Paul Benjamin, Martin Starr, Marvin Kirsch, M. Robert and Mrs. Gadrich, Arthur Donovan, Charles E. Lewis, R. McGrath, Edward Finney, Ray Gallo and Red Kann.

Ampa Plans Service

The Ampa, of which Walter F. Eberhardt was once secretary, vice-president and finally president, will conduct memorial services at its regular meeting at Jack Dempsey's Restaurant tomorrow.

The program will be brief. There will be offered and adopted a resolution of condolence, a eulogy to be delivered by an unannounced speaker and a prayer service in conclusion.

Film Men Voice Regret

ST. LOUIS, Oct. 29.—Film leaders here for the Government anti-trust trial today voiced their regret over the death of Walter F. Eberhardt.

Insiders' Outlook

By RED KANN

THE truth, all of it, about Universal. The company

(1) Has *not* been sold to Erpi or to anyone else.

(2) Has *not* optioned control to any individual or group as part of the terms covering a large loan.

(3) *Is* negotiating with several groups for fresh money which would permit the studio to proceed with a heavy and important production schedule. It would be a loan on terms which would be the company's business and practically nobody else's. As matters such as these run, there is no assurance at all that the negotiations, admittedly hot, will be closed. . . .

▼ ▼

"Why kid ourselves?" advertises Bob Gillham for Paramount's sake. "We've been in the business a pretty long time. So have you. As one of the leading outfits in the industry, we know just about all the tricks of the trade. So do you. Then why shouldn't we—when we're talking to you—cut out all the trade ad bunk, all the poetry, the fancy adjectives, the 'colossals' and the 'super-super tremendous' nonsense? This sort of thing may be swell for outsiders; but inside the business, it's just plain foolish! After all, you're business men. You want facts: What kind of picture we're releasing; the sort of market it was planned for; how you can make the most money out of it. All right! We're going to see that you get these facts in our trade ads.". . .

▼

We'd pat Gillham's broad shoulders with friendly and resounding whacks if we could reach them. We would also ask why he stops where he did. Why, the questions might embrace, think the ridiculous and persistent use of superlatives should end with trade copy when their effectivensss in newspaper copy is a fitting subject for query and doubt? One of the standard jokes in the business is the wheeze, old now of course, about the producer who was disappointed because his latest opus emerged as only colossal. . . .

▼

But to get serious about a joke, the lesson which should be in it is the conclusion that years of rehashing superlatives has left the public not merely cold, but dubious and unbelieving to boot. Merchandising copy, by all means. Factual copy with intelligent selling angles, yes. But the old-line, accepted good-better-best copy, no. It is outmoded. It is ineffectual; it is no longer selling copy. . . .

▼ ▼

Oil may calm troubled waters, but films, such as have been dated into the Center so far, will not solve the Rockefeller's problem over on Sixth Ave. Anticipating $30,000 as its weekly gross, here are the facts since that house reopened in competition with the Music Hall, a handful of steps up the avenue:

"Here's to Romance," first week, $18,500.

"Here's to Romance," second week, $10,500.

"The Last Days of Pompeii," first week, $15,000.

Quite a loss there, disregarding rent. For the first time, aside from its sketchy beginnings, Radio City is learning the difficulty, and perhaps the foolhardiness, of attempting to operate successfully two picture houses with walls almost adjoining. . . .

▼

Distributors from time to time have velled loudly and lengthily over delays in playdates resulting from the booking method in vogue at the Music Hall and other theatres have ruminated ruefully over the terrific buying power of that theatre. Yet the truth currently is that there is not enough important celluloid purchased by the Van Schmus management to keep the big and little Rockefeller houses lusty. The obvious way out, of course, is to annex more output. Less obvious is the direction in which to turn for it. . . .

▼ ▼

O.—Why is J. R. McDonough staying in town instead of repairing to the RKO studio?

A. (*Unconfirmed*) — Because he is seeking a new contract, his current pact expiring not so many months hence. . . .

▼ ▼

Charlie Pettijohn in a recent address before the National Film Carriers' Association:

"The only way that arbitration can be successful in this business is to keep the lawyers out."

Pettijohn is a lawyer. That qualifies him to speak. . . .

Plan Brooklyn House

Plans have been completed by C. A. Sandblom, architect, for a modern, air-conditioned theatre for Randforce at Bath and 20th Aves., Brooklyn. This site adjoins the new $8,000,000 housing started by Joseph P. Day.

National to Celebrate

BOSTON, Oct. 29.—The second birthday of National Screen Service here will be observed here tomorrow. This New England unit has been headed by Harry Kirchgessner since its inception and recently won a sales drive.

Universal in New Move for British Films

By BRUCE ALLAN

LONDON, Oct. 21.—Universal is associated with J. G. and R. B. Wainwright, Ltd., and Norman Loudon of Sound City, Ltd., in a British production scheme which includes the addition of two further stages to the Sound City studio at Shepperton and an output of features designed for world release by Universal.

The cost of the Sound City extensions is estimated at £130,000 ($650,000). They will be RCA wired and will be 150 x 120 feet and 120 x 100 feet, convertible into one big floor.

Interchange of directors and technicians with Universal City is promised by S. F. Ditcham, managing director of Universal in England, who says the Wainwright productions will measure up with the American product.

The Wainwrights have "The Adventures of Ambrose," with Claude Hulbert and "The Crimson Circle," Edgar Wallace thriller, scheduled for "U" release before the bigger program goes into effect.

A. J. Small's Widow Is Dead in Toronto

TORONTO, Oct. 29.—Still another chapter was written in the mysterious case of A. J. Small, theatre magnate, when his widow passed away after a lingering illness, the burial being attended by many representatives of the stage and screen.

Small stepped out of sight 15 years ago, a few hours after he had received a million-dollar check for his theatre holdings throughout Ontario. His disappearance aroused wide attention and the search for him extended into many sections of the United States and even Mexico. A subsequent feature was the legal fight put up by Mrs. Small to have her husband declared dead to facilitate the disposal of the estate.

Later when the Grand Theatre, where he had maintained his office, was razed to make a downtown parking lot, a close watch was kept on the disappearing building for his remains and a steam shovel was utilized to excavate the earth but without result.

Shauer Is Named as Paramount Producer

HOLLYWOOD, Oct. 29.—Mel Shauer has been promoted from the Paramount personnel department to an associate producership on the staff of A. M. Botsford.

Jack Votion, former Shauer assistant, succeeds him in the personnel post.

Form Criterion Prod.

LONDON, Oct. 29.—Douglas Fairbanks, Jr., and Marcel Hellman have organized Criterion Film Prod., Ltd. Chairman of the company is Capt. A. Cunningham-Reid, D. F. C., M. P., and directors are Fairbanks, Hellman, George Smith and H. A. Hawes, A. C. A.

The company's first, "The Amateur Gentleman," is now in work.

HERE'S HOW TO INCREASE RECEIPTS ON BILL POWELL'S "RENDEZVOUS"!

Put a panel into your lobby at once carrying the marvelous critical notices reprinted below about M-G-M's newest hit. Use a flash headline stating: "Here's the picture that Broadway is raving about. Held over 2nd week at New York's famed Capitol Theatre." Then follow with reviews.

DAILY NEWS—A sure hit . . ."Rendezvous" offers the other theatres on the street considerable competition. For Mr. Powell does the unexpected by repeating the hilarious performance he gave in "The Thin Man" with another characterization just as amusing in "Rendezvous"... Anybody who deliberately misses the fun and excitement of the latest Powell film is cheating himself of a good time... Mr. Powell is in top-form, delivering the smart and audacious lines with even more than his usual effectiveness... Miss Russell gives a diverting performance. The picture moves quickly and brilliantly to a highly amusing and fitting end...

N.Y. AMERICAN—A perfect pip of a picture, vastly pleasing in every respect... A thoroughly exciting melodramatic entertainment, the tensity of which is lightened by highly-diverting comedy... It keeps the audience between giggles and gasps from flash to fade-out, with never an arid moment in the fast fun... That sort of thing goes on and on to the very end, where a blood-tingling, hirsute elevating climax is capped by a tag that sends them out laughing... See it, please, and have fun... Also be among the millions who will revel in the "discovery" of Rosalind Russell, who vaults high toward stardom... The girl troupes her way right into your heart and provides another name to be enrolled on the list of your film favorites...By all means keep *this* "Rendezvous" at the Capitol...

(Reviews continued on next page)

Held Over 2nd Week, Capitol, N. Y. BIG Everywhere!

(Reviews on M-G-M's "RENDEZVOUS" continued)

WORLD-TELEGRAM—It's a laugh-fest at the Capitol this week where debonair Bill Powell has in "Rendezvous" the kind of screen play that's duck-soup for him and in Rosalind Russell, a newcomer, the kind of leading lady who brings out the devil in him... A joyous jamboree... the customers spent most of their time laughing... they just love to laugh and thrill with Bill... the applause is plenty...

MORNING TELEGRAPH—It is a distinct pleasure to record the appearance of a worthy successor to the memorable "Thin Man"... "Rendezvous" must be set down as one of the better photoplays. This highly agreeable picture is amply supplied with high comedy and ably acted.

HERALD-TRIBUNE—Gayly and entertainingly told... The work of Mr. Powell and Miss Russell is engaging... Mr. Powell is excellent, Miss Russell is one of the great pleasures of the film... A lot of fun...

DAILY MIRROR—A smart and lively comedy-drama, reminiscent of the "The Thin Man." A gay cast, gay humor, gay director, it makes heartily pleasant entertainment... William Powell excels at being suave, jaunty and engaging... Excellent supporting cast...

N.Y. TIMES—A humorous and rousing melodrama... William Powell with that sleek banter and that blend of bored nonchalance and razored sharpness that makes him one of our most attractive performers, keeps the entertainment consistently vigorous... Under the able management of William K. Howard, the film preserves its sense of humor without disturbing its air of mystery... With Mr. Powell at his debonair best, "Rendezvous" emerges as a lively and amusing melodrama...

N. Y. JOURNAL—A gay and amusing entertainment... Powell has been given another "Thin Man" type of role... Smartly written and directed, the story builds to an exciting climax... Novel and lively, the film blends suspense with humor and Powell contributes an elegant performance. It's good fun!

N. Y. POST—... A boisterously entertaining picture that is both spirited and amusing... The flavor and dash of the picture are heightened by the excellent playing of the supporting cast. They help to make "Rendezvous" a sure-fire antidote to boredom...

BRAVO!



LET'S GIVE DUE CREDIT TO THE FOLKS WHO MADE IT!

Cheers for Bill Powell, Rosalind Russell, Binnie Barnes, Lionel Atwill, Cesar Romero, Samuel S. Hinds, and all the Cast. Cheers for Director William K. Howard and Producer Lawrence Weingarten. (And a bow to Leo the Lion who's having the year of his career, thank you!)

Warners Win Point; Court Shifts Ruling

(*Continued from page* 1)

explain that the reason was that Warners had all they could do taking care of the Koplar receivership suits against the St. Louis Amusement Co. and Skouras Bros. Enterprises and until these court actions were out of the way the company was not interested.

Russell Hardy, prosecuting attorney, objected and asked Judge Moore to instruct the jury to disregard this. He was sustained. Following the judicial order Reed and Frederick H. Wood, co-Warner counsel, made five different pleas, contending, in the main, that Warners' acts were not a conspiracy, but done as a result of a condition which existed, that counsel wanted to show the circumstances under which Warners acted and that the moves made were to protect whatever interests the company had here.

All Requests Overruled

All requests were overruled and again Reed made another attempt to convince the judge of the admissibility of such evidence, stating, "To tell a man put on trial he cannot disclose why he did a thing and the purpose of his doing it is not the law.

"I have a right to show that the expressions made were of proof and not malice and I hope you are not going to deny us the right to show the reasons which actuated us in what we did. It is for these 12 jurors to decide whether we did wrong and not the judgment of the court," Reed declared.

Hardy followed Reed, claiming that the case deals with methods employed by the defendants to effectuate this purpose. Wood then said, "What we are saying, in effect, is, did we do the things we did as a result of a conspiracy, or another way, and not as a result of a conspiracy."

"We are asking," Wood added, "that all the facts be offered in evidence and the conclusion will be that we did them lawfully. Motive is not a defense here, but the reasons why we acted are the facts. We can't show the facts unless everything is brought in."

Reed again took the floor and stated, "It seems inconceivable to me that this kind of evidence is not admissible."

Court Studies Matter

Judge Moore called a recess during which he returned to his office to study the matter. When he came back he called Reed and Wood to the bench for a whispered conference. After they were through, Hardy was called, following which the reversal was handed down.

The court, jurors, witnesses, lawyers and spectators were thrown into hysterical laughter during the afternoon session by the comments of Jeffries. Wood also brought laughter when he answered Hardy on a monopoly angle. The prosecutor stated that if a monopoly had prevailed, the defendants should have come to him. Wood replied, "And he would probably have indicted them," meaning F. & M., which the defense has alleged carried on a monopoly in the control of five first runs.

Jeffries rocked his audience, when he was asked to describe the frame of mind Herman Starr was in when the latter was said to have told members of the bondholders' committee, meeting in Thomas N. Dysart's office on March 1, 1934, "We are going to operate our own theatres in St. Louis if we have to acquire them. We are going to exhibit our own pictures."

Answering, Jeffries said, "There's no telling. He may have gone crazy."

Asked by Hardy on cross examination what he meant when he said in direct examination that Starr talked with deliberate and dynamic force, Jeffries replied, "Yes, Starr is a dynamic force and I wish I had more of it myself." He added Star was a straightforward man working honestly and sincerely for his company.

A Round of Laughs

Another round of laughs came when Hardy asked the witness what he meant by describing Starr as aggressive. He answered, "Starr is always aggressive, as you are." Hardy denied he had ever been called aggressive.

Most of the witness's testimony was concerned with denying charges allegedly attributed to Starr by Government witnesses who had attended meetings at which he had been present. The particular testimony referred to was that of David Chasnoff and Frederick Kreismann. The former, on the stand, testified Starr had said, "No one will be permitted to operate those theatres other than Warners and the company is willing to lose a large sum of money to accomplish this."

The latter stated under oath that Starr had made threats to the bondholders' committee and that he, Kreismann, "was tired of hearing them."

After the question of admitting references to Koplar had finally been settled by Judge Moore, the witness gave reasons why Warners couldn't negotiate with the bondholders' committee. He said it was because of the suits pending before Referee Barker, who later made a report describing the actions as "brought to extort money from Warners, that they were blackmail suits and all charges of mismanagement and misconduct on the part of Warners were unfounded, untrue and quite the reverse."

"Hands Were Tied"

The referee found, Jeffries said, that Warners had successfully, honestly and efficiently operated St. Louis Amusement Co. and Skouras Bros. Enterprises.

"Our hands were tied," the local Warner attorney said he told the committee, "in the reorganization of two companies in which we were interested because of the litigation. It was held the suits were brought for the purpose of destroying Warners and this had been confirmed by the court."

The Koplar charges in a petition were also decided in favor of Warners, Jeffries declared. Koplar claimed Warners had paid $200,000 to union help which shouldn't have been paid, but the referee found, it was stated, the companies had a contract with the musicians at the time sound displaced theatre orchestras which had to be paid.

The entire morning session was devoted to a reading of Warners' reorganization plan for Central Properties by Reed and Wood. The brochure was 12 closely printed pages. After the reading was completed, Jeffries explained the difference between this plan and that discussed at Dysart's office on June 6. The witness said that during the interval he had conferred with a group of the largest bondholders and a number of recommendations were made which were favorable to Warners and included in the plan. One suggestion was that Warners only guarantee five instead of six per cent on the bonds which would have left more money available to retire all the bonds.

Hardy Sustained

A second suggestion for establishment of a larger sinking fund to help retire the bonds was likewise approved. The bondholders also wanted some assurance that if Warners made good the guarantee on the first mortgage bonds the company would not wipe out the income bonds by foreclosure. Warners agreed this was fair. Warners, in addition, offered to cancel $1,250,000 worth of guaranteed bonds only to the extent of $750,000. They also agreed that the $750,000 worth of bonds and all unpaid income bonds be put into new first mortgage bonds which should run for 15 years and be retired by application of income out of the property.

When Hardy objected to Reed's questioning the witness in connection with what he had told Harry C. Arthur about Koplar and the trouble Warners experienced with him, he was sustained. This, however, occurred just before noon recess when the prosecutor charged Reed with working up to an impeachment of the Government's first witness. The ex-Senator denied the intent and produced testimony in which Arthur testified he was not informed about the trouble.

Prosecutor Warned

Hardy's method of making objections became annoying to Judge Moore, who stopped the examination and admonished the prosecutor with, "I stated before, Mr. Hardy, that you should make your objections properly. I don't like these interruptions." Hardy apologized in a whispered tone and sat down. Later objections were made with apologetic prefaces.

Jeffries will take the witness stand for the third day tomorrow when Hardy will complete his cross examination and Reed will take up the redirect. Paramount and RKO attorneys will not question the local Warner attorney, it was stated.

Harry M. Warner is understood scheduled to be the second defense witness. He may be followed by Starr or Gradwell L. Sears.

Reports have it that the trial will bee moved over to the new Federal court house the end of the week or on Monday.

Because of Jeffries' poor speaking voice, Warners had secured a microphone and power set to be installed in the witness box. The contraption was carried out this afternoon unused. It is believed Judge Moore would not permit the installation, on the reported grounds that the testimony might be recorded and that films may be taken.

Schaefer Returns

ST. LOUIS, Oct. 29.—George J. SCHAEFER, accompanied by his secretary, William Schneider, have returned from New York. They traveled by air.

Purely Personal

CHARLES C. MOSKOWITZ and BILLY DOWNS of Loew's returned from Bermuda and Nassau yesterday and immediately repaired to the DAVE LOEW farewell dinner at the Waldorf last night.

•

IRENE DUNNE, CHARLES BUTTERWORTH and BETTY FURNESS, all members of Universal's "Magnificent Obsession" cast, are vacationing in New York.

Quip of the Day

Who talks full of mish-mosh
Over running with pish-posh?
Ali Gaga!!

Who writes from things he knows not of
Screeches like an eagle, with the guts of a dove?
Ali Gaga!!

Who tries to impress like a great big Mocher
But sounds just like an Alta Kocker?
Ali Gaga!!
that's his nom de plume.

My right name is
MOX SHOBBUS
from Hollywood way,
and I don't hide
behind plumes.

RALPH W. CROCKER, owner of the theatre bearing his name at Elgin, Ill., has been visiting here with MRS. CROCKER.

•

GEORGE BARNETT has left on a trip around the world to establish contacts in the field for the handling of Modern Film Sales Corp. business.

•

LIONEL STANDER has completed his role in the Hecht-MacArthur picture, "Soak the Rich," and has left for Hollywood.

•

JOHN C. FLINN is back from Hollywood where he discussed plans for a permanent Will Rogers memorial with studio leaders.

•

DAVID NIVEN, young English player who has just finished in SAMUEL GOLDWYN'S "Splendor," is in town for a short vacation.

•

PETER ZANPHIR has joined the promotion department of *True Story* Magazine as assistant to HAROLD F. CLARK.

•

PAUL ROBESON will leave Friday for the coast to start work in Universal's "Show Boat."

•

EDDIE BUZZELL is in from the coast. He is at the Warwick.

•

CLARK GABLE is due here tomorrow for a short vacation.

•

LOUIS B. MAYER may hit the town shortly now.

•

MIRIAM HOPKINS seen at "Porgy and Bess."

•

MARY PICKFORD and LOUELLA PARSONS journeyed west together.

Film Notables Pay Homage to David L. Loew

(*Continued from page* 1)

Metro, a third from "Lord" Sam Eckman in London, a wire from Henry Ginsberg, vice-president and general manager of the Roach organization and a bosom friend of Loew's; a message from E. A. Schiller, ill in Atlanta; from Abe Fischer, the oldest employe in the Loew company; from Bernard Freeman, who represents M-G-M in Australia; from George J. Schaefer, whose word that "government affairs" were detaining him in St. Louis garnered a laugh; from Paul Moss, the license commissioner. While these selected few only were read, Arthur Garfield Hays, the toastmaster, had many more not read through lack of time.

An Intimate Affair

It was a warm and intimate affair. Almost to a man, the executive roster of Loew's and M-G-M, beginning at the top with Nicholas M. Schenck, David Bernstein, J. Robert Rubin and so down the line, was present. In the assemblage, too, was Marcus Loew, 2nd and David Leonard Loew, the honored guest's two sons. On the dais was Arthur Loew who, when his time for speech-making arrived, made no secret of the strength of the blood tie that joins him with his twin brother.

He told of how Dave had proved a constant surprise all of his life; how he had suddenly in his youth turned up as an usher at Loew's West End Theatre; how the apparently retiring and meek Dave in days gone by had become involved in a street fight with the toughest kid in the neighborhood with Arthur, not Dave, to the rescue of the family honor with a broken nose for a reward; how he hoped the Loew family would never have occasion to shudder over a newspaper headline reading "Hollywood Producer Strangles Girl."

"Hal already has a financial genius in Henry Ginsberg. All that Roach comedies now lacks is humor. I am certain Dave will supply the laughs," he said. "This is a tender and sentimental occasion for me," Arthur concluded as he left the "mike" for his seat at a far end of the dais with a suspicion of tears in his eyes.

Howard Dietz Speaks

Compliments, gracious in their directness and humorous in their shafts, flashed back and forth during the evening. From those at the dais who included David Warfield, Nicholas M. Schenck, David Bernstein, Adolph Zukor, Hal Roach, Nathan Burkan, J. Robert Rubin, M. H. Aylesworth, Louis Nizer, Jack Cohn and Martin Quigley, as well as the two Loew brothers, of course, the toastmaster called upon Howard Dietz, following brief introductory remarks by Dave Blum, who with Eugene Picker, carried the work horse burden of arranging the dinner.

Introduced by the toastmaster as one who manages to fill his business hours on the outside but continues to retain his value with M-G-M, Dietz said:

"To get a real slant on this dinner is to compare trading a member of the Giants with Newark. Gladstone once said to Disraeli: 'You will either die on the gallows or of a social disease.' Disraeli replied: 'Not unless I embrace your principles or your mistress.' Well, Dave has chosen Hollywood, the land of cactus trees and Sam Goldwyn. I suppose Dave will emerge wearing loud ties, sweaters for vests and pants that don't match the coats. He'll be invited to parties by Marion Davies or Kay Francis or Lee Francis. He's going to Hollywood, the land where Roach won't disturb him and where Dave will have to find Hal on the polo field if he wants to see him at all."

Zukor Applauded

The pages of personal history were turned back in fond reminiscence by two other speakers. Adolph Zukor, his hair turning white rapidly now, apparently continues to rate tops in the estimation of the New York industry. The applause which greeted him when he arose to talk was outstripped by no other speaker.

"I have known Dave since he was two. We lived on the same street with the Loew family. All of his life Dave has been unassuming.

"Marcus Loew was a born showman. Undoubtedly Dave has inherited much of this from his father. I would venture to say that David, now that he is turning to production, will surprise you in his accomplishments."

"I congratulate the industry on disposing of its first banker, but not on its victory for you have merely gotten a lawyer in his place," began Louis Nizer. "The Loew organization knows the value of lollipops such as the banker who preceded me apparently likes. For years it has been paying film rentals in that currency."

Nizer Serious

However, the bulk of Nizer's address, couched in effective and telling language, was in serious vein. "It is easy to become popular by being generous and at a sacrifice of business rights, but to maintain popularity with no such sacrifice, such as David Loew has achieved, is a tribute to his career," he declared. "But beyond all of that, I should like to refer to his career of character. Many poor men have risen to great wealth, but it is rarer when a man born of wealth succeeds on his own. David Loew might have reflected arrogance, but instead he reflects sweet humility. He might have reflected conceit and aimlessness, and he might have walked down paths hewn for him by another's enterprise, but he has hewn paths of his own. Marcus Loew, where he alive tonight, would be proud of that which his son has accomplished. In honoring David Loew tonight, we honor his father as well."

Other speakers included Hal Roach, Will H. Hays and David Warfield. "If the speeches indicate the brand of humor afloat in the world today, we can still make comedies," Roach said, at the same time declaring "from now on I'm going to work like hell for Dave Loew."

"Louis Nizer, when he spoke of a career of character said beautifully much of what I had planned to say," Hays said.

He told several stories, two of them political, dipped into his early experiences with Adolph Zukor and Marcus Loew and, as he approached his conclusion, remarked:

"I am going to write a history of this business some day and when I do Adolph Zukor and Marcus Loew will be written high into it."

Warfield's remarks, unprepared as they were, proved to be one of the highlights of the evening. He told how he had first met Max (Marcus) Loew in a real estate venture, how he was introduced to Zukor through Loew, of the first penny arcade and the gradual emergence of the arcade into the picture theatre. "Arthur and David were two of the noisiest kids I have ever known. You couldn't hear anything but them when I used to visit the Loews many years ago. I often wondered if they would have any sense when they grew up. Now look at them! They are great executives. I remember when Max Loew introduced me to David Bernstein, in those days a bookkeeper at $13.50 a week. I remember when Joe and Nicholas Schenck entered the business as helpers. Where the hell am I anyway," popped one of his closing remarks. The formally attired throng roared.

"I would be a rotter if I had not tried to make something of life after the advantages that were given me," said Loew as he rose to speak. "I had the advantage of a marvelous mother and father," and as he hesitated, "This is getting to sound like a confirmation speech."

Brother to Brother

Loew said of his brother, Arthur: "There couldn't be two men in love with each other more than we two." Arthur diligently studied the tablecloth.

"In the 19 years I have been with the company, nobody could be fairer or more honest than Mr. Schenck. I am sorry he had to leave before I had an opportunity to say this," Dave continued.

Loew also divulged that the deal by which he now joins Hal Roach was first advanced by the comedy producer some years ago. "I am looking forward to the day when I can learn how to make comedies and perhaps a funny speech as well," he added.

Loew was presented with a large parchment on which were inscribed the names of the guests. Thus came to a close a function unique in the latter day annals of the industry, not because of its size or because of the weight of the names present but because of the patent and sincere ring which marked its course.

List of Guests

Among those present were:

Edward W. Aaron, Julian Abeles, Leo Abrams, A. Adlman, Neil F. Agnew, Jack Alicoate, Al. Altman, Mervin Asch, Jack Augenblick.

Dr. George Baehr, Raymond Ball, Harold S. Bareford, Dominic F. Barreca, Larry Beatus, Harry Becker, Nathan Beier, Jack Bellman, Harold Bennett, John Bennett, Jacob Berisen, Joseph Bernhardt, Albert Bernstein, Harry M. Bernstein, Louis Bernstein, Geo. S. Bickwit, Leonard Bickwit, Jack Birnbaum, Walter Blaufort Geo. Blinderman, Albert Blum, David Blum, Milton J. Blumberg, Nate J. Blumberg, Jack Bowen, Sidney Braunberg, Leo Brecher, Louis Brecher, Jack Bregman, J. H. Brickbinder, Willis Bright, Colvin Brown, Harry D. Buckley, Harry Buxbaum.

Jules Chapman, W. C. Chessman, Edward Churchill, W. H. Clark, H. J. Cleary, M. D. Clofine, Eugene Coen, S. D. Cocalis, Harry C. Cohen, Max A. Cohen, Nathan Cohen, Norman E. Cohen, E. H. Collins, Thomas J. Connors, Jack Cosman, Hon. Salvatore Cotillo, J. H. Cunliffe.

David O. Decker, Michael J. Delehanty, Geo. Dembow, Sam Dembow, Jr., Oscar A. Doob, Max Dorff, Louis Dorkin, Edward Douglas, W. A. Downs, Emanuel Dreyfus, I. Dreyfus, G. Dumont.

Herbert Ebenstein, Norman Ehrenwald, Jay Eisenberg, Frank Eldredge, H. R. Emdee, Ernest Emerling, Morris Epstein.

S. H. Fabian, Lynn Farnol, Ronald Feidelson, Felix F. Feist, Irving Feist, Joseph Feldhun, Max Fellerman, W. R. Ferguson, Lawrence Fertig, N. K. Finney, Arthur Fischer, Arthur Fluegelman, John C. Flinn, Charles Ford, Harold Forman, Edward M. Foy, Gilbert A. Frawley, Isidor Frey, Percy Friedlander, Leopold Friedman, Louis Frisch, Fred Fuld.

Edw. Gaylor, J. Louis Geller, Geo. L. Genung, Thomas J. Gerety, M. E. Gerstenfeld, Charles Gilman, Lee J. Glover, Joseph Gluck, Herman Gluckman, Harry M. Goetz, Jack Goetz, Harry Gold, Leon Goldberg, Nat Goldberg, Stanley Goldberg, Charles Goldsmith, Lambert Goldsmith, E. H. Goldstein, Edward Goldstein, I. H. Goldstein, Bob Goldstein, Irving Goodfield, Herman Goodstein, E. C. Grainger, Arthur Greenblatt, Irving Greefield, Henry Greenhall, Monroe Greenthal, Toby Gruen.

Roy Haines, Isador Halperin, Albert R. Hammerschlag, Oscar Hammerstein, John Hemerick, Milton Herman, H. C. Hermanson, Gabriel L. Hess, Edward Heyman, Melvin H. Heymann, John W. Hicks, Jr., Clarence Hill, Melvin Hirsch, Morton Hirsch, Phillip Hodes, Samuel Hollander, Leffert Holz, Hal Horne, Joseph Hornstein.

Louis Irwin, Lester Isaac, M. H. Jack, Rube Jackter, Charles Jaffa, Ben Joel, W. Ray Johnston, Milton Joseph, Leo Justin.

Emanuel Kalisch, Charles Kaminsky, Red Kann, Irving Kaplan, Harry Karasik, Emanuel Kaufman, Wolf Kaufman, Michael Kaufman, Herbert R. Kaus, Morris Keizerstein, Arthur W. Kelly, W. D. Kelly, S. H. Kilmarx, Charles King, Mervin A. King, Ben A. Kinon, J. J. Kolbeck, Morton D. Kornfield, H. F. Krecke, Max Krich, Melvin H. Krulevitch, David Kugel, Bert Kulick, W. J. Kupper, Milton Kussel, Morris Kutinsky.

Paul Lazarus, Joseph Lee, Phillip B. Leavitt, Joseph T. Leonard, Carl Levi, Solli Levi, Charles E. Lewis, David Lewis, Chauncey Levy, David A. Levy, I. A. Levy, Joel Levy, Jules Levy, Paul Levy, Al Lichtman, Charles Liebowitz, Enoch Light, Al. Liss, N. K. Lodier, Henry Loew, David L. Loew, Jr., Marcus Loew, II, Herman Lorber, Phillips Lord, David T. Lotwin, Leon Lowenstein, Leo Lubin, Jacob Lubin.

Frank J. McCarthy, Barret S. McCormick, John B. McCullough, Charles McDonald, E. L. McEvoy, J. McEvoy, J. S. MacLeod, Frank McRoy, Mitchell May, Jr., James Martin, Maurice Magid, Jeremiah Maguire, Irwin Margulies, Jack Manheimer, Horace S. Manges, Fred Meyers, Phillip Meyer, Frank Meyer, Eugene Meyers, Harold Melnicker, Jerry Melnicker, Jack B. Melnick, S. H. Meinhold, H. H. Michalson, Max Minzisheimer, J. T. Mills, Fred H. Mitchell, Lawrence G. Mintzer, Bob Mochrie, Abraham Montague, Paul Mooney, Louis Morgenstern, Melvin Morgenstern, Moe Morris, William Morris, Jr., Arthur Moskowitz, Charles C. Moskowitz, Joseph H. Moskowitz, Martin Moskowitz, Charles Moses, Edward Mullin, James Mulvey, John Murphy.

Bert Nayfack, Leon D. Netter, M. D. O'Brien, John O'Connor, Charles L. O'Reilly, Joseph J. O'Reilly, William Orr, George Oshrin, Al Paucher, E. L. Perlman, Harry M. Phillips, William S. Phillips, Arnold Picker, Eugene Picker, Isaac Picker, Sidney Picker, Sidney Piermont, Joe Pincus, Leonard Pollack, Eli Porter, Stanley Previn, M. G. Poller, Fred H. Quimby.

Herman Rachmil, Henry Randel, Arthur Rapf, Henry Reimer, Walter Reade, Walter Reade, Jr., Phil Reisman, Harold Rinzler, Samuel Rinzler, Joseph Rivkin, Budd Rogers, Samuel E. Rogers, Harold Rodner, W. F. Rodgers, Charles Rogers, Jack Robbin, Herman Robbins, Samuel Rosen, Michael Rosen, Martin Rosenberg, Leon Rosenblatt, Eli Rosenblatt, D. J. Rosenheim, Jacob Rosenheim, Ben Rosenberg, Joseph Rosthal, Dr. Burnett Rothhouse, Edward Rugoff, Fred Rotbenberg.

Reuben Samuels, Morris Sanders, Sam Sax, Dolf Schadler, George Schenck, Marvin Schenck, Harry Schiffman, Adolph Schimmel, L. J. Schlayer, Irving Schlossberg, Arthur Schmidt, Abraham Schneider, Ed Schnitzer, L. A. Schoen, A. A. Schubart, Carl E. Schuster, Charles Schwartz Fred Schwartz, Wm. A. Scully, Al Seadler, Si Seadler, Sam Sedran, Al Senft, Harry Shaw, Herman Shumlin, Ben Shlyen, Louis K. Sidney, Arthur Siegel, Henry Siegel, Samuel J. Siegel, David Silverman, Emanuel Silverstone, Ben Simon, Dr. Samuel C. Sinberg, Sidney Singerman, Bob Sisk, George Skouras, Alex Slavitt, A. W. Smith, Jr., Cresson E. Smith, Charles Sonin, Nate Spingold, Mort Spring, Hon. Alfred E. Steers, Nat Steinberg, Charles Stern, Emanuel Stern, Leon J. Sternberger, Frank V. Storrs, Edgar Strauss, Hon. John J. Sullivan, Hon. Myron Sulzberger, William Sussman, Irving Snyder.

Leslie E. Thompson, S. Tick, J. J. Unger, Eric Van Dyck, Joseph Vogel, A. Mike Vogel, Senator J. H. Walters, Joe Weil, Frank Weinberg, Louis Weinberg, Irving Weingart, Dr. J. J. Weiner, Milton C. Weisman, A. Weiss, Isidore Welt, Archie Weltman, David E. Weshner, George West, Thomas Wiley, Sig. Wittman, Max Wolff, R. S. Wolff, Irving Wormser, Eugene J. Zukor and William Zimmerman.

Court Is Asked to Confirm U. A. Cases

An application was filed yesterday in the Manhattan Supreme Court by Louis Nizer in behalf of United Artists for an order confirming an award made in arbitration proceedings between United Artists and the Van Park Amusement Corp. of Stapleton, S. I. The abitrators awarded $50 to United Artists as license fee for "Broadway Thru a Keyhole," which was not exhibited by the Van Park corporation under the terms of a contract. The arbitrators were Phillip Hodes, Robert J. Fannon, Morris Sanders and D. Peck. A hearing was set for this morning before Justice Timothy Leary.

A similar application was filed by Nizer to confirm an award made by the same four arbitrators for $280 to United Artists in arbitration proceedings with the New United Theatre Corp. of Brooklyn. The following films and their license fees figured in the proceedings: "A Hundred Years," $50; "Nell Gwynne," $25; "Runaway Queen," $25; "Cardinal Richelieu," $70; "Call of the Wild," $70; "Congo Raid," $40. This matter will also be heard by Justice Leary.

Dramatists' Guild Names New Council

The Dramatists' Guild yesterday at its annual meeting elected a new council to hold office until 1938 and representatives to serve on the council of the Authors' League, of which the Guild is a part. Council members are: Marc Connelly, Oscar Hammerstein, II, Moss Hart, Sidney Howard, Howard Lindsay, Kenyon Nicholson, Clifford Odets, Alma Rice, Austin Strong, Rita Weiman.

Representatives on the League council are: Edward Charles Carpenter, Hammerstein, Howard, Albert Maltz, Nicholson, Cole Porter, Miss Rice, Arthur Richman, Morrie Ryskind, Strong, A. E. Thomas, Miss Weiman.

Sabath Will Probe St. Louis Theatres

(*Continued from page* 1)

committee until the present film suit has been disposed of. Other cities in which bondholders' "rackets" will be probed will be Detroit, Philadelphia, Miami, San Francisco, Los Angeles and Nashville.

Congressman Sabath today disclosed that while in Boston he ordered the Metropolitan Theatre case turned over to the state's attorney for a more complete probe and possible prosecution.

Rabbi Hits "Time" Cut as Un-American

CINCINNATI, Oct. 29.—"The action of the Ohio censors in cutting from 'The March of Time' those scenes showing Nazi persecution of the Jews, and the training of young German storm troopers, was decidedly un-American," said Rabbi Samuel Wohl in a sermon.

Selznick Plans Stock

HOLLYWOOD, Oct. 29.—Selznick International Pictures intends to form a stock company as quickly as possible, according to David O. Selznick.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"In Person"

(*RKO*)

HOLLYWOOD, Oct. 29.—RKO has done handsomely by Ginger Rogers' first starring film, providing George Brent as the leading man, light romantic comedy and good songs. The emphasis on a novel plot should start them coming and friends should follow.

Ginger plays a film star suffering from a fear of people after being mobbed by fans. The doctor prescribes a fantastic makeup to get her accustomed to crowds without being recognized. Her effect, in protruding teeth caps and black wig, frightens Brent, but at the doctor's request he consents to take her to a mountain cabin for a rest. A taming of the shrew theme starts with Brent refusing to believe she is a star and making her cook. Hilarious interludes are provided by Alan Mowbray as a conceited chap who discovers the mountain retreat and almost becomes the groom in a shotgun wedding Ginger has arranged for herself and Brent.

The child, Joan Breslau, scores as the matchmaking hillbilly. Grant Mitchell, Samuel Hinds, Louis Mason, Spencer Charters and Edgar Kennedy are featured in a good cast. William Seiter directed for a full quota of laughs. Allan Scott contrived a clever screen play from the novel by Samuel Hopkins Adams. Oscar Levant and Dorothy Fields provided three telling songs which Ginger sings and dances. Brent is unusually attractive in light comedy and seems a wise choice for Ginger's first important film without Fred Astaire. Pandro Berman has produced another money-maker.

Production Code Seal No. 1,537. Running time, 85 minutes. "G."

Looking 'em Over

"Invitation to the Waltz"

(*Associated British Pictures*)

LONDON, Oct. 21.—Specially written by Holt Marvell (Eric Maschwitz, of the British Broadcasting Corp.), author of "Goodnight Vienna," this period romance stars Lilian Harvey.. The cast also includes such good players as Carl Esmond, Harold Warrender, Esme Percy and Hay Petrie.

There is good plot value of the semi-burlesque type appropriate to the type of production, the leading character being an English dancing girl who is asked by the British ambassador to Wurtemburg to influence the impecunious duke to sell his army to the Allies instead of to Napoleon. She is in love with an officer, who is ignorant of her mission and who assumes that she has become the duke's mistress. Napoleon descends on the city, the dancer is captured and the officer faces court-martial for trying to arrange her escape, but Napoleon frees the girl and benevolently arranges for her to carry off her lover concealed in a trunk.

The production has not made the most of the material or of the artists, the general atmosphere being one of staginess. The American appeal of the picture seems likely to be slight.

Running time, 80 minutes. "G." ALLAN

"Music Hath Charms"

(*Associated British Pictures*)

LONDON, Oct. 21.—A vehicle for the personality and famous dance band of Henry Hall, celebrity of the British Broadcasting Corp., the basic idea is to trace the effect of broadcast music on the lives of some of the millions who listen to it. Typical are a couple tricked by mischievous elders into a breach of promise dispute, a couple of white explorers in danger from savages, the wife of one of the explorers, who almost lets a flirtation go too far. In each case the music, carried over the air, brings about a happy ending.

The episodic character of the film is no drawback; what is, is that some of the episodes are very good and some very, very crude. Under the former head is an extremely funny travesty of a trial in court and a series of episodes of traffic policemen and others carrying on to the rhythm of the theme tune. There are real laughs also in scenes picturing Hall and his band entertaining waifs and strays.

This will want a lot of cutting to be usable in America, but its tunefulness and the real brightness of the best scenes help.

Running time, 65 minutes. "G." ALLAN

Skouras and 306 Agree on 1-Year Pact

(*Continued from page* 1)

was said that the circuit rejected a contract because of its belief that better labor relations could be maintained without one. The Skouras spokesman said that the circuit had never made a labor contract in the past and had never had a strike.

Negotiations for the merger of Local 306 with Allied and Empire operators' unions are now under way and the basic wage scale for the remainder of the metropolitan houses, most of which now employ members of the latter two unions, will be set in the course of these negotiations.

Skouras Planning No Shift in U. A. Spots

No changes in operating management will be made for any of the four United Artists Theatre Circuit houses which come under Skouras operation as a result of a recent agreement with Joseph M. Schenck, George Skouras said yesterday.

The four houses to be operated by Skouras in accordance with the agreement are the United Artists, Detroit; United Artists, Portland; United Artists, Chicago, and the Rivoli here. Pacific Coast theatres in which the U. A. Circuit has an interest, with the exception of the house at Portland, have been operated by Fox West Coast under Charles Skouras for the past 18 months. The U. A. circuit also has a joint interest with Loew's in other houses in the east which are operated by the latter.

Skouras operation of the Rivoli here will not affect film buying or releasing procedure for the balance of the Skouras-operated Metropolitan Playhouses, Skouras said.

New Circuit Awaits Recovery of Brandt

The current illness of Harry Brandt was held responsible for the delay in furthering plans for the organization of the proposed Independent Theatre Circuit, Inc., by Milton C. Weisman, attorney for the I. T. O. A., in denying reports yesterday that the theatre pooling idea had been abandoned by local independents.

Plans for formation of the Independent Theatre Circuit were first announced by Weisman on Aug. 1, and were accompanied by a statement that approximately 72 theatres had signed for the organization and operators of more than 60 additional houses were considering doing so. An election of officers of the new theatre corporation was originally scheduled for Aug. 2, but has not taken place yet. Weisman said that with Brandt's recovery further developments in the organization of the independent circuit could be expected.

Herron on Survey

Frederick L. Herron, who handles foreign affairs at the Hays office, is in Paris on what is the first stop of a general tour of the Continent for purposes of surveying the field.

Fox Theatres Met Stock Buy Before Court

(Continued from page 1)

additional for creditors of the company at this time, as against possible dividends on the Met stock over a 10-year period if the option were to be exercised. He said that with the $300,000 expenditure creditors of Fox Theatres could be paid 22 cents on the dollar at once and, in addition, they could retain an equity in any dividends which might be declared on the Met stock during the 10-year period. He said that purchase of the stock also would hasten the formation of a plan of reorganization for Fox Theatres, under which stockholders might receive $4 or $5 a share on their holdings and creditors might receive new securities equivalent to the full amount of their claims as finally allowed.

Advocate Use of Option

Rogers added that exercise of the option to purchase the 50 per cent stock interest for $300,000 must be good business in view of the fact that Joseph M. Schenck (United Artists Theatre Circuit) had found it worthwhile to pay $425,000 for the other 50 per cent.

Exercise of the option was also advocated by other Fox Theatres' creditors representing disputed claims of more than $1,000,000. The order was opposed by Halsey, Stuart & Co., Alvin J. Schlosser and creditors represented by Archibald Palmer, attorney. Palmer contended that Fox Theatres is insolvent and that its stockholders, consequently, had no interest in the estate and were not in a position to sponsor the order sought from the court. He also maintained that there is no prospect of a dividend being paid on the Met stock during the next 10 years, and asked that the stockholders' petition be dismissed.

Accountants Testify

Accountants for Skouras Amusement Corp., which operates about 45 houses for Metropolitan Playhouses, testified that net earnings of the circuit from last Jan. 1 to date are approximately $90,000, as compared with a net of $12,900 for the first 39 weeks of last year. Accountants for Randforce, operators of the remainder of Metropolitan's 84 houses, reported a loss of $44,900 for the period from Feb. 1 to Oct. 12, which included the payment of $30,000 for legal fees for receivership proceedings. This compared with a loss of $84,700 for the same period last year. It was also testified that Randforce had declared a dividend of $300,000 on Sept. 2 out of accumulated earnings since 1933, when the last dividend, amounting to $200,000, was declared. It was explained by Milton C. Weisman, receiver of Fox Theatres, that the Sept. 2 dividend had included $150,000 which was earmarked for retirement of bonds of Metropolitan Playhouses. The remaining $150,000 went to the Randforce operators.

Weisman told the court that Schenck has refused to accept any salary as president of Metropolitan Playhouses. He added that under the Fox Met reorganization plan the combined salaries of all officers of the new company are not to exceed $50,000 annually.

George Skouras, questioned as to whether the value of his company's franchise with Fox Film had been enhanced by the latter's merger with Twentieth Century, replied that it depended upon the pictures which are delivered. Asked about Twentieth's reputation, he replied that some of its pictures were good and some bad. He made the same answer to inquiries concerning Radio Pictures' product.

Keith-Albee-Orpheum, which has acquired 10 per cent of Schenck's half interest in Metropolitan, receives another 10 per cent in the event Fox Theatres does not exercise its option. This would give Schenck an 80 per cent interest in the new company.

Seeks Dismissal of Suit

A motion to dismiss S. Fennimore Hoffman's suit for $50,000 damages will be made this morning by counsel for the receiver for the Fox Theatres Corp. in the Manhattan Supreme Court. Hoffman brought the suit for alleged breach of an agreement dated Sept., 1930, by which he claimed he was engaged to produce a fashion show at the Fox Brooklyn for one week, beginning Oct. 3, 1930.

Hoffman charges that the defendant allowed him to perform on Oct. 3, 1930, but that the defendant interfered with his performance and that he was unable to continue his show for that week.

Grainger Heads East

Los Angeles, Oct. 29.—J. R. Grainger, general sales manager of Universal, has left for New Orleans. He will make several other exchange stops on his return to New York.

Willard S. McKay now expects to leave for the east on Thursday or Friday. He may go by train this time.

Wall Street

Stocks Sustain Slight Losses

	High	Low	Close	Net Change
Columbia	61¼	61	61½	— ¾
Consolidated	5¼	5	5	— ¼
Consolidated, pfd.	18⅞	18½	18⅝	— ⅛
Eastman Kodak	165¼	164	165¼	+ ¼
Loew's, Inc.	49	47⅜	49	+1¼
Loew's, Pfd	107¼	107	107	— ½
Paramount	95⅝	83¼	95⅝	— ¼
Paramount, 1 pfd.	84½	82	83⅝	—3⅜
Paramount, 2 pfd.	115⅝	107⅜	111½	— ⅜
Pathe Film	5½	5½	5½	.....
RKO	5	4⅞	5	.....
20th Century-Fox	177⅞	175⅝	177⅞	— ¼
20th Century, pfd.	28⅛	27⅝	27⅝	— ¾
Universal, pfd	39¼	38¾	39	—1
Warner Bros.	7⅝	7⅜	7½	.....
Warner, pfd	45	44	44	—1¼

Technicolor Leads Curb Gain

	High	Low	Close	Net Change
Sentry Safety	3⅛	3⅛	3⅛	+ ⅛
Sonotone	2⅞	2¾	2¾	— ⅛
Technicolor	20½	19⅛	19⅞	+1¾
Trans-Lux	3⅝	3⅝	3⅝	.....

RKO Bonds Off 1¼ Points

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	14⅝	15	+ ⅜
General Theatre 6s '40, ctf.	15	15	15	s7
Keith B. F. 6s '46	91½	91½	91½	+ ¼
Loew's 6s '41 ww deb rights	105¼	105	105¼	+ ¼
Paramount B'way 3s '55	59¾	59¾	59¾	— ¾
Paramount Pict. 6s '55	93	91⅛	92½	+ ½
RKO 6s '41 pp	78¾	78¾	78¾	—1¼
Warner Bros. 6s '39 wd	83¼	82½	82½	— ¾

(Quotations at close of Oct. 29)

"Broadcast" Pulls $14,500 at Cincy

Cincinnati, Oct. 29.—Last week's parade was headed by "The Big Broadcast of 1936," which grabbed $14,500 at the RKO Palace where the average is $10,000.

Moved to RKO Capitol. The RKO Shubert was second in line, ringing up $2,000 more than normal with a take of $14,000 for "The Gay Deception" plus "Folies de Paree" on the stage.

"Broadway Melody of 1936" hit $2,900, or $150 above the line, on its fourth week downtown at the RKO Grand. "Dr. Jekyll and Mr. Hyde" brought the Strand, independent, $1,700, up $200. The RKO Albee broke even on "The Last Days of Pompeii. Business otherwise was spotty.

Total first run business was $61,900. Average is $60,200.

Estimated takings:

Week Ending Oct. 23:

"DR. JEKYLL AND MR. HYDE" (Para.)
STRAND—(1,300), 15c-35c, 7 days. **Gross:** $1,700. (Average, $1,500)

Week Ending Oct. 21:

"LAST DAYS OF POMPEII" (Radio)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $12,000. (Average, $12,000)

"THE BIG BROADCAST OF 1936" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. Moves to RKO Capitol. **Gross:** $14,500. (Average, $10,000)

"THE GAY DECEPTION" (Fox)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Folies de Paree." **Gross:** $14,000. (Average, $12,000)

"I LIVE MY LIFE" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $6,250. (Average, $6,500). Held over.

"CHARLIE CHAN IN SHANGHAI" (Fox)
RKO LYRIC—(1,400), 30c-35c-40c, 6 days. **Gross:** $4,800. (Average, 7 days, $6,500)

"BROADWAY MELODY OF 1936" (M-G-M)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 4th downtown week. **Gross:** $2,900. (Average, $2,750)

"THUNDER IN THE NIGHT" (Fox)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,000. (Average, $1,250)

"HIS FAMILY TREE" (Radio)
RKO FAMILY—(1,060), 15c-25c, 4 days. **Gross:** $900. (Average, $1,200)

"SHIPMATES FOREVER" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days, 2nd week. **Gross:** $3,850. (Average, $6,500)

"Melody" Oklahoma Wow; Hits $7,400

Oklahoma City, Oct. 29.—"Broadway Melody of 1936" was something of a sensation downtown. It got off to a flying start and kept going until the $7,400 total for the week was $2,400 ahead of par.

In spite of this heavy draw, "The Goose and the Gander" did quite well at $2,450 in the Capitol. Other spots suffered, however.

Total first run business was $14,350. Average is $13,500.

Estimated takings for the week ending Oct. 26:

"BROADWAY MELODY OF 1936" (M-G-M)
CRITERION — (1,700), 10c-26c-36c-55c, 7 days. **Gross:** $7,400. (Average, $5,000)

"HANDS ACROSS THE TABLE" (Para.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

"GOOSE AND THE GANDER" (F. N.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,450. (Average, $2,000)

"LITTLE BIG SHOT" (F. N.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,100. (Average week, $2,500)

"I LIVE FOR LOVE" (W. B.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400. (Average week, $2,500)

"Coast" Top For Detroit With $13,300

Detroit, Oct. 29.—"Barbary Coast" was the money-maker of the week with a take of $13,300 at the United Artists. This left par $3,300 behind.

"Hands Across the Table" was also in the profit division. It went to $22,300 at the Michigan. The only two others to get above normal, and these not heavily, were "Way Down East" at the Fox and "Last Days of Pompeii" at the RKO Downtown.

Total first run business was $73,300. Average is $67,500.

Estimated takings for the week ending Oct. 24:

"STORM OVER THE ANDES" (Univ.) "THE GIRL FRIEND" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"WAY DOWN EAST" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $16,400. (Average, $15,000)

"HANDS ACROSS THE TABLE" (Para.)
MICHIGAN — (4,100), 15c-55c, 7 days. **Gross:** $22,300. (Average, $20,000)

"WINGS OVER ETHIOPIA" (Para.) "TWO-FISTED" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

"BARBARY COAST" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $13,300. (Average, $10,000)

"UNFINISHED SYMPHONY" (G. B.)
LAFAYETTE—(2,000), 10c-40c, 7 days, 2nd week. **Gross:** $1,900. (Average, $2,500)

"LAST DAYS OF POMPEII" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $11,400. (Average, $10,000)

"Boy," "Scotland" St. Louis Leaders

St. Louis, Mo., Oct. 29. — "O'Shaughnessy's Boy" and "Bonnie Scotland," double featured at Loew's State, set the pace for the first run attractions with a drag of $14,350, over normal by $5,350.

"Shipmates Forever" and the Dionne Quintuplets at the Orpheum grossed $11,150 compared with the house average of $8,500. This program, coupled with the latest issue of "March of Time," was held over for a second week.

Total first run business was $51,125. Average is $46,000.

Estimated takings for the week ending Oct. 17:

"KING SOLOMON ON BROADWAY" (Univ.) "FIGHTING YOUTH" (Univ.) "THREE STOOGES" (Col.)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. **Gross:** $8,075. (Average, $10,000)

"HERE'S TO ROMANCE" (Fox) "BAD BOY" (Fox)
FOX—(5,038)—25c-35c-55c, 7 days. **Gross:** $9,850. (Average, $12,000)

"O'SHAUGHNESSY'S BOY" (M-G-M) "BONNIE SCOTLAND" (M-G-M)
LOEW'S STATE—(3,162), 25c-35c-55c, 7 days. **Gross:** $14,350. (Average, $9,000)

"SHIPMATES FOREVER" (F. N.) "GOING ON TWO" (Radio)
ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $11,150. (Average, $8,500)

"DR. SOCRATES" (W. B.) "THE VIRGINIA JUDGE" (Para.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $7,800. (Average, $6,500)

Empire, Larmour in Deal

Hollywood, Oct. 29.—Empire Film Distributors will handle distribution of the six current Larry Larmour features.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 103 NEW YORK, THURSDAY, OCTOBER 31, 1935 TEN CENTS

Century-Fox 39-Week Net $1,996,324

Gain of $490,111 Over Same Time Last Year

Marked gains in operating profit of Twentieth Century-Fox are disclosed in the company's report for the 39 weeks ending Sept. 28. The net, after all charges, including Federal income taxes, is $1,996,324. This is an increase of $490,111 over the same period last year.

For the quarter ending Sept. 28 the consolidated net profit was $640,543, an increase of $333,572 over the third quarter of the previous year. The profit for the second quarter of 1935 was $738,974 and for the first quarter $616,806.

On the basis of the 1,359,042½ shares of $1.50 dividend cumulative convertible preferred stock outstanding the consolidated net operating profit for the three quarters of 1935 amounts to $1.46 per share. Dividends on this preferred stock are cumulative from Jan. 1, 1936. After allowing for preferred dividends for nine months the

(*Continued on page 4*)

Penn Sunday Film Fight Near Climax

PHILADELPHIA, Oct. 30.—With Election Day less than a week off, picture interests in Philadelphia are conducting an aggressive campaign for Sunday shows, which will appear on the ballot for referendum vote.

Virtually all theatres in town are employing "Vote Sunday Movie" trailers, all designed to point out that films have the same rights as Sunday sports and that they will not interfere with worship because the law forbids opening of any place of amusement until after 2 P. M.

In the next few days, an advertising

(*Continued on page 4*)

"Top Hat" Suits in Ohio Are Dismissed

CLEVELAND, Oct. 30.—The petitions of local exhibitors in four separate test cases to compel RKO to deliver "Top Hat" under the terms of 1934-35 contracts were dismissed here today by Common Pleas Judge Lee C. Skeel, who entered final judgment in behalf of RKO. The court held that the picture was not included within the

(*Continued on page 4*)

Hays Organization Places Ban on G-Man Film Cycle

An end of the G-Man cycle of films is assured by agreement between the Production Code Administration and producers, it is revealed in the current issue of *The Motion Picture and the Family,* Hays office publication.

This restriction also applies to films that "portray the activities of American gangsters in violent conflict with the law."

The publication goes to civic leaders, teachers, Better Films Councils and others throughout the country.

The agreement was brought about after Will H. Hays had pointed out the increasing number of this type.

"It was deemed necessary," the M.P.P.D.A. publication states, "to provide guidance for the members of the Production Code Administration in handling these pictures, and the producers unanimously approved the following paragraph, to be added to the present policy of the Production Code Administration in applying the Production Code:

"'Crime stories are not to be approved when they portray the activities of American gangsters armed in violent conflict with the law or law enforcing officers.'"

Pictures in work at the time were exempted from this ruling. These films are: "Confidential" (Mascot), "King Solomon of Broadway" (Univ.), "She Couldn't Take It" (Col.), "We're Only Human" (Radio), "Mary Burns, Fugitive" (Para.),

(*Continued on page 4*)

Warners, Essaness Get U. A., Chicago

CHICAGO, Oct. 30.—Warner theatres and the Essaness circuit have bought U. A. product for the coming year and will have first release in Chicago. The Essaness Sheridan will run the pictures in "B" week on the Northside, while the Avalon will have the same run on the Southside.

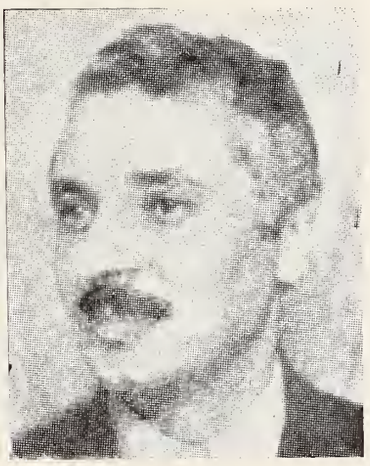
This is the first time in years that B. & K. has not bought the U. A. product. Deal for the pictures fell through when the circuit wanted to buy only 12 of the 18 offered. U. A., acting under orders from Samuel Goldwyn, it is reported, demanded that the circuit take all the product or none

Operators' Strike Ends in Milwaukee

MILWAUKEE, Oct. 30.—A five-day strike of projectionists has been ended by the return of the men to all the 41 houses affected.

Working conditions are to be ironed out at a future date.

Hollywood Manager



Boone Mancall of the New York office of Quigley Publications has been appointed to succeed Victor M. Shapiro, resigned, as manager of the Hollywood Bureau of Quigley Publications, as of Nov. 2.

Warner Says Koplar Asked For $600,000

By BILL ORNSTEIN

ST. LOUIS, Oct. 30.—Several attempts were made to obtain $600,000 from him by alleged representatives of Harry Koplar, who, he said, offered to withdraw the receivership suits against the St. Louis Amusement Co. and Skouras Bros. Enterprises if the money was paid, it was revealed today by Harry Warner, second defense witness and one of the five indicted film executives.

Warner was a convincing witness, never raising his voice and speaking in even tones. Several times he used his fingers and hands to demonstrate sound problems to the jury. The sincerity with which he answered the questions fired at him by former Senator James A. Reed and Russell Hardy, prosecuting attorney, held the jury's attention. The Warner president followed Sam B. Jeffries on the stand,

(*Continued on page 6*)

Schaefer May Take a Para. Theatre Post

Report He Will Become Circuit Partner

George J. Schaefer, vice-president and a director of Paramount Pictures, in charge of distribution, may relinquish his present duties in the near future to take over operation of and probably a partnership in a Paramount circuit, it was learned yesterday.

That Schaefer has been considering such a move was stated on good authority to be a fact, although no definite arrangements or agreement have been arrived at yet. A report, which, however, lacks confirmation, has Schaefer assuming operating charge of Paramount theatres in New England. The company's principal theatre unit there is the Mullin & Pinanski circuit, which might be augmented under Schaefer's direction later by the Olympia circuit, following its reorganization. Credence is added to this report through the fact that Schaefer obtained his early experience in the industry in the New

(*Continued on page 4*)

See Possibility of Gov't Music Rule

The possibility of Federal regulation of the organized music licensing industry through legislation believed to be ready for introduction at the next session of Congress is seen as supplanting the Government's objectives in its monopoly suit against Ascap and may lead to ultimate abandonment of the pending legal action, *Motion Picture Herald* states in the current issue.

The music industry itself views the recent postponement to Jan., 1936, of the resumption of trial of the Federal action, originally scheduled for Nov.

(*Continued on page 4*)

Report Due Today On Big RKO Claims

A hearing on exceptions to Special Master Thomas D. Thacher's report on approximately $7,800,000 in claims against RKO is scheduled for today before Federal Judge Bondy. Hearing of exceptions to the $8,200,000 claim of Rockefeller Center, allowed by Thacher, which was also scheduled for today, has been postponed to Nov. 18,

(*Continued on page 4*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 October 31, 1935 No. 103

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Union Denies Pact With Skouras Group

Local 306 yesterday denied that it had concluded an unsigned agreement with Skouras theatres here which would continue the union in the circuit's houses for another year at an average booth scale for the circuit of $1.49 per hour, as reported in MOTION PICTURE DAILY yesterday. The DAILY's informant, a responsible Skouras official, stated that such an agreement had been reached, but that no contract with the union would be signed because of the circuit's conviction that better labor relations can be maintained if no contract is made.

Delay Pathe Suit Move

Owing to the illness of one of the principals, the examination before trial of several of the directors of Pathe Exchange, Inc., was postponed yesterday until Monday morning at 10 o'clock. This is in connection with a stockholders' action by Pat Casey.

Martin E. King, attorney for Casey, explained that examination would proceed in the Manhattan Supreme Court, Special Term, Part 2.

SCHUMANN-HEINK
"HERE'S TO ROMANCE"
WILLIAM MORRIS OFFICE

Purely Personal

JAMES J. WALKER, former songwriter and former mayor, with MRS. WALKER (BETTY COMPTON) and the latter's mother, and WILLIAM BOEHNEL of the *World-Telegram* and MRS. BOEHNEL will be among the arrivals on the *Manhattan* today. CLAIRE LUCE also will be on board.

•

DAVID L. LOEW leaves for Hollywood Friday. His wife will accompany him, but his sons, MARCUS, 2ND and DAVID LEONARD will finish their first school semester before going west. LOEW will return here for the Christmas holidays.

Quip of the Day

EDITOR, M.P.D.:

Have been reliably advised that Mox Shobbus, the Hollywood won't playboy, will not book "Wings Over Ethiopia" because the exchange refuses to give him a Thanksgiving Day date and change the title to "Wings Over Turkey."

Some exploiteer, I'll say.

ALIA GAGA

"SKIP" WESHNER, zone manager in charge of Warner first runs in Philadelphia, is about to celebrate his 12th wedding anniversary. He came up for the DAVID L. LOEW dinner Tuesday night and returned yesterday.

•

HARDIE ALBRIGHT plays one of the leads in "Play, Genius, Play" which made its debut on the stage of the St. James last evening. FERDINAND GOTTSCHALK and JUDITH WOOD are also in the cast.

•

LUPE VELEZ is on her way back to this country from South America on the *Pan-American*. She has been appearing in South American countries for several weeks.

•

CHESTER ERSKIN starts rehearsals of "Career" some time in mid-November. The play is from an adaptation of a novel by WILL STONG with the latter collaborating on the script.

•

BENJAMIN ZEMACH, stager of "The Last Days of Pompeii" dances, is due here to arrange dances for the MAX REINHARDT production, "Road of Promise."

•

CHARLES BOYER and his wife, PAT PATTERSON, arrived yesterday on the *Berengaria* en route to the coast. They will leave today.

•

CARY GRANT is flying east on his way to England where he will make "The Curious Quest." He has just finished in Radio's "Sylvia Scarlet."

•

ROBERT YOUNG and MRS. YOUNG are scheduled to arrive Saturday from the coast. They will stop at the Lombardy.

•

MARY ROGERS, daughter of the late humorist, is in the cast of "Crime Marches On," play now current at the Morosco.

•

EDWARD TREVOR, Twentieth Century-Fox player will soon be on his way here perhaps to do a play.

•

EMMETT LAVERY, author of "The First Legion" leaves for Hollywood and the M-G-M lot today.

CHARLES A. ROSSI, president of United Film Distributors, which distributes independent product outside of the U. S. and Canada, is moving his headquarters from Hoboken to the seventh floor of the RKO Bldg. JOHN ROSSI, director of Religious Amusement Service, will be with his brother.

•

WALTER PIDGEON, his agent says, has signed a long-term contract with WALTER WANGER, who seems to be quite active in the talent field these days. PIDGEON opened in "There's Wisdom in Women" at the Cort last night.

•

HARRY JANS, formerly of the musical comedy team of JANS & WHELAN, has been signed by Radio. The William Morris office handled the deal.

•

JACK KENNEDY, in charge of British production for Radio Pictures, Ltd., has arrived in New York for conferences with PHIL REISMAN.

•

BARRON POLAN of the Warner publicity department is up in Westport and Stamford for "A Midsummer Night's Dream" openings.

•

BEVERLY BARNETT, Hollywood writer, has been added to the staff of Jam Handy Picture Service, producers of industrial films.

•

STANLEY SMITH replaces EDDIE GARR in the cast of "Satellite," new play now in rehearsal.

•

WHITNEY BOURNE may play one of the leads in "Espoir" (stage) in London late in the winter.

•

PEGGY SHANNON is in the cast of "Whatever Goes Up," stage play which is slated to open here Nov. 25.

•

JOHN WRAY goes into "Stick-in-the-Mud," forthcoming stage play by FREDERICK HAZLITT BRENNAN.

•

AL LICHTMAN leaves for Hot Springs, Va., tomorrow. Two weeks of golf.

•

MARTHA SLEEPER is in the cast of "Good Men and True," forthcoming stage play.

•

P. J. WOLFSON's "The Indestructible Mrs. Talbot" has been acquired by Radio for ANN HARDING.

•

FELIX FERRY is writing an all-American musical revue to be produced in London this winter.

•

HARPO MARX is in town from Hollywood.

•

CHARLES BUTTERWORTH is in from the coast for a Lux ether program.

•

RUPERT HUGHES' story "Static" has been purchased by Radio.

•

AL ROSEN is planning to produce "One Good Year." Stage stuff.

•

SAM BEHRMAN's new play is betitled "Summer's End."

•

SAM DEMBOW left for a short stay in Chicago yesterday.

•

DAVID BURTON shoves off for the coast today.

Strictly the Tops

After all these years and, no doubt, late at that, this tired reviewer yesterday afternoon happened into what he views as the perfect program. Ending the suspense, if there is any, in a hurry, he tells you at the outset it ran under an hour and was made up of two Mickey Mouses, or is it Mice? and three Silly Symphonies.

"Pluto's Judgment Day," "Who Killed Cock Robin?" and "Music Land" have been reviewed, but, like the poet's brook, their charm and their enormous entertainment value run on and on.

New was "On Ice," or the latest adventures of Mickey and Minnie, Donald Duck and The Goof. They are ice skaters this time, but nothing like their ingenious pranks has been cartoonized until now.

Also new was "Three Orphan Kittens," starring in the brightest of marquee lights Blackie, Whitie and Calico in a symphony of silliness that tickled this spectator to a point where he forgot the gloom and the rain of the day and actually beamed at the stuff. Reaching a point high on a pinnacle of cleverness came the climax when one of the kittens, chasing a feather, starts a pianola going with "Kitten on the Keys" with bouncing and uproarious results which can be best appreciated by seeing the film itself.

Not once, but certainly twice and even beyond.

KANN

Davis Made Head of Western Penn MPTO

PITTSBURGH, Oct. 30.—William Davis of this city was elected president of the M. P. T. O. of Western Pennsylvania at the closing session of the convention here yesterday.

Other officers named were: Vice-president, William Lispie, Blairsville; secretary, Fred Herrington (re-elected); treasurer, Gellman Duquesne; directors, Benny Amdur, M. A. Rosenberg and William Finkel of this city, and Frank Panapolus, Clairton.

Abram F. Myers and Sidney E. Samuelson were among the speakers.

Gordon Westcott Dies

HOLLYWOOD, Oct. 30. — Gordon Westcott, actor, died here today from a brain hemorrhage, despite a blood transfusion this morning in an effort to save his life. The hemorrhage was the result of an accident suffered Sunday when he fell from his horse while playing polo. Westcott was 31.

Ampa Services Today

The Ampa today will hold a brief meeting at Jack Dempsey's Restaurant in honor of the memory of the late Walter F. Eberhardt. There will be a eulogy, adoption of a resolution expressing regret at his passing and a prayer.



• THE PICTURE OF THE WEEK •

brings to the nation's action-fans the first of a new type of Westerns evolved by Warner Bros., in which cowboy songs will be a standard feature, rendered by the screen's new-west star, **'DICK' FORAN.** Billed as "The Singing Cowboy", Foran will appear with strong casts in six productions this season, starting with **"MOONLIGHT ON THE PRAIRIE"** with Sheila Mannors, George E. Stone, Joe Sawyer, Gordon Elliott, and directed by D. Ross Lederman. Released November 2nd.

Century-Fox 39-Week Net $1,996,324

(Continued from page 1)

consolidated net operating profits were 38 cents per share on the 1,226,529½ shares of common stock outstanding.

The consolidated earned surplus at Dec. 29, 1934, was $3,006,812, and after adding the net operating profit as stated and profits of foreign exchange amounting to $9,670 and deducting $335,987 of reorganization expenses, the consolidated earned surplus at Sept. 28, 1935, stands at $4,676,820.

Twentieth Century-Fox Film has a 42 per cent stock interest in the National Theatres Corp. As no dividends were declared during the period no income was included from it.

Total income from all sources for the 39 weeks was $31,365,096.94 and total expenses, including amortization of production costs, were $28,596,532.13. Net operating profit before interest, depreciation and Federal income taxes was $2,768,564.81. Interest, amortization and depreciation of fixed assets totaled $462,239.89, leaving a net operating profit before Federal taxes of $2,300,324.92. Federal taxes totaled $304,000.

Warner Buys Debentures

WASHINGTON, Oct. 30.—Acquisition by Albert Warner's holding company "A" of 35,000 six per cent optional convertible Warner debentures during September is shown by the monthly report of stock-ownership changes made public by the Securities and Exchange Commission.

Warner's report for the month shows that on Sept. 30 he held 63,260 shares of common and through holding company "A" 5,988 shares; 10,618 shares of $3.85 cumulative preferred and through holding company "B" 4,786 shares; and 1,565,333 six per cent debentures and through holding company "A" 274,520.

A report was also filed with the commission by H. P. Harrington, New York director, showing the disposal during the month of 200 shares of trans-Lux Daylight Pictures common. At the close of the month, Harrington held 9,400 shares of the stock.

Cohn Draws $3,500

Harry Cohn, president of Columbia, draws $3,500 per week and Jack, his brother and vice-president, $2,000 under three-year contracts dated July 1, 1934. This was revealed when the company filed a registration statement with the N. Y. Stock Exchange. Of the voting trust certificates for Columbia common, Harry Cohn owns 43,697 shares, or 24.85 per cent and Jack, 25,089 shares, or 14.27 per cent.

Sonotone Net $70,000

Reports of the Sonotone Corp. and Sonotone Credit Corp. for eight months ending Aug. 31 indicate a net profit of $70,000 after depreciation, Federal taxes and other charges. Net sales totaled $1,109,992.

"Ibbetson" to Music Hall

"Peter Ibbetson" will open at the Music Hall on Nov. 7. This will be the fourth Paramount picture there.

Penn Sunday Film Fight Near Climax

(Continued from page 1)

campaign will be waged in daily newspapers culminating with big space displays on Election eve. Circulars, form letters, personal solicitation are also being employed.

While the measure is expected to pass—and theatre men are already penciling in tentative Sunday bookings—opposition is generating strongly as the campaign draws to a close. Cardinal Dougherty, head of the Catholic diocese, who to date has never officially lifted his ban on picture theatres, imposed during the League of Decency drive, informed the Lord's Day Alliance that he was opposed to Sunday shows. Through his chancellor, Monsignor Hugh L. Lamb, the cardinal declared they would be "injurious to the cause of religion and morality."

Ministers of the Methodist, Baptist and Presbyterian churches passed resolutions calling on Warners to oppose commercial Sunday shows. It is expected that church opposition will reach a climax Sunday.

The Board of Jewish Rabbis has taken a definite stand against Sunday shows, in spite of the fact that Sunday is not the Jewish Sabbath.

See Possibility of Gov't Music Rule

(Continued from page 1)

4, as a definite indication that the Government intends to permit the case to lapse, the *Herald* says. The publication states that the music industry believes that still other lengthy postponements of a resumption of the Ascap trial will be made after January, with the case ultimately being abandoned by the Attorney General's office. If such proves to be the case, the Government strategy probably is to forestall increased music royalty charges to users until such time as Federal regulating legislation is enacted. This may be accomplished, it is said, with radio and exhibitor cooperation at the next session of Congress and may achieve the Government's original objectives with less difficulty than by pursuing the trial of the pending suit against Ascap.

Hays Office Bans G-Man Film Cycle

(Continued from page 1)

"Three Kids and a Queen" (Univ.), "It Happened in Hollywood" (Radio), "Waterfront Lady" (Mascot), "Petrified Forest" (W. B.), "Whipsaw" (M-G-M), "Killers on Parole" (Univ.), "Guns" (Para.), "Panic on the Air" (Col.), "Green Shadow" (Radio), "Last Call for Love" (Col.), "The Killer" (M-G-M), "Dr. Socrates" (W. B.), and "Special Agent" (W. B.).

Producers have been cautioned to eliminate excessive drinking scenes.

Appeal on Para. Fee

A motion by Jacob J. Lesser, attorney, for a rehearing on Federal Judge Alfred C. Coxe's decision disallowing his petition for a fee of $37,500 for services in the Paramount reorganization, was referred to Judge Coxe by Federal Judge Mack yesterday. A hearing date will be set by Judge Coxe later.

Film Show in Tunnel

What is claimed to be the first screening of a picture beneath the earth's surface will be attempted Monday afternoon at 4 o'clock in the unfinished 38th St. Midtown Tunnel.

G. B. is going to take a projector and a print of "Transatlantic Tunnel" down into the air chamber and show it to the assembled sandhogs who will knock off work for the occasion.

Report Due Today On Big RKO Claim

(Continued from page 1)

pending efforts of RKO reorganization factors to settle or compromise the claim.

The largest of the claims to which attorneys for the RKO trustee will present exceptions today are those of Karl Hoblitzelle's Texas enterprises. There are three such claims which were allowed by Thacher for an aggregate of about $7,500,000, but subject to certain discounts. Other claims reported upon by Thacher to which exceptions will be made today are those of Criterion Advertising Co. for $300,000 and those of Gordon Burnett and Mudd & Mooney for $400,000. The Criterion claim was reduced by Thacher from about $400,000. The RKO trustee will contend that the reduction is insufficient and the claimant that it was too great. The Burnett and Mudd & Mooney claims were disallowed in toto and the claimants will contest this ruling.

Middletown Theatre Sued by Bank Night

A suit for $10,00 damages alleging copyright infringement and unfair competition was filed in Federal Court yesterday by Affiliated Enterprises, Inc. of Denver against Hatco Theatres, Inc., of Middletown, N. Y. Odell S. Hathaway, who owns a majority of the stock in Hatco Theatres, was named a co-defendant.

The complaint sets forth that the plaintiff is the originator and copyright holder of Bank Night, which may also be designated as Savings Night, Silver Night, Cash Night and other similar names. An accounting and an injunction are asked.

Mary Pickford Joins Protest on Taxation

HOLLYWOOD, Oct. 30.—Mary Pickford today criticized the high taxation in California, which has drawn threats of withdrawal from film interests. Miss Pickford, saying most of her coast property is "taxed to death already," declared she may be forced to live elsewhere. "There are several splendidly equipped studios in New York," she said.

Gordon Jones Married

HOLLYWOOD, Oct. 30. — Gordon Jones, Reliance player, now working in "Shoot the Chutes" for Samuel Goldwyn, was married today to Lucille Van Winkle. Among the ushers were Richard Arlen and Harvey Stephens.

Schaefer May Take a Para. Theatre Post

(Continued from page 1)

England area and has maintained his contacts there since.

Another report, likewise unconfirmed, has Schaefer taking over the operation of the Paramount Northwest theatres, of which the principal unit is the former Finkelstein & Rubin circuit, with headquarters in Minneapolis. The Paramount partnership with Hamm & Charles, under which this circuit was operated formerly, was ended on Sept. 28, and since then L. J. Ludwig and John J. Friedl have been operating the unit under home office supervision.

Schaefer's attitude is authoritatively said to be favorable toward a theatre operating arrangement. If an agreement such as is now in prospect materializes, he would resign from his present office, it is said, but at the same time continue in the Paramount family.

Schaefer is now in St. Louis at the trial of the Federal conspiracy action.

"Top Hat" Suits in Ohio Are Dismissed

(Continued from page 1)

time designated by the last season contracts.

The petitioning theatres were the Broadvue, Cedarlee, Ridge and Doan. The dismissal of the Ridge case was upon the theory that its contract was for the entire 1934-35 product without titles or stars being named. The Broadvue, Cedarlee and Doan contracts, which specifically named the number two Fred Astaire-Ginger Rogers picture as "Radio City Revels," were ruled by the court to be split contracts. The designation of the picture by a specified title excluded "Top Hat" because that picture was defined by a production number and release date as a 1935-36 release, it was held.

Turley to Portland

ST. LOUIS, Oct. 30.—Clarence M. Turley, president of the National Ass'n. of Building Owners and Managers, left last night for Portland, Ore., to attend the annual convention of the organization. He will make a speech.

Turley was one of the Government witnesses in the anti-trust trial here.

Hal Roach Expands

HOLLYWOOD, Oct. 30.—Hal Roach today bought an additional two acres adjoining his studio, making a total of 13 acres, in the first expansion move since David L. Loew joined the company. Eighteen new writers are on the Roach payroll. Roach is due here Friday.

J. J. Gain Resigns

HOLLYWOOD, Oct. 30.—J. J. Gain today resigned as business manager at the 20th Century-Fox Westwood studio. He told MOTION PICTURE DAILY he plans a three-weeks vacation before deciding on one of three major studio offers. He said he had planned to resign since the merger.



BOX-OFFICE IMMORTALS!

You know them . . . the pictures that have poured streams of gold into your coffers . . . the real immortals of box-office history! You know them . . . the books and plays, beloved the world over, that have been transformed by the genius of our industry into the truly great pictures of all time, among them "David Copperfield", "Little Women", "Ruggles of Red Gap", "Barretts of Wimpole Street", "The Lives of a Bengal Lancer" "Treasure Island", "Smilin' Thru" . . . To that illustrious roll of honor Paramount now proudly adds Du Maurier's "PETER IBBETSON", the most glorious romance in all modern literature.

GARY COOPER
ANN HARDING
in
"Peter Ibbetson"
with Ida Lupino, John Halliday, Douglass Dumbrille, Virginia Weidler, Dickie Moore
Directed by Henry Hathaway

Paramount Pictures

Warner Says Koplar Asked For $600,000

(*Continued from page* 1)

and he testified for about two and one-half hours. He was followed by A. D. and Charles Cella, the latter not finishing this afternoon.

After succinctly detailing the development of sound and the part Warners and Bell Laboratories played in perfecting the process, Warner related how the company became interested in the local theatre situation.

He was asked by Reed when it was that Warners started negotiations with the bondholders' committee of the Ambassador, Missouri and New Grand Central on a reorganization plan. He explained it was immediately after the Koplar suits ended in Warners' favor. Warner stated that although the company had about $4,000,000 invested locally, no attempts were made to make a reorganization bid for the three properties, "because in 1931 the Koplar suits were so numerous I couldn't think of them all."

Objects to Word

"We were accused of all kinds of things in the Koplar suits. During the term of this case," he said, "several attempts were made to get me to agree to pay $600,000 over a period of five years, $120,000 a year, for which the suits would be withdrawn.

"They were not lawsuits. It was a question of how much they could get out of us.

"After I had refused, Koplar's representatives came down to $100,000," Warner explained, "but I wouldn't pay $1 for blackmail and told them I would try the suits even if I had to go broke.

"I issued orders that under no circumstances were Warner officials to have any dealings with Koplar or anyone associated with him," the Warner president testified.

The prosecutor objected to the use of the word "extortion" by Warner, inquiring of the court, "How are we going to meet this kind of evidence?"

Hays' Name Brought In

Frederick H. Wood, associated with Reed on the Warner legal defense, said quickly, "Bring in Koplar and put him on the stand in rebuttal." Again Hardy objected, following which Federal Judge George H. Moore notified Reed he wouldn't permit detailed testimony in regard to Koplar, but would admit it only in a general way.

Despite lengthy arguments by defense counsel to keep the names of Hays office officials out of the record, Hardy was successful in cross examing Warner as to whether he had talked to Will Hays, Gabriel Hess and Charles C. Pettijohn at any time with regard to getting Paramount and RKO product in St. Louis.

Warner not only denied ever having conferred with the Hays men, but also stated he never brought up the subject with George J. Schaefer or RKO executives. He said this matter had been handled by other members of his company. The Warner president also declared he never gave an order for the filing of an intervening petition on behalf of Warners against the bondholders' reorganization plan, adding that this in all probability was handled by Abel Carey Thomas, general counsel.

Warner asserted he had a hard time to convince Spyros Skouras to install sound apparatus in the latter's St. Louis theatres and it was only after "Don Juan" had been shown at the Capitol in 1926 that Skouras decided to go for the new idea. Warner stated he had to rent the Capitol and put on the show himself to prove the possibilities of sound.

It was in August, 1933, immediately after the two Koplar suits had been decided, that he instructed Herman Starr and Thomas to negotiate actively with the bondholders' committee in the hope of salvaging some of the company's losses, Warner asserted. He was informed from time to time of the progress being made, Warner said. In September, 1933, Starr and Thomas telephoned him from St. Louis to relate the good news, that a deal had been struck except for the amount of money the company was to put up, the witness said. When advised $400,000 would be required, he approved the outlay, Warner declared. Shortly after this, he was called again and informed that the plan submitted by the bondholders' committee was different from the one agreed upon and instructions were given to continue negotiations with the hope a satisfactory deal would be reached.

Sears Called In

Sometime in February, the following year, Moe Silver, who was in charge of the Warner circuit in the west, arrived in New York and brought the report of an acceptance by the committee of a 10-year lease with F. & M., Harry C. Arthur, Allen L. Snyder and Koplar. Later this report was confirmed by Thomas, who had been in touch with Jeffries, Warner stated.

When he asked for a report on Warner pictures in St. Louis and found that the rentals were the lowest ever received by the company, Gradwell Sears was called in, he testified.

Sears told Warner he knew the St. Louis territory and he did not favor dealing with a monopoly. He suggested securing a theatre for exhibition of the company's pictures and with Starr left for St. Louis to carry out the plan. A deal was worked out for a short term lease on the Shubert-Rialto which provided for a maximum guarantee of $20,000 and which he approved, Warner stated. The reason for securing the Orpheum, the witness explained, was to have the representation in both the uptown and downtown districts which the company had before.

Warner said this point was made by Starr on March 17, 1934, as he was about to sail for Europe on important business. He said he hadn't time to go into the subject in detail, but approved the idea on the condition the necessary product could be secured. Warner added that films other than Warners were necessary because of the twin bill situation prevalent here and because "each company only makes from six to eight pictures that can stand alone for a week." The Orpheum was then leased at a maximum guarantee of $30,000.

Describes Proposals

The witness then described the proposals Warners made to the bondholders' committee on March 8, 1934, for the three theatres, all of which had been covered before by Jeffries. He admitted purchasing a number of bonds, pointing out some had been acquired before they were defaulted. Warner said the company spent $57,000 on first mortgage bonds on an average of 28 cents on the dollar, and $20,000 for second mortgage securities, on an average of 13 cents on the dollar. The witness was anxious to explain certain reasons for the purchases when Hardy objected and was sustained. Warner did not realize he was talking after the prosecutor objected and apologized, saying "If I went so far, I'm sorry, but I had to when I was accused of something ridiculous on its face."

Upon cross examination by Hardy, Warner denied ever having any intention to corner the picture market and prevent the Ambassador, Missouri and New Grand Central from getting pictures. He vehemently denied ever making attempts to depress the bonds, saying he never sold any, but the reverse was true because he created a market by his purchases.

Jacob M. Lashly and William R. Gentry, representing RKO and Paramount, respectively, asked the witness questions relating to their clients. Warner denied he ever talked to them about the local theatre situation.

As the morning session got under way, Reed offered to introduce certain documents in connection with the Koplar receivership suits to substantiate Jeffries' testimony, but they were ruled out.

Resuming where he left off yesterday, Jeffries again denied statements attributed to Starr by Government witnesses. He testified Warners "failed on a reasonable" basis to close a deal with the bondholders for the three houses, adding, "We were honest in our propositions. They were made in good faith and although we had certain thoughts about the matter, the committee differed with us." He reviewed a lot of previous testimony under cross interrogation by Hardy and emphasized that neither he nor Warners were at loggerheads with the committee, members of which are still "our friends and not enemies."

"In Error" on Testimony

Jeffries asserted, "Even if we got the houses back on normal conditions we would have a problem paying off the $2,000,000 first mortgage bonds."

Much was made by Hardy of the testimony of Jeffries controverting that of Dysart. The local Warner counsel held that Dysart was "in error" on his testimony, that he was sincere in getting out the truth and that his memory was clear "and awfully good on certain points." He again denied Starr had called F. & M. "fly-by-nighters" in Dysart's presence. The subject of testing the witness' veracity became so heated that Reed objected to Hardy's line of questioning, declared "We haven't impugned Dysart's character. Let the Government put him on the stand if he wants to." A bench conference on this point was called and it was agreed to let the jury decide who was telling the truth.

Lashly and Gentry asked the witness questions relating to their clients so that the record would be clear as far as RKO and Paramount were concerned.

Both of the Cella brothers were reprimanded by the court for their insistence on testifying on certain questions to which Hardy objected and had been sustained.

Asked to Define "Can"

Charles Cella was asked by Wood to define the word "can" as used by Arthur in his testimony. The first Government witness had stated Starr told him Warners would take any "can" and lease it in St. Louis. The witness said he never heard the term used in connection with theatres and only found out what it means when one of his hotel managers explained it. He said the Shubert-Rialto was a first class house.

Harry Singer, who represented F. & M. in acquiring local theatres, has arrived from Chicago and will be a Warner witness. Cresson Smith is back in court after a two weeks' absence.

On the Lighter Side

ST. LOUIS, Oct. 30.—HAROLD L. SCHILZ, one of RUSSELL HARDY'S assistants, who was fined $25 for muttering "that's a damn lie" when he misunderstood GEORGE S. LEISURE'S demand for an original memorandum written by CRESSON E. SMITH on Aug. 17, sent all the clippings of the incident in the local newspapers home to his wife. The SCHILZ domain is in a small town near Buffalo. SCHILZ became a father about six months ago and has seen his baby girl only two weeks during all that time.

✚

At the fights at the Coliseum the other night were H. M. WARNER, HERMAN STARR, DINTY MOORE and a couple of other Warnerites.

✚

MORT BLUMENSTOCK paid LETO HILL a visit at the St. Louis Amusement Co. offices in the Ambassador Theatres Bldg. The peculiar quirk in this situation is that SAM B. JEFFRIES, one of the many Warner lawyers in the anti-trust trial, has his offices in the Ambassador Theatre structure. The house is being operated by HARRY C. ARTHUR, the Government's main witness, and every afternoon and night the Warner legal staff pass the theatre to get to JEFFRIES' office, their downtown headquarters.

✚

WILLIAM R. GENTRY, co-Paramount counsel, is regarded as top humorist among the defense legal corps. He can be depended on to bring in a new story every day.

✚

The latest gag is brief and to the point. After Judge Moore calls the various recesses, some of the boys approach their neighbors and inquire:

"How's your calluses?"

Evens Luncheon Host

ST. LOUIS, Oct. 30.—Harold ("Chick") Evens, manager of Loew's State, held a press luncheon today for Allan Jones, who will make four personal appearances Friday in conjunction with "A Night at the Opera" in which he appears.

Spatz-M. & S. Case Hearing Set Today

A motion for an examination before trial will be heard in the Supreme Court this morning by Justice Timothy A. Leary on the application of Jack R. Spatz in connection with a judgment for $13,000 obtained against the Greater M. & S. Circuit, Inc. The suit, alleging unlawful transfers of property and a lease, also names as defendants Knickerbocker Theatres, Inc., Clinton-Apollo Theatre Corp., Emesco Amusement Corp., Greater M. & S. Circuit, Inc., M. & S. Circuit, Inc., 98-108 Avenue A Corp., East Side Theatres, Inc., Elias Mayer, Louis Schneider, Charles Steiner and Bernard Fliashnick.

Spatz states in his affidavit that he desires to know the names and addresses of all the officers, directors, stockholders and parties who are interested in the defendant corporations. He further wishes to know the circumstances concerning the organization of Knickerbocker Theatres, Inc., and the facts on the execution and delivery of a deed dated June 26, 1934, by the 98-108 Avenue A Corp. to Knickerbocker Theatres Corp. He also asks for facts in connection with the delivery of an assignment dated June 27, 1934, by East Side Theatres, Inc., to the Clinton-Apollo Theatre Corp., also about the execution of a deed dated June 26, 1934, by the Emesco Amusement Corp. to Knickerbocker Theatres, Inc.

Seeks All Material

Spatz states that he also wishes to know whether the aforesaid transfers rendered the Greater M. & S. Circuit, Inc., and M. & S. Circuit, Inc., insolvent, and whether the transfers were made to hinder and defraud the rest of the creditors of M. & S. Circuit, Inc. He is seeking to direct the defendants to produce all material, books, papers and records in any wise pertaining to the matters upon which the examination is sought.

He explained that this action is to certify certain transfers of real property and a leasehold which occurred after he and Louis Schwartz obtained judgments in May and August of 1934 against the Greater M. & S. Circuit, Inc. Spatz charges that the Greater M. & S. Circuit, Inc., is the owner of or at least owns 98 per cent of the capital stock outstanding of the 98-108 Avenue A Corp., East Side Theatres, Inc., and the Emesco Amusement Corp.

The defendants deny all the material allegations of the complaint and set forth that the conveyances were made in good faith and for valuable considerations.

Partington to Return

ST. LOUIS, Oct. 30.—Jack A. Partington, who left here for the coast last week, is due here after conferring with Marco Wolff on a musical production planned for Broadway shortly. Partington, who was one of the Government's leading witnesses in the anti-trust trial, is expected to be called for rebuttal by Russell Hardy.

Burton Confers Here

David Burton, director, is in town conferring with Eva Barcay, author of "Wagner," on a new screen version of the play.

Looking 'em Over

"The Ivory Handled Gun"

(Universal)

ST. LOUIS, Oct. 30.—Buck Jones is up to his usual standard in this rough and tumble western. There is plenty of guntoting and shooting, horseback riding and hand-to-hand encounters which meet all requirements of the fastidious action seekers. Jones produced the picture himself and has as his leading lady a newcomer by the name of Charlotte Wynters. Walter Miller is again seen as the conniving villain who gets his just desserts.

The plot concerns the renewal of a feud between Jones' father and Miller with the latter taking up where his dad left off. Jones' father gives him an ivory handled gun, telling him Miller has one like it and that the man who gets both guns will forever end the long-lived hatredness between the two families.

Not prone to kill Miller without reason, the hero waits until the villain murders the girl's father, following which he attempts to rustle a herd of sheep. The Wolverine Kid, as Miller is called, almost gets away with the crime and theft, but Jones and his valiant pal fortunately prove to be one step ahead of him.

Production Code Seal No. 1,567. Running time, 59 minutes. "G."

"The Three Musketeers," this morning's opener at the Radio City Music Hall, was previewed by wire from Hollywood on Oct. 3.

"Way Down East," which opened at the Center Theatre yesterday morning, was reviewed from Hollywood by wire on Aug. 15.

"The Case of the Lucky Legs," now playing at the Astor, was reviewed from Hollywood by wire on Sept. 16.

"Hands Across the Table," which was reviewed by wire from Hollywood on Oct. 7 will open at the Paramount tomorrow morning.

"The New Gulliver," reviewed on Oct. 29, makes its debut at the Cameo this morning.

Gillmore Threatens To Quit Equity Job

Frank Gillmore, president, and Paul Dullzell, executive secretary and treasurer of Actors' Equity Ass'n., threatened yesterday to resign unless the general membership repudiated the policies of the Actors' Forum, liberal faction. Following the council meeting Tuesday, when it was decided to place the matter of appearance in WPA shows before a special membership meeting Nov. 22, Gillmore and Dullzell called the situation "fundamentally impossible."

The officers plan to retire two weeks after a definite poll of membership if the Forum wins. A national referendum may be held if the matter is not clearly settled. The Forum denied it had obtained legislation by the "stampede method" as Gillmore had charged, insisting, "Forum policies have been Equity policies."

Skouras-KAO Action Delayed for Parley

Trial of the suit brought by Skouras Amusement Corp. against Keith-Albee-Orpheum, the RKO 81st St. and Twentieth Century-Fox over an alleged breach of the Skouras franchise with the latter was postponed yesterday to Nov. 27 by Supreme Court Justice Rosenman. The delay was agreed to by all concerned in order to complete negotiations for a settlement of the action, which are now in progress.

The action is based on a contract made by Twentieth Century-Fox this season which permits the RKO 81st St. to play day and date with the Skouras operated Riverside and Nemo, competitive houses which formerly had a week's protection over the RKO house on Fox product.

Nat Levine Finishes New Republic Setup

HOLLYWOOD, Oct. 30.—Nat Levine, chairman of the board in charge of Republic production, has lined up his executive personnel.

Executive and department heads are: Al Leroy, general production manager; Herman Schlom, assistant; H. K. Bachelder, business manager for westerns; Sol Siegel, business manager for serials; E. R. Hickson, technical director; Leonard Fields, Levine's assistant; Fred Steele, comptroller; Wallace MacDonald, story editor; Gordon Molson, casting director.

Supervisors are I. E. Chadwick for one picture, and Colbert Clark. Ken Goldsmith, M. H. Hoffman, Paul Malvern, Barney Sarecky, Armand Schaefer, Robert E. Welsh, Victor Zobel. Harry Grey is musical director, Joseph Lewis is film editor, Joseph Walters is still department head, and Lindsley Parsons is publicity director, with Bernard Bernbaum as exploitation and advertising head and editor of the house organ. Trem Carr is studio manager and heads the finance department.

Independents Avoid Joint Union Action

LOS ANGELES, Oct. 30.—Independent producers will not act as an organization in adjusting union squabbles, it has been decided. It was agreed that Invincible's recent union friction was an individual problem.

Officers have been elected as follows: President, I. E. Chadwick; vice-president, C. C. Burr; secretary-treasurer, Leslie Simmonds.

An early appeal is to be made to the City Council for an adjustment of license fees on a sliding scale.

Court Doubtful on Brooklyn Para. Sale

Federal Judge Robert A. Inch in Brooklyn today indicated that he might not authorize the trustees of Allied Owners Corp. to accept any of the three bids which have been offered for the Brooklyn Paramount and office building. Si Fabian on Feb. 23 last posted $10,000 with the trustees as a guarantee of good faith on his offer of $1,500,000 for the property. He offered to pay $75,000 in cash and the balance in a mortgage over a period of 20 years.

Two weeks ago when the offer came up before Judge Inch for approval Joseph J. Baker, an attorney representing Riker & Co., Brooklyn real estate operators, submitted an offer of $1,750,000, $75,000 in cash and the remainder in a mortgage over a period of 10 years. The RFC Mortgage Corp. was to supply $60,000 of the cash and to be given a first mortgage on the property. On Oct. 23, a third offer was presented by Robert B. Garvis, representing Samuel Strausberg of Brooklyn. This offer was for the same amount, but the mortgage was to run 15 years and the entire amount of the cash payment of $75,000 was to be secured from the RFC Mortgage Corp.

After lengthy arguments yesterday, Judge Inch expressed doubt that any of the offers were sufficient and did not think that the sale should take place at this time. He reserved decision on accepting any one or rejecting all of the pending bids and gave until Friday noon for any of the attorneys to submit briefs.

Operate Upon Denney

KANSAS CITY, Oct. 30.—Walter Denney, National Theatre Supply Co. manager here, underwent an emergency operation for appendicitis at St. Luke's. His condition is reported satisfactory. He was at Liberal, Kan., when he became ill, and was driven back to Kansas City by Mrs. Denney.

Wall Street

Warner Pfd. Best on Big Board

	High	Low	Close	Net Change
Columbia	62¼	61⅛	61⅛	— ⅜
Consolidated	5⅛	5	5	.....
Consolidated, pfd.	187⅛	183¾	183¾	+ ½
Eastman Kodak	166	165	166	+ ¾
Eastman, pfd	160	160	160	.....
Loew's, Inc.	49⅜	47⅞	48¼	— ¾
Loew's, pfd	105½	105½	105½	+ ⅛
Paramount	9⅝	9¼	9⅝	.....
Paramount, 1 pfd.	83⅞	82¾	83½	— ⅛
Paramount, 2 pfd.	11⅜	11⅛	11⅜	— ⅛
Pathe Film	5½	5½	5½	.....
RKO	5	4⅞	4⅞	— ⅛
20th Century-Fox.	17⅞	17¾	17¾	— ⅛
20th Century, pfd.	28⅜	27½	28	+ ⅜
Universal, pfd	39½	39½	39½	+ ½
Warner Bros.	7⅝	7¼	7½	.....
Warner, pfd	45½	44	45½	+1½

Technicolor Continues Gain

	High	Low	Close	Net Change
Sentry Safety	7/16	7/16	7/16	+1/16
Sonotone	2⅞	2¾	2⅞	+ ⅛
Technicolor	20¾	20	20⅛	+ ¼
Trans-Lux	3½	3½	3½	— ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	15⅜	15	15⅜	+ ⅜
Keith B. F. 6s '46	91¼	91	91¼	— ¼
Paramount Pict. 6s '55	93½	92½	92¾	+ ¼
Warner Bros. 6s '39 wd	82¾	82¼	82¾	+ ¼

(Quotations at close of Oct. 30)

"Freckles," Bowes' Unit Big in K.C.

KANSAS CITY, Oct. 30.—"Freckles," with Major Bowes' amateurs on the stage at the Mainstreet, were outstanding for the week, the take going $6,000 over par for a total of $15,000.

Next big draw was "The Crusades" which reached $10,500 at the Newman. This was over normal by $3,500. "We're in the Money," with a vaudeville bill, was $800 to the good on a gross of $7,800, but "Barbary Coast" and "Way Down East" failed to make much of an impression at the Midland and Uptown, respectively.

Total first run business was $48,200. Average is $38,700.

Estimated takings:

Week Ending Oct. 24:

"FRECKLES" (Radio)
MAINSTREET—(3,100), 25c-35c-50c, 7 days. Stage: Major Bowes Amateurs, including Pat Dunn, Billy Finnegan's band, Jack O'Brien, Michael Ballero, Eva Ortega, Ruth O'Neil, Mary Perry, Peter Shattuck, Conover Brothers, John Jewel, Raymond Kretsler, Irene Pappas, Saul Strausser. "March of Time." **Gross:** $15,000. (Average, combination bills, $9,000)

"THE CRUSADES" (Para.)
NEWMAN—(1,800), 25c-35c-55c, 7 days. **Gross:** $10,500. (Average, $7,000)

"WE'RE IN THE MONEY" (W. B.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Eddie Rio, Rolls & Dorothy, The Great Togo, Major Jerome. **Gross:** $7,800. (Average, $7,000)

"BARBARY COAST" (U. A.)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $11,000. (Average, $11,500)

Week Ending Oct. 25:

"WAY DOWN EAST" (Fox)
UPTOWN—(2,000), 25c-40c, 9 days. **Gross:** $3,400. (Average, $4,200)

"Shipmates" Keeps Up Charlotte Pace

CHARLOTTE, Oct. 30.—"Shipmates Forever" continued its record smashing run at the Broadway, being held over for three days. The picture doubled par, after a good run last week. The take was $4,000.

"I Live My Life" got off to a good start at the Carolina, taking $2,000 in two days, and was held. "Barbary Coast" beat par by $1,334 in four days at the Carolina.

Total first run business was $16,000. Average is $11,000.

Estimated takings for the week ending Oct. 26:

"SHIPMATES FOREVER" (F. N.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $4,000. (Average, $2,000)

"CASE OF THE LUCKY LEGS" (F. N.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $2,000. (Average, $2,000)

"BARBARY COAST" (U. A.)
CAROLINA — (1,400), 25c-40c, 4 days. **Gross:** $4,000. (Average, 4 days, $2,666)

"I LIVE MY LIFE" (M-G-M)
CAROLINA — (1,400), 25c-40c, 2 days. **Gross:** $2,000. (Average, 2 days, $1,334)

"LAST DAYS OF POMPEII" (Radio)
IMPERIAL—(949), 30c-40c, 6 days. **Gross:** $4,000. (Average, $3,000)

More Play Financing

M-G-M is reported financing, in part or in toto, "Seen, But Not Heard," play by Marie Baumer and Martin Berkeley, which will be produced by Theron Bamberger.

Paramount is reported holding an interest in "May Wine," forthcoming Schwab and Mandel musical.

"39 Steps," Revue, Lead Loop Grosses

CHICAGO, Oct. 30.—With "39 Steps" on the screen and the "Folies Bergere" revue on the stage of the Palace, this house chalked up the heaviest business of the week, $26,000. The gross tops par by $7,000.

"I Live My Life" also was in the big money, the Chicago gross going over the line $4,700 for a total of $36,700.

"Broadway Melody of 1936" demonstrated its staying powers with a total of $14,000 at the Roosevelt in its second week.

Total first run business was $128,300. Average is $117,000.

Estimated takings:

Week Ending Oct. 24:

"I LIVE MY LIFE" (M-G-M)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Gertrude Niesen and stage revue. **Gross:** $36,700. (Average, $32,000)

"MAD LOVE" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Lottie Mayers Water Ballet. **Gross:** $14,300. (Average, $15,000)

"39 STEPS" (G. B.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Folies Bergere" Revue. **Gross:** $26,000. (Average, $19,000)

"ANNA KARENINA" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days, 2nd week. **Gross:** $15,000. (Average, $17,000)

"HERE'S TO ROMANCE" (Fox)
"WINGS OVER ETHIOPIA" (Para.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $4,400. (Average, $5,500)

"SPECIAL AGENT" (W. B.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

Week Ending Oct. 25:

'BROADWAY MELODY OF 1936" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 2nd week. **Gross:** $14,000. **(Average,** $11,000)

"ALICE ADAMS" (Radio)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Jay Seiler and others in vaudeville revue. **Gross:** $13,400. (Average, $13,000)

"My Life" $9,500 Leader in Houston

HOUSTON, Oct. 30.—"I Live My Life" was the money maker this week, going over the $7,000 average at Loew's by $2,500. "The Big Broadcast" climbed after opening day to $500 above par at the Majestic, grossing $7,500.

"Calm Yourself," playing the Kirby three days, ran $300 to the good in mid-week, while "Dante's Inferno" in four days over the week-end fell under the Kirby average by a slight margin, grossing $2,900. "Dr. Socrates" at the Metropolitan was low with $6,000.

Total first run business was $27,700. Average is $26,000.

Estimated takings for the week ending Oct. 17:

"DANTE'S INFERNO" (Fox)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $2,900. (Average, $3,500)

"CALM YOURSELF" (M-G-M)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,800. (Average, $1,500)

"I LIVE MY LIFE" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $9,500. (Average, $7,000)

"THE BIG BROADCAST" (Para.)
MAJESTIC—(2,500), 25c-50c, 7 days. **Gross:** $7,500. (Average, $7,000)

"DR. SOCRATES" (W. B.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"Steps" Montreal Top, with $11,500

MONTREAL, Oct. 30.—The Canadian Thanksgiving Day and holiday midnight shows brought a heavy flow to three houses, the outstanding engagement being "The 39 Steps" at the Princess which grabbed off $11,000 and was held over for a second week.

Loew's registered $12,500 on a combination bill headed by "Murder Man," while the Capitol was up to $10,000 with "Bright Lights" and "Goose and the Gander."

The Palace carried over "Anna Karenina" for an extra five days to take $5,000 after a first full week at $12,500. This picture was run to the holiday Thursday, when "The Crusades" took the screen for an extended dating.

Total first run business was $42,000. Average is $41,500.

Estimated takings for the week ending Oct. 26:

"BRIGHT LIGHTS" (F. N.)
"GOOSE AND GANDER" (F. N.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

"MONSIEUR SANS-GENE" (French)
"UN BAISER DEVANT LE MIROIR" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "Montmartre en Follie." **Gross:** $3,000. (Average, $3,500)

"MURDER MAN" (M-G-M)
"SEA KILLERS" (Empire)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: Olsen & Johnson unit. **Gross:** $12,500. (Average, $10,500)

"ANNA KARENINA" (M-G-M)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $5,000. (Extra Five Days). First week: $12,500. (Average, $11,000)

"THE 39 STEPS" (G. B.)
"ALIAS BULLDOG DRUMMOND" (Gaumont)
PRINCESS—(2,272, 30c-35c-50c-65c, 7 days. **Gross:** $11,500. (Average, $7,000) Held over.

"Crusades" $6,000 Hit in Louisville

LOUISVILLE, Oct. 30.—"The Crusades," which garnered $6,000, $2,500 over average, had the edge over other first run houses here, with "I Live My Life" and "The Public Menace" at Loew's State second with $5,200.

"The Last Days of Pompeii" at the Brown, while receiving good notices, was only $500 over par, at $2,500. "Shipmates Forever" for its second week at the Mary Anderson, grossed $3,000, which was $500 over par.

Vaudeville continues to help grosses at the National, $3,500 being the gross on the week.

Total first run business was $24,600. Average is $18,500.

Estimated takings for the week ending Oct. 24:

"THE CRUSADES" (Para.)
Gross: $6,600. (Average, $3,500)
RIALTO—(3,000), 15c-25c-40c, 7 days.

"I LIVE MY LIFE" (M-G-M)
"THE PUBLIC MENACE" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,200. (Average, $4,500)

"WAY DOWN EAST" (Fox)
"TWO FISTED" (Fox)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $2,600. (Average, $2,500)

"LAST DAYS OF POMPEII" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,500. (Average, $2,000)

"SHIPMATES FOREVER" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,500)

"HARMONY LANE" (Mascot)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Roscoe Ates, vaudeville. **Gross:** $3,500. (Average, $3,000)

"TOP HAT" (Radio)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,400)

"Barbary" Is Frisco Smash With $15,000

SAN FRANCISCO, Oct. 30.—This town likes to see its history depicted in films. "Barbary Coast" was a sensation at the United Artists on a take of $15,000, which topped normal by $6,000.

Elsewhere, with two exceptions, business was in the doldrums. "Broadway Melody of 1936" managed to get on the profit side of the line by $2,000 with a take of $23,000 at the Warfield, and "Waltz Time in Vienna" was strong at $1,000 in its third week at the Clay.

Total first run business was $77,900. Average is $80,100.

Estimated takings:

Week Ending Oct. 22:

"LAST DAYS OF POMPEII" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $11,500. (Average, $14,500)

Week Ending Oct. 23:

"KING SOLOMON OF BROADWAY" (Univ.)
"FIGHTING YOUTH" (Univ.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $4,800. (Average, $6,800)

"TOP HAT" (Radio)
EMBASSY—(1,400), 25c-35c-40c, 7 days, 4th week. **Gross:** $2,400. (Average, $3,600)

"WAY DOWN EAST" (Fox)
"CASE OF THE LUCKY LEGS" (W. B.)
PARAMOUNT — (2,740), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $11,500)

"BARBARY COAST" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $15,000. (Average, $9,000)

Week Ending Oct. 24:

"TWO FISTED" (Para.)
"ATLANTIC ADVENTURE" (Col.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,200. (Average, $6,000)

"SHIPMATES FOREVER" (W. B.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"BROADWAY MELODY OF 1936" (M-G-M)
WARFIELD — (2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $23,000. (Average, $21,000)

Week Ending Oct. 25:

"WALTZ TIME IN VIENNA" (Vienna Films)
CLAY—(400), 25c-35c, 7 days, 3rd week. **Gross:** $1,000. (Average, $700)

Ludwig Blattner Dead

LONDON, Oct. 30.—Ludwig Blattner, inventor of a sound recording system and founder and chairman of the defunct Ludwig Blattner Picture Corp., Ltd., was found hanged yesterday at the Elstree Country Club.

Rites for F. M. Teter

CHICAGO, Oct. 30.—Funeral services were held this week for Frank M. Teter, theatre executive and business associate of Harry Foster. Teter was one of the owners of the Tivoli.

"Dream" Hartford Hit

HARTFORD, Oct. 30.—"A Midsummer Night's Dream" grossed more than $10,000 in the first three days at the Bushnell Memorial, according to the management. This is claimed to be a record exceeding that of "The Covered Wagon."

Pola Negri in Hospital

PARIS, Oct. 30.—Pola Negri, actress, is undergoing treatment at the American Hospital here for the after-effects of an operation performed three years ago.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 104 NEW YORK, FRIDAY, NOVEMBER 1, 1935 TEN CENTS

Para. Renews With Trendle In Motor City

Operating Solo; Leave For W. C. Patterson

An agreement which will continue George W. Trendle as Paramount's operating partner for United Detroit Theatres Corp. was reached yesterday with officials of the Paramount organization.

Willard C. Patterson, general manager of the Detroit circuit and a joint operator with Trendle, is withdrawing from the unit, leaving operations to Trendle exclusively. Patterson holds a contract with Paramount and will be reassigned to some other post at the end of a three months' vacation which he has requested and been granted, Paramount officials said yesterday. Patterson was brought into Detroit operations at the request of Trendle about two years ago, during the reorganization of the former Kunsky-Trendle circuit. With the reor-

(*Continued on page 3*)

Para. Sales Force To Gather on Coast

Los Angeles, Oct. 31.—Paramount home office sales executives and the 11 district managers will meet here at the Ambassador for a three-day meeting starting Dec. 1. They will familiarize themselves with current product and will discuss sales policies.

The New York delegation will be headed by George J. Schaefer and will include Neil Agnew, J. J. Unger, Charles Reagan, R. M. Gillham and Alec Moss. John E. Otterson, president, is also expected to attend.

District managers who will attend will be: M. S. Kusell, P. A. Bloch, Harry Golfstein, William Erbb, Oscar Morgan, Jack Dugger, J. E. Fontaine, R. C. LiBeau, Hugh Braly, M. H. Lewis and Ben Blotcky.

A. T. & T. Wins New Hearing for Cable

Washington, Oct. 31.—A. T. & T. today was granted a second hearing before the Federal Communications Commission on its application for permission to lay a co-axial cable for television experiments between New York and Philadelphia.

A. T. & T. sought a reargument, charging that the commission had usurped management functions of the company in its first refusal. The commission decided to reopen the entire case.

"U" Only Objector To 2,000-Ft. Reel

Indications are that Universal will be the only major company which will not approve adoption by the industry of the proposed new 2,000-foot reel when representatives of nine distributing companies make known their attitudes on the changeover at a meeting at the Hays office tomorrow.

RKO is the only other company whose attitude remains in doubt and officials of that company indicated that despite some objections to a change Radio would probably go along with a majority. Republic Pictures is taking the same stand, while representa-

(*Continued on page 3*)

Harry to Join Mort In Singer Theatres

St. Louis, Oct. 31.—Harry Singer, who is here in connection with the anti-trust trial, states he will join his brother, Mort, in the operation of the Singer circuit.

Mort is now on the coast, having completed his part in the Local 306 negotiations with circuit representatives in New York on a basic wage scale. He is taking a short vacation and will return to Chicago, where he will be met by Harry.

RFC Stand on Roxy Loan Is Still in Air

Washington, Oct. 31.—R. F. C. officials today declared there has been no change in the situation relative to granting a loan sought by the Roxy Theatre in New York. Questioned regarding reports from New York that prospects for granting the loan were good, officials merely said the matter is still under consideration.

Window Dressing

St. Louis, Oct. 31.—Herman Starr and Gradwell L. Sears arrived in court this morning wearing black suits.

"Why?" asked Bill Ornstein, who always asks questions anyway.

"We're prepared to go on today," Sears explained.

New Briefs Allowed On Big RKO Claims

Exceptions to Special Master Thomas D. Thacher's report disallowing $400,000 in claims against RKO by W. Gordon Burnett and Mudd & Mooney, based on alleged liabilities of a lease on the Ritz, Birmingham, held by RKO Southern, were heard yesterday by Federal Judge William Bondy, who granted attorneys for the claimants and the RKO trustee two weeks in which to exchange additional briefs for and against Thacher's ruling.

Hearings on exceptions to the special master's report recommending the allowance of $7,500,000 of claims of the Hoblitzelle Texas enterprises, subject to certain discounts, were postponed to a later date. The allowance of these claims in the amounts recommended by Thacher is being opposed by Donovan, Leisure, Newton & Lumbard, counsel for the RKO trustee.

Coast Chest Drive Total Hits $76,952

Hollywood, Oct. 31.—The film division of the Community Chest was told yesterday that to date $76,952, or 38 per cent of the quota, has been collected in the current drive.

Short Runs, New Roadshow Angle in 'Dream' Handling

Warners are roadshowing "A Midsummer Night's Dream" along lines believed to be new in this industry, at least, by holding engagements at top prices to limited runs in all cities except New York, thereby seeking to preserve the draw of the attraction for regular first runs.

Customary practice in roadshow booking in the past has been to maintain engagements for the life of the draw and often beyond in order to build up prestige. In so doing, however, attractions often have experienced sad going when ultimately they began first run dates while subsequent runs have been known to have encountered even a keener disappointment when the one-time roadshow film eventually reached them.

Even in major cities like Philadelphia the Warner plan calls for three weeks only for the "Dream." In Hartford, the engagement at advanced prices was held to five performances with a gross of slightly over $10,000. Lansing, Grand Rapids and Flint will be held to three shows only; Akron to six; Providence to five, and Stamford, Conn.. to a like number.

The plan, it is declared, will be pursued throughout the country. When the picture reaches general distribution, accepted methods of booking will again be used. Harry M. Warner is credited with the limited run scheme.

Starr Denies Charges Made By Witnesses

Official Is Supported By Sears on Stand

By BILL ORNSTEIN

St. Louis, Oct. 31.—Categorical denial of alleged threats and charges attributed to him by Government witnesses was made today by Herman Starr, vice-president of Warners, and completely substantiated by Gradwell L. Sears, vice-president in charge of western and southern sales, who succeeded Starr on the stand. For three days, Sam B. Jeffries, first defense witness, repeatedly had declared the charges were untrue.

Starr, in a straightforward manner, related the various incidents which led up to Warners' decision to take over the Shubert-Rialto and Orpheum, the part he played in negotiating and consummating the leases and the numerous conferences he had with members of the bondholders' committee for the Ambassador, Missouri and New Grand Central in an effort to get them

(*Continued on page 4*)

Levinson Reelected Head of Technicians

Hollywood, Oct. 31.—Major Nathan Levinson, Warner sound director, today was elected chairman of the Academy Technicians' Branch for the third consecutive year.

Under Levinson's leadership the branch has gained 71 new members since the first of the year, making the total 225. Executive committee members elected last month are: John Arnold, Gerald Best, Farciot Edouart, Bernard Herzbrun, Levinson, Wesley C. Miller and Van Nest Polglase.

The Art Directors' Section will meet Thursday to elect a chairman, and the Film Editors' and Photographic Sound Sections will vote by mail next week.

Delays Decision on Chase—GTE Deal

Wilmington, Oct. 31.—Decision was reserved on a motion asking approval of an agreement between Chase National Bank and U. S. Senator Daniel O. Hastings, receiver for General Theatres Equipment, after an all-day session in Chancery Court here today before Chief Justice Daniel J. Layton. Hastings said the agreement would release the Chase Bank, partners and directors from any claims against them in consideration for which Chase

(*Continued on page 3*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 1, 1935 No. 104

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Powers Examination Sought in Note Suit

A motion for examination before trial will be made this morning in N. Y. Supreme Court before Justice Timothy A. Leary by counsel for James H. McDonald, as assignee of British International Pictures, Ltd., in a suit over a $25,000 note against Patrick A. Powers.

The request for a petition for examination before trial also asked that Powers be compelled to produce upon examination all relevant books, papers, and documents to be used to refresh his recollection. The suit arises over a note executed by Powers to the order of British International. The answer admits execution of the note, although it denies any knowledge of its assignment to McDonald, and at the same time various counter claims are set up by Powers by way of an assignment from Powers Pictures, Inc., a corporation now in bankruptcy.

Berman, Stevens East

HOLLYWOOD, Oct. 31.—Pandro Berman, producer; George Stevens, director, and Edwin Gelsey, writer, are taking time off from the Radio for two weeks. They will leave for New York Saturday on the Chief for home office conferences and to see stage shows.

"Melody" to Rivoli

"The Melody Lingers On" will follow "Barbary Coast" into the Rivoli next Wednesday.

Insiders' Outlook

By RED KANN

PRAISING the "Dream" no end in his "Good Morning" column in the *Detroit Free Press,* Malcolm W. Bingay takes his "hat off to the Warners for having done a grand job both for themselves and Shakespeare." Then, whipping himself into a state of printed self-abasement, he has this to say: "Opinions of anybody about shows are of no consequence, not even mine. In fact, I am about to advocate a law that all critics who express opinions be shot and only reporters—who will report what is actually going on—shall be sent to the theatres, movies and musical affairs." . . .

▼

Bingay, getting deeper into his idea, then continues:

F'rinstance, let us take the current issues of my two favorite weekly smart magazines, *The New Yorker* and *Time. Time's* critic says that "A Midsummer Night's Dream" would be just grand if it were not for the poor comedy done by Cagney, Brown, Rooney, et al, in the clown parts. *The New Yorker* says that the marvelous clowning of Cagney, Brown, Rooney, et al are what makes the film a great hit.

In the same issue of *Time,* I read from its mature critic that "Porgy and Bess," the new Negro opera, is a magnificent treat, a joy forever. The equally mature and all-wise *New Yorker* says that it is a flop and the critic is bored to tears.

But the same *New Yorker* critic proclaims the new musical comedy "Jubilee" as the riot show of the year, not to be missed by mortal man, woman and child, while the critic of *Time* marvels that so dull, trite and stupid a show could be put together on one stage.

The trouble is that critics think their opinions are more important than the subject about which they are writing. They have an idea producers risk millions to create productions just for the purpose of permitting critics to show how clever they can be making comments.

The average New York "critic" sincerely believes that the real entertainment is not on the stage at all but in the fourth row—center aisle—and that the performance only begins when he sits down to his typewriter.

Producers whose efforts critics —New York or otherwise— praise will disagree. Producers whose efforts critics pan will applaud. And that settles practically nothing. . . .

▼ ▼

Handsome is Twentieth Century-Fox's 39-week statement to Sept. 28. Gross income from films "and literature" running at the rate of $779,492 a week strung out over the period covered indicates a $40,533,584 gross on the year with possibilities beyond that, what with more Shirley Temples, another Will Rogers and Darryl Zanuck's first batch of personally supervised attractions and the snappy fall and early winter season in which to play them off. Things are on the up with Messrs. Kent, Schenck and Zanuck. . . .

▼ ▼

At Dave Loew's dinner the other evening, Will H. Hays dropped a line into his address which touched on a plan to write a history of the industry one of these days, months or years. Further investigation discloses he is toying with the idea; that he may and again he may not. If he does and if the story over the years can be told in intimate detail, the reading would be fascinating, for not all that happens on the inside is known on the outside. Perhaps, it shouldn't. . . .

▼ ▼

Leslie Howard, not Brian Aherne as this space urged, will play Romeo opposite Norma Shearer's Juliet.

This proves the extent of our influence with Irving Thalberg. . . .

Kuykendall on Coast

LOS ANGELES, Oct. 31.—Ed Kuykendall, M.P.T.O.A. president, who arrived here yesterday, will address 65 independent exhibitors at a luncheon at the Ambassador Hotel Monday. Those expected to attend are not affiliated with the I.T.O. or any other organization. It is understood the chief topic of discussion will be the elimination of local rackets.

20th Has Play Company

HOLLYWOOD, Oct. 31.—Twentieth Century-Fox has organized a play producing company to produce and finance plays here and in New York. Henry Duffy, associate producer, heads the company, formed to develop new talent.

Tiffany Wins Suit Point

A preliminary point in the second trial of Mae Murray's $300,000 suit against Tiffany Prod., Inc., was won by Tiffany. Justice Collins in N. Y. Supreme Court ruled that depositions of Herbert Cronenweth, former vice-president, and Grant Cook, attorney, could be taken in Detroit.

The first trial resulted in a dismissal of the suit.

Plan Two Theatres

Charles A. Sabsblom, architect, is drawing plans for a theatre at Bath and 20th Ave., Brooklyn, for Randforce Amusement Corp.

The same architect is preparing for a theatre at Lefferts Blvd. and Austin St., Kew Gardens.

Publisher Sues Fox On "January" Rights

A suit over the rights to "Captain January" was filed in Federal Court yesterday by L. C. Page & Co., Inc., Boston publishers, and Laura E. Richards, novelist of Gardiner, Me., against Fox Film Corp. and Rural Pictures Corp. The plaintiff, Page & Co., is seeking a permanent injunction to restrain the defendant from producing and exhibiting "Captain January" and also asks the court to declare invalid an agreement entered into between Laura Richards and Rural Pictures Corp.

The complaint states that Laura Richards is the author of an original novel entitled "Captain January," first published and copyrighted on April 25, 1890, and that she granted to Page & Co. the exclusive film rights. In 1915 Page & Co. and Laura Richards entered into an agreement that any money received from royalties or cash payments from the film rights were to be divided one-third to Page & Co., as publishers, and two-thirds to the author. The plaintiff goes on to say that on Oct. 8, 1923, this arrangement was modified and Page & Co. were given exclusive film rights to her books published by them and that they should pay her 45 per cent of the film earnings. The complaint further states that on Dec. 1, 1923, Page assigned to Principal Pictures Corp. all silent film rights in "Captain January." The petition further states that last August Rural purchased the talking picture rights and she assigned her interest to them on the payment of $13,333.33. The complaint avers that Principal and Rural are subsidiaries of Fox and that Rural has conveyed, or is about to convey to Fox such rights as it acquired. It is asserted neither the agreement of Aug. 28, 1935, nor the written conveyance of the same date was valid. Page asks a permanent injunction.

Dubinsky Circuit Up To 22, He Declares

ST. LOUIS, Oct. 31.—With the opening of the Capitol, Jefferson City, Mo., a 1,250-seat house, the Dubinsky Circuit reached a total of 22, Ed Dubinsky stated today upon his arrival from Kansas City.

He says he plans to build a similar house at Leavenworth, Kan., and is negotiating for additional theatres.

No duals, no tricks and no schemes are permitted in any of his houses, he said. He claims the policy is clean cut operation. He expects to be called as a witness in the anti-trust action.

Morros, Music Head

HOLLYWOOD, Oct. 31.—Boris Morros, former managing director of the New York Paramount has been appointed head of the company's studio music department. He replaces Irvin Talbot, who has been acting as temporary head of the department and who now resumes his work as musical director.

Wallace Westmore will remain with Paramount for another term of his contract. He has had his option taken up as head of the makeup department.

Schenck, Feist to West

Nicholas M. Schenck and Felix F. Feist are slated to leave for Hollywood on Tuesday.

Ampa Tribute To Eberhardt Memory Paid

A resolution memorializing Walter Eberhardt, press representative for Erpi, who died last Sunday, was adopted by Ampa members at the organization's weekly meeting yesterday, which was dedicated to the one-time Ampa president.

The meeting followed the respectful and contemplative mood sounded by John C. Flinn, who was the only speaker. Flinn recalled having employed Eberhardt in 1923 as a press representative for Paramount, which constituted Eberhardt's introduction to the industry and paid tribute to the personal qualities which endeared Eberhardt to many in the industry. Ampa members stood for one minute in silent tribute and the meeting closed with the reading of a prayer by Rev. Otis Rice of St. Thomas Episcopal Church.

On the dais, in addition to Gordon S. White, Ampa president, and Flinn, were Hal Horne, Ed Finney, Paul Gulick, Ben Atwell and the Rev. Rice.

Resolution as Adopted

Following is the resolution adopted by the meeting:

"Whereas Walter F. Eberhardt, honored past president of the Associated M. P. Advertisers, has for many years given most generously of his best thought, his time and his effort to the service of this association and this contribution which he has made has been one of the most constructive forces in the growth and development of this association. And, whereas we feel deeply the debt of gratitude we owe him for the fine example of his life as well as for his unfailing loyalty to our association.

"Now, therefore, we the members of the Associated M. P. Advertisers, Inc., do hereby give public expression to the profound sense of great loss which we feel in his passing and we do hereby instruct the secretary to convey to Mrs. Walter F. Eberhardt our sincerest sympathy in her bereavement."

"U" Only Objector To 2,000-Ft. Reel

(Continued from page 1)

tives of Paramount said that the company would approve the larger reel.

Earlier expressions in favor of the changeover were forwarded to the Academy of M. P. Arts and Sciences by Warners, M-G-M, Columbia, Twentieth Century-Fox and United Artists.

All companies have been asked to have their decisions ready for tomorrow's meeting. The changeover is officially scheduled for next April 1.

Warner Ball Set

The first annual ball of the Brooklyn unit of the Warner Club will be held Saturday at the Hotel St. George in Brooklyn. Stage and screen celebrities are expected to attend. The supervising committee includes Sam Sax, Edward J. Savin and Joseph E. Spray.

Report Ohio Trade Is Best Since 1931

COLUMBUS, Oct. 31.—Conditions in Ohio are better than at any time since 1931, Frances Perkins, U. S. Secretary of Labor, told a Kent University audience. Manufacturing payrolls were 22 per cent greater in August than for the corresponding month of last year. Farm incomes increased seven per cent over July, and five per cent over August, 1934, while bank debits showed a gain of 16 per cent for the first eight months of this year, compared with a similar period of last year.

Another heartening statement was released by Samuel H. Squire, State Superintendent of Banks. An analysis based on reports of 465 state-supervised banks showed total resources of $1,243,355,780 on Sept. 30, an increase of $21,583,808 over June of this year, and $118,027,705 greater than in October, 1934.

Savings deposits on Sept. 30 totaled $529,897,593, an increase of $6,514,206 from June, 1935, and $46,035,971 from Oct., 1934.

Texas Leads in New Houses, States Cole

ST. LOUIS, Oct. 31.—More theatres have reopened and more new ones have been constructed in Texas in recent months than in any other state in the union, declares Col. H. A. Cole, who arrived here today with R. Z. Glass, vice-president of the Texas Allied unit.

Glass owns three Dallas suburban houses. Also accompanying them was Charles Hefley, owner of two Dallas suburbans. All three said they would listen to the trial today and fly back tomorrow.

Glass recently filed suit against the 25-cent contract admission clause which was ruled out of the jurisdiction of the Federal Court at Dallas.

Cole is trying to interest special Assistant Attorney General Russell G. Hardy in possible Federal anti-trust actions in Texas, he says.

Hear Tax Case Again

SEATTLE, Oct. 31.—The Washington State Supreme Court today held a rehearing of the case of eight film companies contesting the state's right to collect the one-half of one per cent business tax, on the ground they were doing interstate business. The first hearing resulted in a victory for the state. Decision is expected within a few days.

Hicks Sails Next Week

John W. Hicks, Jr., vice-president of Paramount International Corp., will sail Wednesday on the *Manhattan* on his semi-annual business trip to Europe. He will be accompanied by T. X. Jones, home office accounts department representative in Paris, and Roger C. Clement of the legal department.

Asks Award Approval

An application was made in N. Y. Supreme Court yesterday by counsel for Fox Film Corp. to confirm an award of $50 in arbitration proceedings with the Eagle Moving Picture Co. The arbitrators were Arthur Greenblatt, Edward Mullen, J. T. Cronin and Harry P. Decker.

Hal's Been Writing

When Hal Horne dots his "i's" they're irregular. Some of the dots are commas, some sharp, pointed dashes, some half curved.

"These imperfect i-dots and the very friendly, optimistic, cheerful upswing of the terminals on his final letters are added proof that Mr. Horne has a right to be in the humor business," according to Shirley Spencer, handwriting expert in the *Daily News*.

That shows what happens when a man doesn't use a typewriter.

Delays Decision on Chase-GTE Deal

(Continued from page 1)

would reduce its claims against General Theatres about $3,500,000.

Under the agreement, Hastings said Amerex Holding Corp., formerly Chase Securities Corp., would deliver to the receiver General Theatres debentures in the principal amount of $1,500,000. Percival E. Jackson, representing General Theatres stockholders controlling a small number of bonds, objected to the agreement. Ralph S. Harris was among the counsel for Hastings, and insisted the proposed agreement would be of great benefit to the estate of the receivership. Meyer Kraushaar, New York attorney, appearing for the Sabath Congressional Committee, asked Justice Layton to adjourn the hearing for six weeks in order that he might report the findings of his committee to the court. The court refused the request. The hearing on a plan for reorganization of the corporation will be held in Chancery Court on Nov. 13.

Missouri Sale Tax Pulls in $555,000

ST. LOUIS, Oct. 31.—Missouri's one per cent sales tax is living up to the prediction that it will return from $10,000,000 to $12,000,000 annually, its sponsors say.

First reports covering a part of August and all of September show collections of $555,000 on 35,000 reports, and about 20,000 more reports are expected.

Form Univ. Prod., Inc.

DOVER, Del., Oct. 31.—Universal Prod., Inc., has been formed here, listing capital stock of 100 shares, no par value. The incorporators are L. H. Herman, Walter Lenz and W. T. Hobson of Wilmington.

Shirley Grey in Court

LONDON, Oct. 31.—Shirley Grey was charged in Bow Street Police Court today with overstaying her labor permit. She gave an undertaking to leave England after her marriage to Arthur Margetson.

Westcott Funeral Set

HOLLYWOOD, Oct. 31.—The funeral of Gordon Westcott, actor, who died as a result of injuries sustained in a fall from a horse, will be held on Saturday morning at 11 o'clock, at Forest Lawn.

Para. Renews With Trendle In Motor City

(Continued from page 1)

ganization completed, he withdraws. Trendle is president of United Detroit.

Details of the new operating agreement between Paramount and Trendle are understood to be still in negotiation, aside from the agreement that Trendle will continue as operator.

No agreement has been reached yet by Paramount on new operating agreements for the A. H. Blank and Karl Hoblitzelle-operated units, although 30-day extensions of the old agreements have expired.

Lesser Loses Move

Jacob J. Lesser lost a move in Federal court yesterday to secure a reargument on his claim for $37,000 in connection with his work on the Paramount Publix reorganization. Lesser was not allowed anything by Judge Alfred C. Coxe in his sweeping cut of fees.

Yesterday Judge Coxe denied a petition for reargument, saying: "I don't think it will serve any useful purpose to hear a reargument of this application. It was not held that an allowance could not be granted to an attorney for individual security holders, but merely that this particular service did not warrant any payment from the general estate. The opinion is particularly clear on that point."

Spain Threatens to Ban Paramount Films

MADRID, Spain, Oct. 31.—Minister of War Robles announced today all Paramount films would be barred from Spain, beginning on Monday, unless the Marlene Dietrich picture, "The Devil Is A Woman," is withdrawn from world circulation and the negative destroyed. The Government contends the film "insults the Spanish armed forces," basing its charge on a scene depicting a civil guard drinking in a cafe.

Dr. Lucia, minister of public works and communications, declared, "The measure the Government will adopt will depend on the company's action."

Wanger Coming East

HOLLYWOOD, Oct. 31.—Walter Wanger will leave here by air Monday night for New York to confer with officials of Conde Nast, publisher of *Vogue*, on exploitation relative to Wanger's planned picture, "Vogues of 1936." He will be in New York five days.

Dent to Get New Post

ST. LOUIS, Oct. 31.—Louis Dent, who resigned recently from the operation of Paramount's theatre affiliate in Salt Lake City, is expected to take up another post with the circuit in another territory.

Italian Film for Ideal

"Dupo Una Notte D'Amore" (After One Night of Love), an Italian film, will open at the Ideal Nov. 9.

Starr Denies Charges Made By Witnesses

(*Continued from page* 1)

to accept Warners' reorganization plan. He also recounted what in his opinion took place at a Chicago meeting with Spyros Skouras and Clarence M. Turley, and attended by Sears, and gave a detailed account of the March 6, 1934 conference in his office with Harry C. Arthur, Jack A. Partington, Abel Carey Thomas and Sears in regard to the so-called "war" in St. Louis. The witness also described the session in his office with J. M. Ulmer, Cleveland attorney, on Aug. 15, 1933. On cross examination he briefly discussed a session held in Russell Hardy's office in Washington in connection with the Warner purchases of bonds in the open market.

The fifth defense witness stated he was 37 and owned 500 shares of Warner common and that the only other interest he had in the company was his loyalty to it. In a review of his history, Starr asserted he left high school in 1919 and after a few unimportant jobs was hired by Harry M. Warner a year later as bookkeeper, being named a vice-president in 1929.

Starr and Sears Delegated

After discussing the four Warner proposals for reorganization of the three local properties, Starr said he had been called in by the president of the company, who had been informed by Thomas of the Snyder-Koplar-F. & M. lease, and told to go to St. Louis and see if he could straighten out the situation with the bondholders. He was accompanied by Sears and first stopped off at Chicago where a spirited session took place with Skouras and Turley.

From there, the two Warner executives came directly to St. Louis where they met Jeffries, who introduced them to Thomas N. Dysart, chairman of the bondholders' committee. Starr explained, he testified, that Skouras had lost $50,000 in the operation of the three theatres on an annual rental of $175,000. Starr said he tried to convince Dysart of the value of Warners operating the houses because of the production and distribution affiliation. Dysart said, Starr declared, F. & M. could get all the product they wanted, but it was pointed out to him that anyone affiliated with Harry Koplar would not get Warner pictures because the company would not do business with him. The session ended with Starr agreeing to submit another bid in writing.

Looked Over Theatres

When he saw what the situation was, Starr stated, he looked over the available theatres to be rented. With Sears he visited the Empress and Shubert-Rialto, deciding on the latter. A deal was closed that night with Cella & Tate with the understanding Charles Tate, out of town at the time, would approve the lease. This was done and both men returned to New York.

Several days after his arrival in the east, Clayton Bond, film buyer for the Warner circuit, drew his attention to the dual feature situation and the fact the company was not represented with first run uptown and downtown houses as it had been before. A recommendation was then made to take a second theatre, following which Starr said he conferred with Warner and the move was approved on condition sufficient product could be secured. A long distance telephone call was made to Charles Tate to lease the Orpheum. Tate promised Starr first chance, the witness said.

Bond then suggested obtaining RKO and Paramount product. The Warner film buyer was successful in getting an RKO commitment, but unable to reach George Schaefer or Neil Agnew. He turned the Paramount situation over to Starr in view of his leaving on a vacation in a few days.

Hardy Protests

Starr said he managed to reach Schaefer on the telephone and made an appointment for later that day. The witness stated he was told of a Skouras commitment which had until Aug. 1, 1934, to run. After another conversation with Schaefer, Starr testified he learned Paramount product was available and a deal was virtually set without prices or conditions. It was after this the Orpheum lease was consummated.

David Levinson, attorney for the bondholders, at one of the committee meetings accused Starr of "welching" on a deal for the three theatres, the witness stated, because of refusal to accept a lease. Starr said the committee "welched" when instead of submitting to Warners a plan of reorganization, it produced a memorandum.

During his cross examination of Starr, the prosecutor met with objections by former Senator James A. Reed and Frederick H. Wood, Warner attorneys, on the same question. Hardy told the court, "I think I ought to be permitted to take on one lawyer at a time. I can't get a question over when both of them butt right in." The court advised defense counsel that the practice should stop, recalling previous admonitions.

No session will be held Saturday or Monday, it was announced by Federal Judge George H. Moore. Some of the jurors said they had made previous appointments for Saturday. On Monday, Judge Moore has another case which he is anxious to discharge from the calendar. Sultriness again resulted in many of the jurors, lawyers and spectators removing jackets and vests. Many defense witnesses called in from out of town appeared in court. It is understood all will not be called upon to testify.

Among the charges attributed to him and denied by Starr were that he told Skouras there was going to be a nasty fight in St. Louis and that he, Skouras, would be in the middle; that he described F. & M. as "fly-by-nighters"; that Warners would build; that F. & M. and Arthur were the "lambs to be slaughtered"; that he would take over any "can" and run duals at a dime; that Arthur's deal with the bondholders was "a sucker deal."

Remarks Explained

Others were that Warners would "break those Greeks," referring to the Skourases; that the company would destroy F. & M. and seven or eight other lessees in order to get the three houses; that Arthur would have to be sacrificed to teach the bondholders a lesson; that Warners would go to court and try to stop the bondholders' plan; that Warners were prepared to spend considerable money to protect their investment; that no one else but Warners would be permitted to operate the theatres; that threats were made at a meeting in Joseph Grand's office; that the St. Louis situation was discussed with Ulmer; that Warners would corner product and prevent anyone else from getting it; and that it was too bad for F. & M.

Starr explained some of the remarks which he is said to have made and pointed out that the opposite prevailed. He testified that when Skouras had advised him of a 15-year extension secured on bonds he guaranteed personally, Starr asked about the guarantee of Skouras Bros. Enterprises. When Skouras told him nothing had been done, the Warner executive held everyone had been taken care of but Warners. As to berating the Skourases by alleged names, Starr said Thomas told him these exhibitors were tough business men, but he liked George Skouras a lot.

Gentry Examines Starr

Starr admitted he might have said the bondholders' group were trying to perpetuate their jobs by shifting control of the voting trustees from Warners to the committee. He also added that when Arthur came to his office on March 6, the F. & M. executive offered to take over the Rialto or give Warners 50 per cent of the lease on the three theatres. Both were turned down because of Koplar's connection. Starr also denied Warners had a "technique" for dealing with similar situations and that he knew of no appeal made by Warners on Judge Davis' decision to accept the bondholders' plan in favor of the company's. Incidentally, the Circuit Court of Appeals today decided against Warners on this.

William R. Gentry, Paramount counsel, briefly examined Starr in relation to the Schaefer conferences, bringing out the fact that at no time did RKO or its representatives take part.

Sears was on the stand for about an hour. All but two minutes were taken up by Wood on direct examination. Hardy only interrogated the sixth witness on two points. They were his stock and bond interest in Warners. Sears said he owned $20,000 worth of bonds, but "not a quarter's worth of stock."

The Warner vice-president related his part in the company's acquisition of the two theatres, how Warner had notified him of the low rental situation here and his suggestion to take over a theatre as a local show-window. His testimony tallied with that of Starr. He told of the various conferences which he attended in connection with the St. Louis situation and gave the same reasons as Starr and Jeffries for Warners' motives for re-entering the local exhibition field on its own.

Sears on Stand

At intervals, Hardy objected to the testimony of the witness. Wood claimed Hardy's interruptions were for the purpose of giving the jury a haphazard picture of the events. Sears took it all good naturedly.

Sears stated he is 38 and was "mustered" out of the Army when the Armistice was signed. His answer to whether he told Arthur the latter was among the "lambs to be slaughtered" was, "Why do I want to slaughter anyone? I was there to sell pictures." He added that Arthur credited the remark to Thomas and Starr and "probably forgot me, so threw it into my lap."

About 700 features are distributed annually, Sears stated under oath. He also gave as some of his reasons for not wanting to do business with F. & M. and the five houses operated by the circuit, the fact that Warners would not be able to get holdover dates when certain pictures warranted and there would not be proper exploitation. He said a deal with F. & M. would also have been dangerous because of Koplar's affiliation.

Cella Resumes

Cella, who resumed where he left off yesterday, told of the various relations he had with Starr, Sears and Jeffries in connection with leasing of the two houses. He denied there had been any change in prices at both theatres since reopened by Warners. He testified that the admissions were scaled at 25 cents and 50 cents and said he would bring in his records to prove it. This was brought in to prove a price war never existed.

Hardy cross examined the witness and said to the court, "I'm prepared to show the witness's memory is not good and he can't recall all the business he has been in." The prosecutor interrogated him on "bucket shop" activities, which were denied, as well as his ever having been arrested.

Otto Boole, Paramount Detroit exchange manager, and Ralph C. LiBeau, Midwest district manager, conferred with Schaefer between court sessions.

Leto Hill, in charge of operations for St. Louis Amusement Co., is scheduled to be the next witness.

Spyros Skouras and his attorney, William T. Powers, arrived from New York yesterday and returned the same night without visiting the court.

The Lighter Side

St. Louis, Oct. 31.—Upon his arrival from Kansas City, the first thing Eddie Golden did was to visit the court room where the trial is in session. He brought along with him Nat Steinberg and Barney Rosential, local Republic franchise holders, who paid an infrequent visit.

✚

It is expected that the trial will move over to the new $4,500,000 Federal court building within the next week or 10 days. Every piece of furniture is tagged for the process and most of the library is already ensconced in the new home.

✚

Harry M. Warner carries about a half dozen post card pictures of his grandchild. Every time he gets angry, he says, he takes out the pictures, looks them over and immediately changes his disposition. And does he love that child! A chubby youngster and full of the devil, the pictures indicate.

✚

George J. Schaefer was welcomed back to the court room Monday with many handshakes by the numerous defendants, witnesses, lawyers and wisecrackers. He spent most of the day reading the voluminous pages of his testimony which had been recorded during his absence. He says he's set to stay now until the trial is over.

FLASH!

5 CRITICS DIE LAUGHING!

Thank God, they've recovered now! They tell their amazing experience in the following pages. When you read these criticisms, you will agree that America will soon see the most important comedy attraction of years!

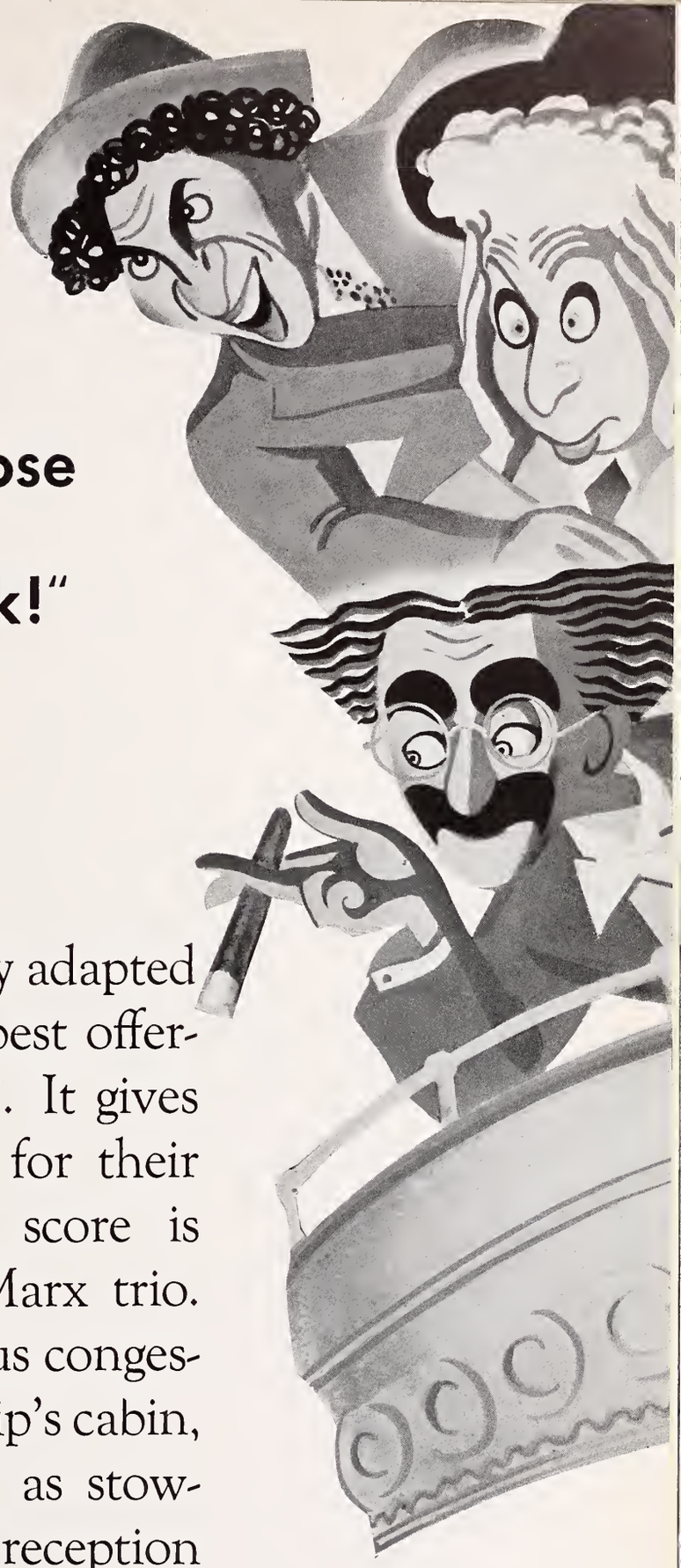
(Next page begins it!)

"Such lovely language!"



Hollywood Reporter says:

"Night at the Opera" a hit! Marxes hilariously funny! Production and music rate extra high. The Marxian recipe for a cacklefest, with song, rings the bell again with top-notch punch features. There is a grand opera backstage story of exceptional excellence, constantly punctuated by ribaldries of the three comics. The average of good laughs is so high and the musical features so delightful that there is bang-up entertainment for all tastes. M-G-M has given the picture a spectacularly excellent production and spread itself on a swell fiesta on the lower deck of a liner and on a backstage chase while the opera is under way that is as fresh and hilarious as the screen has seen in many a day. The many-sided Harpo is the hero of this episode, doing a flying Tarzan among the rigging in the flies with uproarious results. The opus is high-marked also by Allan Jones, whose singing, personality and good looks make him real box-office. Besides his operatic numbers from "Il Trovatore" he sings two dandy ballads, "Cosi-Cosa," by Kaper, Jurmann and Ned Washington, delivered at the fiesta with the Marx trio accompanying, and "Alone," by Nacio Herb Brown and Arthur Freed, with his singing team-mate, Kitty Carlisle. In the supporting cast there isn't a weak spot. Miss Carlisle is all that one could ask. Walter King himself is a real tenor. The Marx Brothers, will certainly build themselves into great favor as a result of this fine Thalberg offering.



"How those Variety boys talk!"

Daily Variety says:

Musical farce has been brilliantly adapted to the Marx brothers as their best offering in "A Night at the Opera". It gives the comic trio plenty leeway for their distinctive cavortings. Laugh score is equally divided between the Marx trio. Gags reel leisurely from hilarious congestion scene in Groucho's little ship's cabin, through sea dunking escapade as stowaways break from brig to public reception for phoney aviator heros, topping in wild Tarzanish climax at the opera where the patrons of romance snatch the menacing tenor off the stage to give Jones and Miss Carlisle their chance at fame. Finale is a pip of wild action back stage.



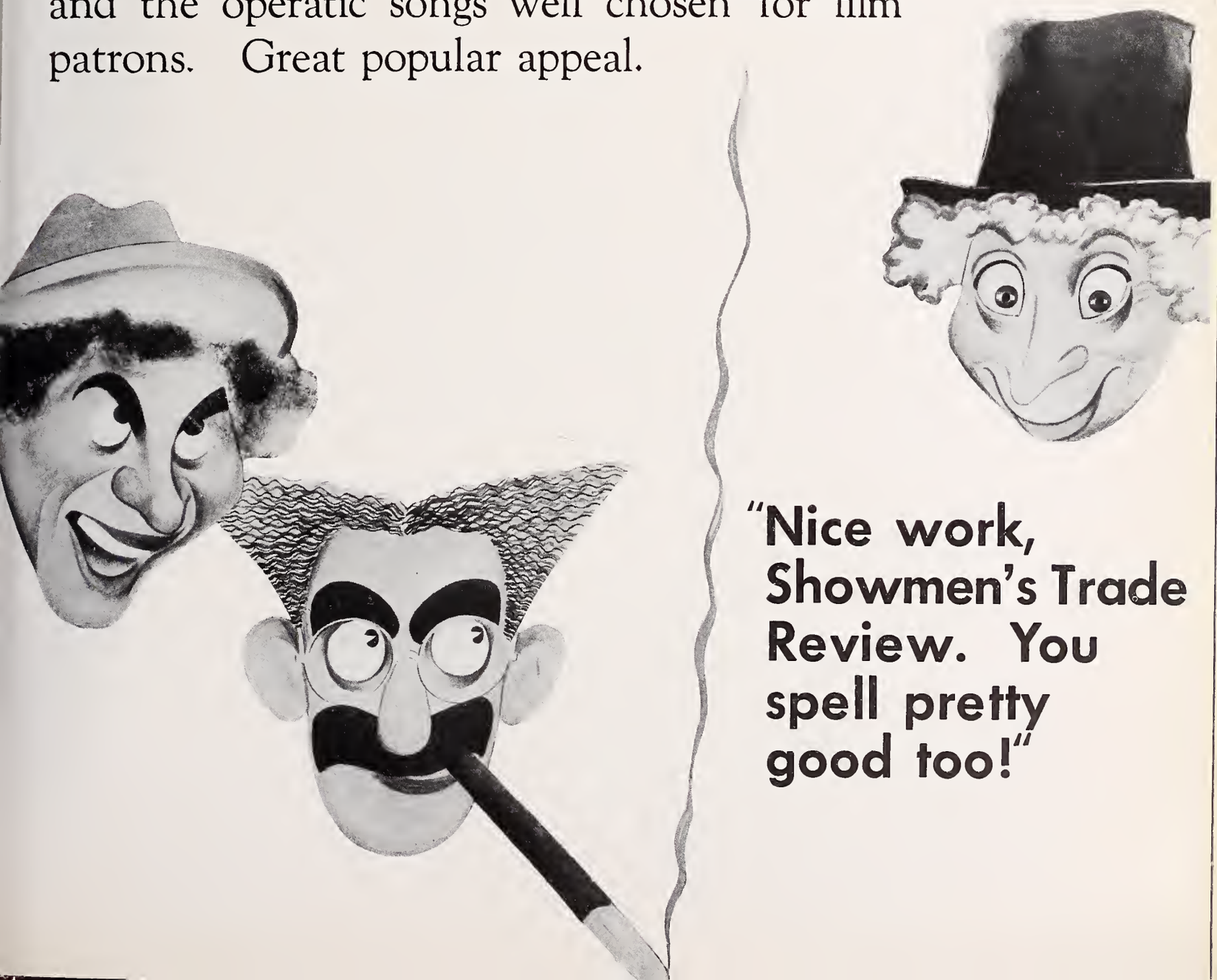
"Film Daily hates it. Ha-ha!"

Film Daily says:

A merry box-office number. Big laugh riot. A laugh fest with all types of audiences. George S. Kaufman and Morrie Ryskind have supplied the comedians with excellent material. One of the most amusing sequences is on board ship,with Chico and Harpo and Allan Jones, stowaways, and manicurists, waiters and others falling over each other in Groucho's small room. Another laugh provoking scene finds Robert Emmett O'Connor, a detective, hunting the stowaways in Groucho's two-room New York apartment, only to find several beds disappearing under his nose. Of course, the biggest riot of laughs is in the final sequence, with the Marxes wrecking the opera. Chico and Harpo play baseball in the orchestra pit and then Harpo gets into the wings, on and off the ground, causing the scenery to fall in front and back of Walter King, who is singing. Direction, Aces.

Showmen's Trade Review says:

Here is a riot of laughter. In addition to the Marx Brothers, the supporting cast is exceedingly talented and their performances are sure to win applause from any audience. The tempo is fast and furious with plenty of new gags and clever wise cracks all the way through. This young singer, Allan Jones, is the hit of the show with his fine singing and pleasing personality. He looks like a new star for M-G-M. The musical background is excellent and the operatic songs well chosen for film patrons. Great popular appeal.



"Nice work, Showmen's Trade Review. You spell pretty good too!"

Motion Picture Daily says:

Great swells of laughter, rippled by windy gusts of giggles at the Marx Brothers, roll through this musical farce. The big moments audiences will repeat around the fireside are scenes in a two-by-four cabin bulging with almost half of the passenger list before a gag ends a maniacal duel of Harpo and a moth which flutters from the flowing beard of an air hero; the masquerade of the Marxes in those same beards ravished from sleeping air heroes and Chico's explanation to a welcoming committee of why the fliers took a boat; a rip-roaring finale at an opera performance with Groucho pursuing a rich widow all over the house, and Harpo going Tarzan trapezing in the flies as the backdrops change behind baffled singers. Tie the roof on tight when this one opens.



"Pay attention to what Motion Picture Daily says!"



EYES ON ST. LOUIS AND BALTIMORE!

WATCH THOSE TWIN WORLD PREMIERES OF M-G-M $1,000,000 COMEDY SENSATION!

Friday, November 1st, is an important day in the history of film business. On that day M-G-M launches "A NIGHT AT THE OPERA" in two pre-release engagements! The roars of Leo are bellowing lustily in those cities right now in triumphant showmanship —and those ROARS will soon echo throughout the nation! Watch! But *don't wait!* Here's what M-G-M showmen are doing meanwhile—

(Yes, go on!)



PROMISE YOURSELF:

"Starting right now I will do the best job of my showmanship career to promote 'A NIGHT AT THE OPERA' starring the Marx Brothers!"

AND M-G-M PROMISES YOU:

"'A NIGHT AT THE OPERA' is one of the greatest entertainments ever made and its box-office possibilities are unlimited!"



Purely Personal

DAVE LOEW and JOE UNGER did their lunching together at the Astor yesterday. Also there were JOE MOSKOWITZ and ARTHUR HOPKINS, JULES LEVY and WALTER G. BRANSON, RKO's midwestern district manager in from Chicago for a couple of days of home office atmosphere; CARL LESERMAN and EDDIE ALPERSON, AL GOTTESMAN, LEO MORRISON, just in from Europe and heading toward Hollywood, come Sunday; EDGAR ALLAN WOLFF, a daily visitor at the Hunting Room of the Astor all through the years prior to joining Metro in Culver City, and TESS MICHAELS.

•

ALLEN JONES, now personally appearing at Loew's State, St. Louis, on behalf of the new Marx brothers comedy, is due here Saturday to visit his son and attend to private business. Under contract to M-G-M, he is being sought by Universal for a spot in "Show Boat."

Quip of the Day

"No film function is complete without a Sam Goldwyn story. There is the one of the writer Goldwyn was after, but he was under contract.

"'Give me your word of honor that you'll come with me when your deal runs out,' Goldwyn said.

"'I can't do that. I've given my word to my studio,' replied the writer.

"'Well, if you can't give me your word of honor, at least give me your promise,' was Goldwyn's reply."—HOWARD DIETZ *at the David L. Loew Farewell Dinner.*

EDWARD A. GOLDEN, Republic sales manager, has revised his schedule so that he will be back in town Nov. 9. After visiting St. Louis he will go to Indianapolis, Cincinnati, Pittsburgh, Washington and Philadelphia.

•

MAX STAHL, Cincinnati branch manager for U. A., and ESTHER GOLDBERG, office manager of the same company's Cleveland exchange, have announced their engagement and plan to marry next summer.

•

JOSEPH BENHARD, managing director of Warner theatres, and MORT BLUMENSTOCK, advertising and publicity head, flew from Pittsburgh to Philadelphia yesterday.

•

PALMER MILLER, ARTHUR F. NAGLE and JERRY E. SULLIVAN have arrived in Bermuda to do two shorts in Vericolor for Imperial Distributing Corp. and Bermuda Publishing Co., Ltd.

•

ARTHUR W. KELLY, vice-president in charge of sales for U.A., left yesterday on the Century for 10 days of conferences with producer-owners on the coast.

•

SAM DEMBOW's visit to Chicago and HERMAN ROBBINS' presence required elsewhere have cut into the regular meeting of The-Off-the-Record Club for the time being. Not for long, however.

•

ARTHUR ROSENSTEIN, accompanist of GERALDINE FARRAR, has been signed by M-G-M as musical instructor and coach, and will start for the coast today.

•

LEO MORRISON and MRS. MORRISON have returned from their honeymoon in Europe and are at the Warwick for a few days before going to the coast.

•

ROBERT YOUNG is due in town tomorrow. He will leave Quebec Thursday for England.

•

MARC CONNELLY has casting lines out and around for "Green Pastures" which Warners will produce. The bulk of the original will be retained.

•

HARPO MARX will make a personal appearance at Loew's Century, Baltimore, today in connection with "A Night at the Opera."

•

LEE PATRICK replaces SHEILA MANNORS in "Abide with Me." It's due on Nov. 18.

•

HAL HORNE'S colorful *Mickey Mouse Magazine*, for November is on the stands.

•

LYDA ROBERTI is out of the cast of the new George White Scandals.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"One Way Ticket"

(*Columbia*)

HOLLYWOOD, Oct. 31.—Departing radically from formula in theme and locale, this improbable dramatic romance is unique in its conception of screen entertainment.

The initial action is set in a penitentiary. Peggy Conklin, the daughter of guard captain Walter Connolly, falls in love with convict Lloyd Nolan. The realistic prison atmosphere, accenting the suspense of unorthodox love in this grim locale, has the girl becoming the innocent but not entirely unaware accessory to the convict's escape. Scenes in a co-ed school and later in an idyllic mountain hideout add to the danger of menaced romance of the now married pair. Moving to the big city the girl works while her husband hides and endeavors, while sympathetic with his ambition to be free, to convince him that he must pay the price of his crime to effect moral regeneration. Trapped in their hideout the girl shoots Nolan to prevent further crime. Nolan, taken back to jail, is solaced that his years in jail will be made happy by his wife's promise to wait.

Name values, not too impressive to the character of the story, plus capable performances, are the dominating commercial asset. The serious note of the story is made potent by the work of the supporting cast, principally Gloria Shea, Nana Bryant and Thurston Hall. Contrasting comedy is handled by Willie Fung and Edith Fellows.

Herbert Biberman's direction endows the yarn with grim but human realism. The story by Ethel Turner was adapted by Vincent Lawrence and Joseph Anthony, with the screen play by Oliver H. P. Garrett and Grover Jones.

Intensive selling of the story value, particularly in houses catering to the family trade, is necessary.

Production Code Seal No. 1,624. Running time, 70 minutes. "G."

Looking 'em Over

"Red Army Days"

(*Amkino*)

Produced by Lenfilm, in Russia, this new Soviet importation, in pattern with those that have gone before, takes another phase of the Russia that is, and glorifies it for the world to see. In this instance, it is the war tank division of the Red Army which has its moment before the cameras. Woven in is something of a romance, but subordinated to the major thesis, that the Red Army is ready at all times to defend Russia's borders, and the enemy had better beware.

It would seem that the romantic aspect is added merely in conformity to what is generally understood to be the important "he and she" element of a story—or motion picture. The few superimposed subtitle translations of dialogue seem to stress the might of the Russian army rather more than anything else.

The picture's only selling value in this country would seem to be in those situations, metropolitan usually, where there is something of a distinct sympathy for Russia. For others the film will mean nothing, it being otherwise undistinguished as a production.

No production code seal. Running time, 80 minutes. "G."

Short Subjects

"Moonlight and Melody"

(*Educational*)

A musical comedy short subject, which has considerable in the way of entertainment. Featured are Buster West and Tom Patricola, for the comedy element, while the entertainment, of the stage variety, in the setting of a musical comedy, has Lucille Page, Rita Rio, and Johnny Johnson and his Hotel Commodore orchestra. West marries Miss Page over the objections of the owner of the theatre, which provides opportunity for the stage entertainment and the laughs. Production Code Seal No. 0625. Running time, 21 mins. "G."

"Beautiful Banff"

(*FitzPatrick-M-G-M*)

Some magnificent shots in Technicolor have been obtained for this subject. A view of Banff from the mountains, snow-capped peaks, "mounties," mountain climbing, reflections of a glacier in Lake Louise and other scenes make it an eye-filling subject. The running comment doesn't add anything to its entertainment content, but the singing of two numbers by a feminine voice lends interest. Very much worth while. Production Code Seal No. 0649. Running time, 9 mins. "G."

"The Little Dutch Plate"

(*Vitaphone*)

A color cartoon that has little originality, this effort makes fair program filler. The ancient story of the villain foreclosing on the mortgage, this time in a Dutch setting on porcelain utensils, replete with the buzz saw episode and everything including the last minute rescue by the hero puts this piece in the ordinary class. Production Code Seal No. 1252. Running time, 7 mins. "G."

"West Indies Cruise"

(*Twentieth Century-Fox*)

One of the excellent travel subjects in the Magic Carpet of Movietone series, this takes the screen audience among the islands of the West Indies, to Nassau in particular. Natives at work and play, the architecture of an older day, still standing, and some of the characteristically beautiful scenery of the islands highlight the subject. Production Code Seal No. 0543. Running time, 10 mins. "G."

"Tunnel" Held at Roxy

"Transatlantic Tunnel" starts a second week at the Roxy today. The stage show is also being held over. The picture is expected to gross $45,000 in its first week.

Bijou to Krellberg

Sherman S. Krellberg has taken over the Bijou on West 45th St. between Broadway and 8th Ave., and, effective Nov. 11, will inaugurate a policy of principally foreign pictures.

ANIMATED SERIES
"BARNEY GOOGLE"
ROXY THEATRE
WILLIAM MORRIS OFFICE

Construction Up in Oklahoma Territory

OKLAHOMA CITY, Oct. 31.—Construction is on the upgrade here, with a $100,000 Chinese design house heading the list of projects planned. It will be called the Lee and will be operated by the Criterion Theatre Corp.

Modernization of the Liberty has just been completed under the direction of Paul Townsend, manager.

M-G-M has just moved into a new exchange and Twentieth Century-Fox has one nearing completion.

A new $6,500 house to seat 725 is in operation. Another new house is to be started soon at Durant, Okla., on the site of the old State.

A new company, Joy Theatre, Inc., has been incorporated by T. G. Teter, N. M. Teter and J. L. Greenwood to operate the Joy.

Vacation Houses Close

BOSTON, Oct. 31.—Closings continue in vacation spots. The Opera House, Dixville; Strand, Kennebunkport; Leavitt, Ogunquit, all in Maine; the Community, Ashland, N. H., and Casino, Narragansett Pier, have been closed.

The Broadway, Farmington, Me., has been taken over by H. H. Paul from C. E. Hardy and renamed the State. The Community, Blue Hill, Mass., formerly run by K. Goodkowski, has been taken over by the Blue Hill M. P. Co.

May Shift in Hartford

HARTFORD, Oct. 31.—With the Parsons, old legitimate house, pretty definitely slated for the wreckers, there are rumors that the Palace may go to legitimate shows if a satisfactory leasing arrangement can be worked out.

The Palace, originally an overflow house from the Capitol, is in the next block, and the possibility of competition is being considered, it is understood.

Anderson Acquires Three

CHERAW, S. C., Oct. 31.—J. L. Anderson, Cheraw business man, has purchased theatres in Cheraw and Chesterfield from the H. H. Anderson circuit. Anderson also has taken over the Kingstree at Kingstree, S. C., which has been operated for several years by R. S. Rogers, Jr.

Chapin in Ocala House

OCALA, Fla., Oct. 31.—C. Ted Chapin of the circulation department of the *Ocala Star*, has been appointed manager of the Dixie. He was with Publix for more than five years. He also will be in charge of advertising and publicity for Sparks houses here.

Goldberg Gets Pompeii

SAN FRANCISCO, Oct. 31.—Aaron Goldberg has acquired the Pompeii, next to the United Artists. The deal gives Goldberg six subsequent run houses on Market St. He plans extensive improvements.

Take Over Oregon House

SAN FRANCISCO, Oct. 31.—Morgan Walsh and George Mann have added to their circuit, in association with H. W. Poole, the Pine Tree in Klamath Falls, Ore.

Two More Houses Opened

CHICAGO, Oct. 31. — Two houses have just reopened in this territory. They are the Blaine here, with J. Steiniger as manager, and the Tyler, 300-seat house at La Porte, Ind., which has been redecorated by S. Stein.

Lou Reinheimer has taken over the Vogue at Lincoln, Ill.

Jack Purves to Winnipeg

TORONTO, Oct. 31. — Jack Purves, formerly at the Capitol, Sudbury, Ont., has been made manager of the Orpheum at Winnipeg, and district representative there for RKO Theatres.

Open at Moss Point, Miss.

MOSS POINT, Miss., Oct. 31.—The new Joy's Theatre has opened. Built and owned by the Moss Point Building Co., the house is the first new one on the Gulf Coast since sound came in.

Portland Spot Celebrates

PORTLAND, Oct. 31.—The Roseway is celebrating its 11th year of continuous operation under the original management.

Henry J. Updegraff is the owner and manager.

Two Leased at Chester

CHESTER, S. C., Oct. 31.—Joseph Walters has leased the City and Palmetto here to L. C. Sipe of Charlotte, and Dr. Charles R. Bowman and F. J. Powell of Kannapolis, N. C., owners of a circuit in the Carolinas.

New House for Thomasville

THOMASVILLE, Ga., Oct. 31.—A new theatre will be opened here by Nat M. Williams, head of the company now operating the Rose. A lease has been taken on a downtown store, which will be remodelled with 600 seats. Plans also are underway to redecorate and improve the Rose.

Michigan Spot to Open

DETROIT, Oct. 31. — The Star at Nashville, Mich., one of the oldest out-state houses, which has been closed for some time, is undergoing renovation and will be reopened shortly by Raymond Hebert, owner.

Remodel Glickman-Palace

MOBILE, Ala., Oct. 31.—The Crown who has just taken over the Glickman-Palace, is having the house done over in modern style. It will be called the New Palace.

Palace, Clinton, Opens

CLINTON, Ind., Oct. 15.—The new Palace has been opened by the Sherer Brothers Amusement Co. This is this concern's fourth house. The others are the Columbia, Capitol and Wabash.

Start Stamford Building

STAMFORD, Oct. 31.—Remodeling of the building in the rear of 445 Main St. into a theatre for M. Guggenheim of New York has started. The theatre will be two stories high.

Build at Mt. Morris

DETROIT, Oct. 1.—Richard Ingram, owner of the Dixie and Lincoln, Flint, will open a new house at Mt. Morris, Mich., within the next 30 days.

Newcomerstown Spot Open

NEWCOMERSTOWN, O., Oct. 31.—The Ritz, closed for several weeks because of a scarlet fever epidemic, has reopened.

Out Hollywood Way

HOLLYWOOD, Oct. 31.—JOHN HALLIDAY has a new term contract with Paramount as a result of his work in "Desire." . . . B. F. ZEIDMAN'S second on his current list, "Sweetheart of the Navy," with JOHNNY HINES directing. . . . RICHARD DAY, art director for SAMUEL GOLDWYN, has new contract.

First PICKFORD-LASKY production, "The Four Star Kiss," an adaptation of a French play bought by LASKY. . . . FRANCIS LEDERER to be starred. . . . GORDON CARVETH, stunt man, injures leg in scene of "Shoot the Chutes." . . . SAMUEL GOLDWYN takes up option on DAVID NIVEN, young British player.

JOE E. BROWN acted as guide while "DIZZY" DEAN visited the Warner lot. . . . LESLIE HOWARD wants ANITA LOUISE for Ophelia when he does "Hamlet" on Broadway. . . . BOBBY CONNOLLY picking 100 girls for ensemble in Warners' "Colleen."

RANDOLPH SCOTT gets new term pact from Paramount. . . . Radio to produce Dickens' "Little Dorrit," with ANNE SHIRLEY. . . . ROBERT SISK to produce. . . . NATHANIEL SHILKRET signed by Radio as musical director. . . . GEORGE GIVOT having his nose remodeled.

✚

Casting—LINDA PARKER, JOSEPH YOUNG, TONY BEARD and DOROTHY GREY signed by M-G-M for "Rose Marie." . . . GLORIA STUART gets lead in "Shark Island," Twentieth Century-Fox. . . . EARLE HODGINS and EARLE CLYDE in "King of Burlesque."

IRENE WARE, KENNETH THOMSON, VICTOR POTEL, SPENCER CHARTERS, FRANK SHERIDAN, MAUDE ALLAN and WILLIAM V. MONG added to GEORGE O'BRIEN'S "Whispering Smith Speaks" . . . WILLIAM GARGAN, romantic lead in "Manhunt," Warners. . . . DICK PURCELL and RICARDO CORTEZ also featured . . . ROBERT BARRAT, on loan from Warners, added to WALTER WANGER'S "The Trail of the Lonesome Pine." . . . ERROL FLYNN lead in "Charge of the Light Brigade," Warners.

JOHN BOLES featured in "A Message to Garcia," Twentieth Century-Fox. . . . WALLACE BEERY in lead. . . . ROSALIND RUSSELL opposite GEORGE RAFT in "It Had to Happen," Twentieth Century-Fox . . . GAIL SONDERGOORD, Theatre Guild player, signed by Warners for role of Faith in "Anthony Adverse."

✚

Directors—ROY DEL RUTH to direct "It Had to Happen," Twentieth Century-Fox. . . . WILLIAM KEIGHLEY to direct AL JOLSON in "The Singing Kid," Warners. . . . W. S. VAN DYKE to direct CLARK GABLE and JEANETTE MACDONALD in "San Francisco," M-G-M.

✚

Writers—EDWARD CHODOROV working on script of "Dodsworth," SAMUEL GOLDWYN. . . . GUS KAHN signed to term contract as lyric writer by M-G-M. . . . FRANCIS FARAGOH doing screen treatment of "La Ballerina," Pioneer.

Variety Club

Cleveland

CLEVELAND, Oct. 31.—Variety Club's second annual banquet will be held Nov. 23 at the Statler Hotel. NAT HOLT, RKO division manager and club president, has appointed I. J. SCHMERTZ, Fox branch manager, as general chairman. Sub-committees have been named.

Detroit

DETROIT, Oct. 31.—After a summer vacation, Variety Club will resume its noon luncheons in the Mayfair room of the Book-Cadillac, Nov. 4, it was decided at a meeting of the board of directors this week. H. M. RICHEY and MAURICE CAPLAN will be in charge.

The board of directors also voted to increase the local membership limit from 100 to 125 and has accepted 11 applications which will be voted on by the membership committee.

Philadelphia

PHILADELPHIA, Oct. 31.—The first fall luncheon was held yesterday, with DR. LEON LEVY and BENEDICT GIMBEL, JR., as kings for the day. GRAHAM MCNAMEE and BEN BERNIE were two of the honor guests who appeared as scheduled.

The Sunday trade screening program is now once nightly instead of twice.

Chief Barker EARLE SWEIGERT is fully recovered but won't talk about his operation.

Canavan Back in Booth

ST. LOUIS, Oct. 31.—William Canavan, former president of the I.A.T.S.E., is in charge of the Shubert-Rialto projection booth. Canavan is a local man and is back on home grounds after spending some time in New York and California in various union capacities.

Wall Street

Paramount Issues Off Slightly

	High	Low	Close	Net Change
Columbia	61⅛	60⅞	61	— ⅛
Consolidated	5¼	5¼	5¼	+ ¼
Consolidated, pfd	18⅞	18¾	18¾	.....
Eastman Kodak	166	166	166	.....
Loew's, Inc.	48½	48	48⅛	— ⅛
Loew's, pfd.	106	105⅝	105⅝	+ ⅛
Paramount	9⅝	9⅜	9½	— ⅛
Paramount, 1 pfd.	83¼	81	81	—2½
Paramount, 2 pfd.	11⅝	11¼	11⅜	.....
Pathe Film	5⅝	5½	5½	.....
RKO	5⅛	4⅞	5	+ ⅛
20th Century-Fox	18⅛	17¾	18⅛	+ ⅜
20th Century, pfd	28¾	27¾	28⅛	+ ⅛
Universal, pfd	39½	39½	39½	.....
Warner Bros.	7⅜	7⅜	7½	.....
Warner, pfd	46	45½	45¾	+ ¼

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2⅞	2⅝	2¾	— ⅛
Technicolor	20	19¼	19¼	— ⅞
Trans-Lux	3⅝	3½	3½	.....

Warner Bonds Gain ⅝

	High	Low	Close	Net Change
General Theatre 6s '40, ctf.	15¼	15	15	.....
Keith B. F. 6s '46	91½	91	91	— ¼
Loew's 6s '41 ww deb rights	105¼	105¼	105¼	.....
Paramount B'way 3s '55	58	58	58	—1¾
Paramount Pict. 6s '55	93¼	92½	93	+ ¼
Warner Bros. 6s '39 wd	83⅜	82½	83⅜	+ ⅝

(Quotations at close of Oct. 31)

Washington's High "Goose" And Big Show

WASHINGTON, Oct. 31.—The fifth anniversary of a policy was celebrated last week and the public reacted to the tune of $22,000 as the Earle presented "The Goose and the Gander" and a sumptuous stage show headed by Paul Ash. House average is $18,400.

Extending one day the run of "The Last Days of Pompeii," making eight in all, RKO-Keith's topped a week's par of $10,600 to take $12,000.

Return engagements went along smoothly, "Special Agent" at the Metropolitan taking $6,000 (over par by $1,700) and "The Call of the Wild" at Loew's Columbia taking $3,900 ($300 over average).

Loew's Fox showed an upward spurt last week, but observers feel that the $20,600 take was not due so much to "It's in the Air" as it was to Major Bowes' amateurs on the stage. The gross was $300 under the average.

Total first run business was $73,200. Average is $75,900.

Estimated takings, exclusive of tax:

Eight Days Ending Oct. 23:

"LAST DAYS OF POMPEII" (Radio)
RKO-Keith—(1,836), 25c-55c, 8 days. **Gross:** $12,000. (Average, seven days, $10,900)

Week Ending Oct. 24:

"GOOSE AND THE GANDER" (W. B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Fifth vaudeville anniversary program with Paul Ash, Barto & Mann, Bert Granoff, Audrey Seiber, Gypsy Nina, Bob Burns, the Pierriotys, Rose Marie Deering, Paul Ash Girls. **Gross:** $22,000. (Average, $18,400)

"CALL OF THE WILD" (U. A.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $3,900. (Average, first run, $3,600.)

"IT'S IN THE AIR" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Second Major Bowes' Amateur Theatre of the Air Unit, with Loring Smith, Youmans Brothers, Dave Siegel, Fritzie Robbins, Michael O'Byrne, "Skeets" Simmons, Celeste Alvi, Red Bank Hillbillies, Bess Sweeney, Marion O'Connor, McCormack & Hering. **Gross:** $20,600. (Average, $20,900.)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $6,100. (Average, first week, $15,900.)

"SPECIAL AGENT" (W. B.)
METROPOLITAN — (1,591), 25c-40c, 7 days (return engagement). **Gross:** $6,000. (Average, first run, $4,300.)

Week Ending Oct. 25:

"JAVA HEAD" (First Div.)
BELASCO—(1,140), 25c-65c, 6½ days. **Gross:** $2,600. (Average, 7 days, $2,200.)

McGuire, Considine Join

HOLLYWOOD, Oct. 31. — William Anthony McGuire and John Considine, Jr., will be associated in producing "Broadway Melody of 1937" for M-G-M. The film goes into production as soon as Eleanor Powell completes her stage engagement. Dwight Taylor, Harry Ruby and Bert Kalmar are working on the book. Con Conrad will write the music with lyrics by Ruby and Kalmar.

S. W. Morris on Coast

CHICAGO, Oct. 31.—Sam W. Morris, film editor of the *Chicago American*, is on the coast visiting studios and film celebrities. He plans to be gone three weeks.

"I Live" $15,125 Hit in St. Louis

ST. LOUIS, Oct. 31.—"I Live My Life" was the outstanding attraction of the week. It piled up $15,125, over normal by $6,125, while three of the other first runs couldn't get within shooting distance of par.

"The Case of the Lucky Legs" and "The Last Outpost," a dual at the Shubert-Rialto, managed to make a normal $6,500.

Total first run business was $47,025. Average is $46,000.

Estimated takings for the week ending Oct. 24:

"SHE COULDN'T TAKE IT" (Col.)
"THE CASE OF THE MISSING MAN" (Col.)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. **Gross:** $9,450. (Average, $10,000)

"WAY DOWN EAST" (Fox)
"MY HEART IS CALLING" (G. B.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $8,550. (Average, $12,000)

"I LIVE MY LIFE" (M-G-M)
LOEW'S STATE—(3,162), 25c-35c-55c, 7 days. **Gross:** $15,125. (Average, $9,000)

"SHIPMATES FOREVER" (F. N.)
"GOING ON TWO" (Radio)
ORPHEUM — (2,950), 25c-35c-55c, 2nd week, 7 days. **Gross:** $7,400. (Average, $8,500)

"CASE OF THE LUCKY LEGS" (F. N.)
"THE LAST OUTPOST" (Para.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $6,500. (Average, $6,500)

"Dr. Socrates" Is Indianapolis High

INDIANAPOLIS, Oct. 31.—"Dr. Socrates" was about the only first run attraction in town to make much of an impression. It ran the Lyric up to $8,000; over par by $1,000, with the help of a vaudeville bill.

"O'Shaughnessy's Boy" and "The Girl Friend," a dual at Loew's, went $500 over the line on a take of $5,000.

Total first run business was $26,000. Average is $27,500.

Estimated takings for the week ending Oct. 26.

"WAY DOWN EAST" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,500. (Average, $4,000)

"THE 39 STEPS" (G. B.)
"WINGS OVER ETHIOPIA" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"THE CRUSADES" (Para.)
INDIANA—(3,100), 20c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
"GIRL FRIEND" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"DR. SOCRATES" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,000. (Average, $7,000)

Expect to Continue Talks on K. C. Wages

KANSAS CITY, Oct. 31.—Negotiations on a new operators' scale for first and subsequent runs are expected to be resumed in a few days when Harlan Holmden, third vice-president of the I.A.T.S.E., returns to the city.

Subsequent runs have suggested a contract form in which wages are not mentioned. each theatre being left to work out its own rates.

Agree on Canton Scales

CANTON, O., Oct. 31.—Exhibitors here have signed a new three-year contract with the operators' union, retroactive to Sept. 1, calling for $2.50 increases weekly next year and the same amount the third year. Ten houses are affected.

Negotiations are still on with the stagehands' union.

Fined for Crowing

Danbury, Conn., Oct. 31.—John Kane, 19, who flapped his arms and crowed to impersonate a rooster during a performance at the Capitol theatre, was fined a total of $7.75 in city court. The judge said if a fine was not imposed Kane might be moved to attend the theatre and discharge a revolver during a western film sometime.

"Life," "Menace" New Haven's High

NEW HAVEN, Oct. 31.—"I Live My Life" and "Public Menace" took top rank at the Poli in an $8,000 week, $1,500 above the theatre's average.

"Red Salute" went unmolested and unpicketed in spite of threats, and did $6,500 on a bill with "Dr. Socrates" at the Roger Sherman, where the usual gross is $4,500. Although "Hands Across the Table" did not open brilliantly at the Paramount, it built up to $5,800, which was $1,000 over par. The College nosed $200 over average of $2,700 with "Here Comes the Band" and "Thunder in the Night."

Total first run business was $25,000. Average is $18,500.

Estimated takings for the week ending Oct. 26:

"HERE COMES THE BAND" (M-G-M)
"THUNDER IN THE NIGHT" (Fox)
COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $2,900. (Average, $2,700)

"HANDS ACROSS THE TABLE" (Para.)
"WANDERER OF THE WASTELAND" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $5,800. (Average, $4,800)

"I LIVE MY LIFE" (M-G-M)
PUBLIC MENACE" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $8,000. (Average, $6,500)

"DR. SOCRATES" (W. B.)
"RED SALUTE" (U. A.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $6,500. (Average, $4,500)

"Barbary" on Pink Ticket in Chicago

CHICAGO, Oct. 31.—"Barbary Coast" is playing at the United Artists under a "pink ticket" ban. The picture is the first to get a pink slip in many months.

"Anna Karenina," which preceded the Goldwyn production, was slated for a pink tag, but a final ruling of the censor board changed the order.

Ministers in several churches, according to reports, last Sunday told their congregations that the picture was on the churches' banned list. "Last Days of Pompeii," now showing at the Palace, was publicly given an okay by the ministry, an unusual procedure.

Frisco Hands All Busy

SAN FRANCISCO, Oct. 31.—"For the first time in months, virtually every stage hand in San Francisco is employed," according to George Ward, secretary and business manager of the stagehands' union.

Howard to Be "Romeo"

HOLLYWOOD, Oct. 31.—Leslie Howard will play Romeo in "Romeo and Juliet" for M-G-M. Production will start in about a month.

Production Up; 37 Features in Work

HOLLYWOOD, Oct. 31.—Hitting its stride following a slack spell, production rose last week. Thirty-seven features and three shorts were in work, seven more features and one less short than the preceding week.

Paramount continued to hold the top spot in feature production with eight in work. Columbia had two features shooting, four being prepared for the cameras and five being edited. Fox had four, three and three; Goldwyn, one, zero and one; M-G-M, six, two and 10; Paramount, eight, two and 11; Radio, three, one and three; Roach, one, zero and zero; Universal, three, one and one; Warners, six, one and 11; independents, three, two and zero.

Short subject production varied slightly. Columbia had one shooting, two preparing and three in the cutting room. M-G-M, one, two and four; Radio, zero, one and seven; Roach, onc, one and three; Universal, zero, one and zero; independents, zero, one and zero.

Mexican Row Aiding Coast Independents

HOLLYWOOD, Oct. 31.—Independent film exchanges here have been realizing a nice profit through short bookings in towns across the border in Mexico. Following the tax levied by President Cardenas of $75 per kilo on American film, major exchanges have almost ceased shipping film to Mexico City for distribution. No tax is levied for films in the country for less than 72 hours, so the independent exchanges have been rushing prints in for short engagements in the open market.

N. E. Group Hits Booking

BOSTON, Oct. 31.—Block booking and blind selling, a somnolent issue during recent months so far as the public has been concerned, again got into headlines as the New England Council of Federated Church Women, meeting here, went on record as opposed to these trade practices. The Pettengill Bill was endorsed.

DOVER, Del., Oct. 31.—The Delaware State Women's Christian Temperance Union at its 56th annual convention here adopted resolutions urging legislation against block-booking and protesting Pot Night or Bank Night. The organization urged Federal supervision of production.

Jeritza in St. Louis

ST. LOUIS, Oct. 31.—Maria Jeritza, recent bride of Winfield Sheehan, is here from New York to make her first professional appearance since her marriage. She will sing the lead in "Turandot," which opens at the Municipal Auditorium tonight.

Print Late; Show Off

BOSTON, Oct. 31.—George French, manager of the Keith Memorial, lost a $1,500 audience here tonight when the print of "The Three Musketeers" failed to arrive by plane in time for the preview showing.

Take Ashland Spot

ASHLAND, O., Oct. 31.—Schines have taken over the Majestic here, and have closed it for remodeling.

As Smart — AS A NEW FALL HAT

Fall fashions in short subjects are more elaborate... in keeping with the more confident spirit of the season... and heading them all are Educational's Comedies. Tailor-made for the finest programs are these Al Christie productions. Expert designing... stories by leading comedy writers. Only the best materials and workmanship... big star names, excellent supporting casts, the personal direction of Al Christie. And unrivalled finish...big, beautiful sets, smart costuming, the best of everything in production mechanics. They'll set off your program like that new hat sets off your wife's Fall ensemble.



Presented by
E. W. HAMMONS

Educational Pictures
"THE SPICE OF THE PROGRAM"

DISTRIBUTED IN U.S.A. BY 20th-CENTURY-FOX FILM CORPORATION

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 105 NEW YORK, SATURDAY, NOVEMBER 2, 1935 TEN CENTS

"U" Gives an Option to Buy in Financing Deal

State Dep't. Aids Para. in Spanish Row

Will Await Ruling Upon Dietrich Picture

The State Department at Washington yesterday interceded in the threatened banning of Paramount pictures by Spain as a result of alleged objectionable material contained in the Marlene Dietrich picture, "The Devil Is a Woman."

It was reported that advices looking to a settlement of the situation were cabled by the State Department to the American Embassy at Madrid yesterday and will be taken up with Spanish Government officials today by Ambassador Claude G. Bowers. Definite action is expected this week-end as Spanish officialdom is reported as having set Monday as a deadline by which Paramount has been instructed either to withdraw the offending picture from world circulation and destroy the prints or risk confiscation of its films now being exhibited in Spain and the banning there of its future releases.

Paramount is understood to have withdrawn from the controversy after

(*Continued on page 4*)

Tax Reduction Is Proposed in Spain

MADRID, Spain, Nov. 1.—Minister of Finance Chapaprieta has presented to the Cortes a decree, effective Jan. 1, calling for a reduction from seven and one-half to four per cent of the gross turnover tax on films, and to 1.5 per cent on films made in Spain.

The decree is considered a victory for the Camara Defensa Cinematografica. The measure, if passed by Parliament, is expected to save distributors thousands of dollars in taxes.

Action Is Delayed On 2,000-Ft. Reel

A meeting of distributor representatives scheduled for yesterday to reveal major company attitudes toward the proposed adoption of a standard 2,000-foot reel was postponed indefinitely to await formal decisions from RKO, Universal, Paramount and Republic. The remaining five large companies have already expressed themselves as favoring the changeover.

RKO, Paramount and Republic are said to be prepared to go along with a majority decision. Universal probably will veto a changeover.

Warners and Para. Finish Their Cases

By BILL ORNSTEIN

ST. LOUIS, Nov. 1.—Warners and Paramount completed presentation of their cases today, each calling three witnesses, as the fifth week of the anti-trust trial was brought to a close. The session was the liveliest yet held and marked by a spirited argument between Federal Judge George H. Moore and Russell Hardy, prosecuting attorney. The latter subjected George J. Schaefer to a protracted memory test.

Warners finished its presentation at 11:45 o'clock, Paramount concluded at 4:50 o'clock. Counsel for RKO will open and close Tuesday when the trial will be resumed after a three-day holiday. Ned. E. Depinet, presi-

(*Continued on page 3*)

Ohio Playdate Suit To Await Wisconsin

CINCINNATI, Nov. 1.—RKO will not urge hearing of a suit against the State of Ohio to test the validity of the law, effective July 16, prohibiting designated playdates, until definite advice is received on the outcome of a temporary injunction suit involving similar action, filed in Wisconsin, according to Paxton & Seasongood, local counsel for RKO.

Meanwhile, defendants have agreed to take no action to try to enforce the law, which Attorney General John W. Bricker declared unconstitutional, and which went into effect automatically without Gov. Davey's signature.

Depositions have been taken in New York.

Sentence Suspended On Lottery Charge

The Winthrop which was found guilty on Oct. 24 of conducting a lottery in staging "Farmer Miller's Kentucky Derby," received a suspended sentence yesterday in Special Sessions. This case has been described by the theatre's attorneys as a test case for chance games in the city. An appeal is pending in the Appellate Division.

City Seeks Theatre

Warrenton, Ga., Nov. 1.—The City Council has passed resolutions asking D. O. McBrayer to erect a theatre in this town. The council feels that trade would be stimulated by such a move.

Zukor Wins Appeal On His Income Tax

By CLARENCE LINZ

WASHINGTON, Nov. 1.—Deficiency taxes of $207,580 assessed by the Commissioner of Internal Revenue against the 1931 income of Adolph Zukor today were disposed of by the U. S. Board of Tax Appeals in a decision holding that compensation addition to Zukor's salary from Paramount Publix for 1929 was not turned over to him until 1932 and therefore should not be taxed in his 1931 account.

Under his contract with Paramount, the board found, Zukor was to receive $2,500 a week and seven and one-half per cent of the net earnings of the corporation. The salary item was not involved in the controversy. The contract provided that the additional compensation was to be held by the trustees "until Dec. 31, two years subsequent to the expiration of such calendar year."

The practice, however, was not to turn the compensation over to Zukor until after the end of the second succeeding year.

Zukor's compensation, additional to his salary, consisted for 1928 of $7.73 in cash and 4,597 shares of stock with a fair market value on Dec. 31, 1928, of $52.726 per share, but on January 2, 1931, when it was turned over to

(*Continued on page 4*)

Last Para. Receiver Report Is Ordered

A joint and final accounting of their proceedings as receivers and trustees of Paramount Publix was ordered of Charles D. Hilles, Eugene W. Leake, Charles E. Richardson, Adolph Zukor and Louis J. Horowitz by Federal Judge Alfred C. Coxe yesterday.

The judge's order limits the expenses for the preparation of the accountings to $5,000 and excepts reports only on the uncompleted claims and causes of action reserved to Hilles and Leake for further action.

Standard Capital, C. R. Rogers Make 3-Month Pact with Laemmle

A three-months' option to purchase Universal Pictures Corp. was given yesterday to Standard Capital Corp. and a second financing group, dominated by Charles R. Rogers, which head Universal Prod., Inc., newly chartered company, which in turn is an integral part of the new financing arranged for Universal Pictures.

It was emphasized again in high Universal quarters that loyal employees who have "delivered," are in no wise to be adversely affected by the new alignment.

The new financing for Universal, which came following many months of speculation relative to the eventual setup in Universal, was formally closed at 7 o'clock yesterday morning. Universal Prod., Inc., was chartered in Dover, Del., on Thursday, with 100 shares of no par capital stock. This company will produce for the parent Universal company, and Rogers, who has several more pictures to make for Paramount on his contract with that company, will be the producing head for all pictures made by the new company.

It is reported that the new financing ranges between $750,000 and $1,000,000.

Standard Capital is headed by J. Cheever Cowdin, president, and Lawrence Fox.

HOLLYWOOD, Nov. 1. — Standard Capital will not be represented in Universal personnel, it was said by Willard McKay, Universal attorney, following an all-day meeting between Standard and studio officials.

Western Pictures To Finance Indies

HOLLYWOOD, Nov. 1.—Western Pictures Corp., which finances Harry Sherman Productions, is understood entering independent financing on a large scale. Nicholas Ludington, Jr., is the coast representative of Western, and William L. Fiske is Eastern representative. Ludington has opened offices at the Prudential Studios. With J. Cheever Cowdin, president of Standard Capital, and Lawrence Fox, also a Standard executive, acting as silent partners in Western, it is said here that there is planned a large development of the financing of independents with major release.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 2, 1935 No. 105

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Goldwyn's Unit May Have New Year Lull

HOLLYWOOD, Nov. 1.—There is a strong possibility that the Samuel Goldwyn unit at United Artists will close down for from one to two months shortly after the first of the year.

The Eddie Cantor film, "Shoot the Chutes," will be completed about Dec. 1. "The Children's Hour" is expected to start about Nov. 15. Scripts are not yet complete on "Come and Get It," "Navy Born" and "Dodsworth," and it seems likely that there will be a lull in production before these three get under way.

Goldwyn may go east about Jan. 1 for a stay.

Studios Place Ban Upon Polo Playing

HOLLYWOOD, Nov. 1.—Polo playing by contract players during production is to be barred by major studios as a result of the death of Gordon Westcott.

Warners have five polo players under contract, Radio has two. M-G-M has had a standing order against polo playing for some time, it is said. Warners have asked Jean Muir to abandon her ideas of forming a woman's polo team.

Audio Advances Two

Frank K. Speidell and C. H. Bradfield, Jr., have been appointed vice-presidents by the board of directors of Audio Prod.

Purely Personal

JUNE CLAYWORTH, EDDLE BUZZELL, MRS. WILLARD MCKAY, MRS. NED E. DEPINET—both wondering when their respective husbands would return from Hollywood and St. Louis—JOE POLLAK, still concerned over the status of his brother's health; MRS. LUCINDA REICHENBACH, HERBERT J. YATES, RALPH POUCHER, M. H. AYLESWORTH, BERT MAYERS and J. R. MCDONOUGH among those at "21" yesterday.

Quip of the Day

Exhibitors out Hollywood way, in sympathy with Mox Shobbus, over his feud with Ali Gaga, have united into a cheering section, and whenever Mox makes an appearance on Film Row, they give the good old college yell: viz:

Rah, Rah, Rah,
Ga, Ga, Ga.
Who's an alta
Ka, Ka, Ka,
Ali, Ali, Ali.

Y-e-a-a-a
M-o-x.

MAURICE MCKENZIE, one of WILL H. HAYS' executive assistants, has been discharged from the Medical Arts Sanitarium and, following a few days of recuperation at his home in Stamford, will go to Florida for an extended stay.

•

CARY GRANT arrived from the coast by plane yesterday for a week's vacation before sailing on the *Aquitania,* Nov. 8, for London, where he will make one picture before returning.

•

JOHN CALL and EDWIN PHILIPS, stage actors, have been signed by BEN HECHT and CHARLES MACARTHUR for "Soak the Rich," now in production at Astoria.

•

WALTER CONNOLLY left for the coast yesterday after completing his work in "Soak the Rich," the new BEN HECHT and CHARLIE MACARTHUR production for Paramount.

•

WALTER PLUNKETT, designer of "The Three Musketeers" costumes, was at the opening of that film at the Music Hall.

•

DAVID NIVEN, British actor, has had his option taken up by SAMUEL GOLDWYN. He is in New York on a vacation.

•

PRINCESS NATALIE PALEY arrives in New York from the coast Monday, following a role in RKO's "Sylvia Scarlett."

•

DR. ERNST TOCH, exiled German composer and pianist, is the author of the musical score for Paramount's "Peter Ibbetson."

•

VIRGINIA REED, Radio player, is in New York preparing for a singing role in "To Beat the Band."

•

FIFI DORSAY goes into a road company of the "Vanities."

•

ROUBEN MAMOULIAN has set back his return to Hollywood a week.

•

BOB GILLHAM goes to the coast shortly.

. . . Cincinnati

GEORGE BAUMEYER, Paramount accountant, transferred to Denver as chief accountant, was married last week to BETTY GREVE, local girl, and left immediately with his bride.

GEORGE FETTIG, booker of Southio Theatres, Inc., Hamilton, O., who was married a few days ago to MARGARET CLEMENCE, Cincinnati girl, is east on a honeymoon.

HAROLD HARRIS, exploiteer, who returned to New York some time ago after several weeks here, is back for an indefinite stay.

•

. . . Denver

HARRY HUFFMAN has been appointed active chairman for Colorado of the Will Rogers Memorial Fund, with GOV. ED C. JOHNSON as honorary chairman.

ALBERTA PIKE, dramatic critic on the *Denver News,* has been ill with bronchial pneumonia.

ROBERT SELIG, with the Fox exchange in the advertising department, is back on the job following a three weeks' illness.

MAX L. MEYER, auditor for Columbia, from New York, is spending a couple of weeks at the local office.

HARRY NOLAN and BERNARD NEWMAN, both of Mercury Film, were on the west coast for a week.

•

. . . London

FRED THOMAS, from Western Electric, has succeeded R. GITTOES-DAVIES as publicity chief at Paramount.

F. S. REVELL, Canadian representative of Associated British Pictures, in town on vacation.

•

. . . New Haven

I. J. HOFFMAN'S daughter is recovering from an appendicitis operation at Grace Hospital.

LOU SCHAEFER has been home ill for several days.

GEORGE JACOBY, traveling auditor, is at the Universal offices.

ADOLPH JOHNSON has opened a Bank Night office here.

LEO BONOFF and family have left for Florida on a winter business venture. IRVING BONOFF remains to run the theatre.

ROY KILLOY, operator at the Fine Arts, Westport, is recuperating from an attack of colic.

•

. . . Omaha

HAZEL ANDERSEN, M-G-M booker, who booked her vacation for Kansas City, found herself in Carlsbad, N. M., before it was over.

EDWARD GOLDEN, Republic sales manager, spent a day in Republic-Midwest office, his first official call here.

FRANK PENNINGTON, Villisca, Ia., exhibitor, is going to California for a month's holiday.

•

. . . St. Louis

FLORENCE TEMME, secretary to LETO HILL, general manager of the St. Louis Amusement Co., has bought a new coupe.

MILDRED HAMM, ticket taker at the Avalon, is recovering from an appendicitis operation.

R. W. ASBURY, proprietor of the *Star,* had to tell His Honor why he passed a truck on a hill.

EDDIE CALDWELL of the St. Louis Poster Co. at work after an illness.

Hoffman-Fox Suit Quashed in Brooklyn

Justice Timothy A. Leary in the N. Y. Supreme Court yesterday dismissed the complaint in the $50,000 damage suit brought by S. Fennimore Hoffman against Fox Theatres Corp. The action was based on an alleged agreement of September, 1930, by which Hoffman was engaged to produce a fashion show at the Fox Brooklyn for one week beginning Oct. 3. He charged that the performance was interrupted by the defendant and that as a result he was damaged to the amount of $50,000.

The complaint was dismissed on the default of Hoffman in failing to oppose the motion made by counsel for the receiver of the defendant.

Hilbert Estate Put Under Administrator

Henry Chesterfield, temporary administrator of the estate of Ben Hilbert, a Pathe stockholder who died recently with an action opposing the recent financial reorganization of Pathe pending in the courts, was substituted as party plaintiff for Hilbert under an order entered yesterday by State Supreme Court Justice Levy.

The court held that the right to bring on a representative action against Pathe would rest with the permanent administrator of Hilbert's estate.

Warners Expect Crowd

PITTSBURGH, Nov. 1.—More than 1,000 are expected to attend the Warner Club's annual dinner dance in the William Penn Sunday night. Harriet Pettit, Harry Kalmine's secretary, is chairwoman of the affair and the music will be furnished by Will Roland's orchestra.

Several Warner executives from New York have promised to attend and the newspaper critics will be guests.

Hornblow Busy on Story

HOLLYWOOD, Nov. 1.—Arthur Hornblow is at work on Gladys Swarthout's first starring production for Paramount, "Gentleman of Fortune." It will be made entirely in color.

Miss Swarthout will return to the coast as soon as she completes an engagement with the Metropolitan Opera.

A.A.U. in M-G-M Shorts

The MGM-Pete Smith Sport Parades short subjects in the future will be produced in conjunction with the Amateur Athletic Union, as a result of arrangements concluded with A.A.U. officials.

Keaton Home, Recovered

LOS ANGELES, Nov. 1.—Buster Keaton has returned home, reported greatly improved after several days in the National Military Home at Sawtelle for treatment for a nervous breakdown.

Schermer Joins Levine

HOLLYWOOD, Nov. 1.—Jules Schermer, former assistant to Mel Shauer at Paramount, has been appointed assistant to Nat Levine at Republic. He will work on talent and production matters.

Warners and Para. Finish Their Cases

(*Continued from page* 1)

dent of the company, will be the first witness. Whether other RKO witnesses will be placed on the stand to testify will be determined over the week-end. Schaefer, Neil F. Agnew, William Schneider, Louis Phillips and Irving Cohen left by plane tonight for New York, the last two named to return Monday night. Col. Harry A. Cole, R. Z. Glass and Charles Hefley, scheduled to return by plane to Dallas today, postponed the trip until tomorrow, due to bad flying weather.

There is a possibility Clayton Bond and Moe Silver may be called upon to testify after RKO gets through. Both men have been told to stand by for this purpose.

Court and Hardy Argue

Judge Moore's argument with Hardy arose when the latter insisted on discussing certain records after the court had ruled them out. Charles Cella, a Warner witness, had produced documents given him by Warners since the company took over operation of the Orpheum and Shubert-Rialto. Frederick H. Wood asked that the testimony and records of the latter theatre be stricken out and Judge Moore held this should be done. The question of the Orpheum data then came up and the court ruled they could be admitted only as to admission prices and not as to daily and weekly grosses.

Following this order, Hardy objected to the introduction of his own exhibits unless they could be submitted for all purposes, which the court again refused, stating a ruling had been handed down. The prosecutor persisted in voicing his objections, asserting, "Your Honor, I've heard myself accused day after day of trying to keep evidence from the jury. Now after the court first held I could introduce this material, it changes its mind and rules them out."

"There is no use in further discussing this, Mr. Hardy, I don't want to hear any more about them. Proceed with the case. I've ruled on it," answered Judge Moore.

A Memory Test

The lengthy memory test to which Schaefer was subject concerned the Paramount executive's recollection as to who was present and what was said and done at a Code Authority meeting in New York on March 12, 1934. Two attempts by Samuel W. Fordyce to cut the cross examination short were of no avail.

Hardy told the court he was "testing the veracity and memory of the witness in regard to the sale of Paramount product to Warners for St. Louis." Schaefer had been thoroughly interrogated on his three-week vacation in the Roney Plaza Hotel, Miami Beach, Fla., and about conversations he had with Spyros Skouras and Herman Starr in connection with Paramount's commitments in this city. The witness was pretty sure of what happened in all three instances, but could not recall the Campi business of that day.

He explained, "The Code Authority and its meetings are not important to me. I'm under indictment here and I'm pretty careful what I say. This trial is important to me and I know what I told those people." He denied he talked to any Authority member about the St. Louis situation.

The prosecutor was given a complete surprise by Paramount attorneys when William R. Gentry put A. A. Tyson, auditor at the Roney Plaza, on the stand to testify. During the examination of Schaefer by Fordyce, Hardy objected to the introduction of a registration card at the hotel, canceled checks and room service checks for the period from Feb. 17 to March 9, 1934. Judge Moore ruled in favor of Hardy when the latter contended they were not the best evidence and if the defense wanted to bring in the evidence "why not get a hotel man here."

Schaefer on Stand

Paramount produced the man, who made a special trip to bring the data here. Schaefer, who said he is 47, was on the stand for two and a half hours. He gave an account of his schooling and stated he first started to work at 17, when he said he joined an oil refining company as stenographer. He said he joined Paramount in the fall of 1920 as salesman. Categorical denials to all charges in the indictment of Jan. 11, 1935, were made by the Paramount officer in addition to all statements attributed to him in Harry C. Arthur's testimony. Schaefer said he had no telephone conversation with Arthur between Mar. 6 and Mar. 10, 1934, nor before April 1.

The conference referred to was the one in which Arthur testified he told Schaefer, "You told me you weren't going to sell Warners in St. Louis." The Paramount vice-president also denied having remarked, "They put the pressure on us because they threatened to upset our Detroit reorganization plans and this circuit is being carried on the books for $14,000,000."

Schaefer said new leasing arrangements with the landlords of the Detroit houses had been completed in 1933 and this group of theatres has been on the books at no higher than $5,000,000. He later testified he had been in Detroit on March 13, 1934, accompanied by Frank Freeman and Sam Dembow, for a conference with George Trendle on the theatre situation in that town.

The first Paramount witness explained his first conference with Arthur and Jack Partington was held in his office on April 1, 1934, when he told them of the Warner commitment entered into on March 28.

He said Arthur had been anxious to get Paramount pictures for the Ambassador, Missouri and New Grand Central, but he had had to turn the offer down. Schaefer further testified he had told Arthur that if he wanted the company's pictures so badly he should have come to him before signing the lease to see whether Paramount product was available. He admitted trying to help Arthur out with Warners. Unable to contact Harry M. Warner, who was out of the city at the time, Schaefer said he talked to Starr, who told him nothing could be done.

The witness then related the telephone conversation he had with John S. Leahy, attorney for Allen L. Snyder, on April 7. He admitted Leahy had asked him about Paramount product and when the St. Louis lawyer was advised of the Warner commitment, Schaefer was told he was "violating the law" and that this would be taken up with the Department of Justice. The Paramount executive told Leahy he could do what he wanted about it, that Paramount attorneys were never consulted about the St. Louis situation, nor anyone else in his or any other company.

Explains Deals

Initial conferences and correspondence with Warner executives began on March 20 or 21 when he was approached by Starr, Schaefer stated. The meeting was followed by letters between the witness, Abel Carey Thomas and Lester Kreiger. Schaefer explained it was not uncommon, but customary, to make deals in March for the ensuing season, holding that this year hundreds of contracts were signed. The Warner tentative deal was turned over to Agnew, who worked out the arrangement. However, Paramount first got a release from a two-year franchise with Skouras before anything was done, the witness said.

Schaefer testified the Warner deal was "good business." He also gave the same reason for the contract with F. & M. for "Belle of the Nineties" at the Missouri. When Hardy asked him whether it was the fact that the Warner circuit had bought Paramount product and the Paramount circuit had taken Warner films had anything to do with the St. Louis sale, he admitted it had. He also brought out that Warners had been the first to make a bid. The prosecutor pointed out Warners had not had the three houses at the time. Schaefer answered, "Neither did F. & M."

Neither Paramount nor Schaefer ever had bought any bonds in the local theatres, the witness asserted, and the product deal with Warners had not been made for the purpose of "cornering the market"; the St. Louis situation had never been discussed by him with Adolph Zukor, Dembow, Kohn, A. W. Smith or Albert Warner. The witness injected a bit of humor into the cross-examination when he said the reason he recalled clearly having breakfast and arising from bed in the Book-Cadillac, on March 13 was because "it was a customary and natural thing" with him. Fordyce also drew a laugh when he declared to the court, "Someone has stolen my papers," only to learn a few minutes later that they had been on the court stenographer's desk.

Tyson's testimony took about five miutes, during which he admitted the authenticity of exhibits bearing the Roney-Plaza trade mark.

Agnew Testifies

Agnew was the next and last witness. He was on the stand for about a half hour. Like Schaefer, he denied the indictment charges and other allegations. He said he never had told Arthur Warners would probably turn the Paramount deal down because of the stiff prices asked; that he was Santa Claus, or that he ever had disparaged F. & M. or threatened anyone. He explained the reason for turning down Arthur on second runs was because it was felt that if the product played at the Missouri, the St. Louis Amusement Co. and other subsequent houses would be affected. Some of the circuit's houses had been sold on percentage and the revenue would have been reduced if such a scale had been made, he said. He admitted he had told Arthur Warners had until Aug. 15 to sign and that he could not sell away until that date. Silver and Bond negotiated the contract for Warners, he said.

The Paramount sales manager stated he had never told Arthur that Paramount had received $71,000 for its product in 1933. Instead, he testified, the company got $140,000. Hardy, on cross-examination, asked Agnew about three questions. The witness showed signs of nervousness throughout the interrogation.

Denies Allegations

After Cella, Warners put on the stand Miles Alben, home office attorney, who had attended several meetings on reorganization plans for the three theatres. He was examined by Wood on charges allegedly made by Starr at sessions with J. M. Ulmer, Cleveland lawyer; Thomas N. Dysart and Joseph Grand. He emphatically denied all allegations. Hardy asked him one question. That was how long he had been with Warners. He answered, "Since 1929."

Arthur Simpson of the legal firm of Jeffries, Simpson & Plummer, likewise said he had never heard Starr make any threats or charges at meetings in the Grand office on April 5, 1934, and Dysart's office on June 6.

George L. Weigand, treasurer of the St. Louis Amusement Co., was the last Warner witness. He testified to a list of pictures which had played eight first runs since Aug. 15, 1932, to Jan. 10, 1935. There was a total of 422, he said, shown at the Ambassador, Missouri, Fox, State, Grand Central, St. Louis, Shubert-Rialto and Orpheum. The witness said the information had been obtained from ads in Sunday papers.

On the Lighter Side

St. Louis, Nov. 1.—Eddie Golden left here without putting in a second appearance in the court-room. He was too busy working on deals with Barney Rosenthal and Nat Steinberg, local Republic franchise-holders.

✚

Ralph C. LiBeau, mid-west district manager for Paramount, dropped in on the court proceedings. He spent two days here this week, mostly with Maurice Schweitzer, local branch manager.

✚

There are more lawyers in court listening to the daily developments than witnesses and spectators combined. Wherever you turn you brush against an attorney. There's even one at the press table, a former New Yorker, covering the trial for the *Star Times*.

✚

Lila B. Schofield, local Hays representative who makes her headquarters at the Fox exchange, is a regular court room visitor.

✚

Grad Sears, sitting in the jury box the other day while defense lawyers were arguing on demurrers and dismissal motions, claimed he could be a great help to the case if he was one of the jurors.

State Dep't. Aids Para. in Spanish Row

(Continued from page 1)

making known its views to the State Department and will abide by whatever results from the official consultations at Madrid. The company asserts that it has not been informed on what Spain regarded as objectionable in the picture. Dispatches from Madrid said that there was general public protest throughout the country of a scene in which a Civil Guard is said to be portrayed as intoxicated.

It was surmised here that screenings of the picture would be held for responsible Spanish officials and action in accordance with their later suggestions would probably be taken. An industry representative said that Spanish officials in authority have not seen the picture and ascribed the protests to public agitation in Spain.

Writers' Guild Adds 29 Names to Roster

HOLLYWOOD, Nov. 1.—The Screen Writers' Guild has admitted 29 additional writers to membership.

The new members are: Robert Andrews, Harold Buchman, Claire Carvalho, Doris Denbo, Jerome Chodorov, Guy Fowler, William Heath, Lionel Houser, Richard Flournoy, Charles Grayson, William Jacobs, Richard Macaulay, Horace McCoy, Lucile Newmark, Seena Owen, Carol Parker, Ralph Pettison, John Rich, Milton Raison, Homer Remillard, Milton Sperling, Sidney Salkow, Arthur Strawn, Jane Shore, Hamilton Smith, Dalton Trumbo, Cyril Von Bauman, Luci Ward and Thyra Samter Winslow.

Zukor Wins Appeal On His Income Tax

(Continued from page 1)

him, of but $39.50 per share. The total of $181,589.23 was included in the 1931 return.

For 1929, Zukor received $28,940 in cash and 14,000 shares of stock valued in April, 1930, at $52 per share, but on Jan. 6, 1932, at but $7. The stock and cash turned over to the trustee in 1930 totaled $728,000, but amounted to only $126,940 in 1932. It was this latter amount which was held by the board not to have been received until 1932 and so not taxable in the return for the preceding year.

Academy, Regal Move

HOLLYWOOD, Nov. 1. — Academy Pictures and Regal Prod. have moved from Mascot to the Talisman studios. Academy has begun production of "The Thrill of the Century." Regal, which is George Hirliman's concern, will also start "The Rest Cure" in English and Spanish.

Jeffrey Gets New Post

BOSTON, Nov. 1.—George Jeffrey, recently with Movie Handicap, has joined Broadway Handicap, another giveaway which is handled by Phil Smith, independent circuit owner and new exchange owner.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Happiness C. O. D."

(Chesterfield)

HOLLYWOOD, Nov. 1.—By giving human touches to a story about the spendthrift children who reform and help their father lift the mortgage on the old homestead, Director Charles Lamont has fashioned a picture which should be acceptable average entertainment.

Donald Meek, as the father who has mortgaged his house to pay the bills of his extravagant children, Irene Ware, William Bakewell and Frank Coghlan, Jr., arouses sympathy and plays the role with the proper amount of wistfulness. Maude Eburne, playing the children's aunt, who has taken the place of their dead mother in the household, brings comedy to the character and also adds pathos at the right moments. The love elements of the story, which first team Bakewell with Lona Andre and later with Polly Ann Young, and pair Miss Ware with Malcolm McGregor, are nicely handled, as is the comedy romance of Miss Eburne and Robert MacKenzie as the bashful suitor who has courted her for years. Coghlan, as the youngest son, shows nice comedy sense in his role and looks like a good bet for the future.

Robert Ellis and Helen Logan, who wrote the screen play, have done a good job, and George Batcheller's production is always in good taste. As homespun entertainment the picture should amply satisfy the smaller spots.

Production Code Seal No. 1,030. Running time, 68 minutes. "G."

Looking 'em Over

"Turn of the Tide"

(British National)

LONDON, Oct. 26.—First production of the millionaire-backed British National Films, this certainly provides a refreshing contrast, in the important matter of background, to the average picture made in England or America. The whole of the action takes place in a small fishing village on the Yorkshire coast and both dramatically and pictorially the sea plays an overwhelmingly important part in it. The camera work is excellent in honest-to-goodness storm scenes and in episodes of a lifeboat's salvage of a stranded steamer.

The story is slight with the love interest subsidiary to, and arising from, a feud between an old-established fishing clan and a family of rival fishers from another district. There is almost "documentary" conviction in the characterization of the fishermen and in the picture of a simple community, in which the senior member is opposed to progress, represented by the newcomers' use of motor vessels. He is converted by the logic of events, the village gets a motor trawler and celebrates a wedding.

It would be better audience material if the love story were thrown in rather sharper detail, but there is real sincerity in the picture's detail and the acting is simple and convincing. Certainly it provides a genuine picture of England and of English life, even if drama is, in the conventional sense, lacking.

Running time, 80 minutes. "G." ALLAN

Plan Free Auto Films

General Motors Corp. will stage sound picture programs free of charge on Broadway during the period of the Auto Show, Nov. 2 to 9. The free programs will be given in a specially prepared auditorium on the street level of the General Motors Bldg., fronting on Broadway from 57th to 58th Sts.

"Dream" Run Extended

PITTSBURGH, Nov. 1.—Warner Brothers have decided to hold over "A Midsummer Night's Dream," which will do practically capacity business in its first 11 performances, for another week at the Nixon. The nights have been virtual sell-outs all week, with the matinees building steadily.

Open Anti-Trust Quiz

Taking of testimony in the anti-trust action instituted in Federal Court at Newark by Le Dirk Amusement Co. against Warners, Fox, Paramount and RKO subsidiaries, was begun yesterday with Louis Nizer, attorney for the defendants interrogating Don Jacox, Warners' New Jersey manager. The testimony will be resumed Nov. 15.

F. D. Sets Releases

First Division has set three features and three shorts for November release. The features are: "Murder at Glen Athol," "Dance Band" and "Lady in Scarlet." The shorts are: "Mediterranean Songs," "Craters of the Moon" and "Newslaughs."

Pittsburgh Pushing Sunday Show Drive

PITTSBURGH, Nov. 1.—A vigorous last-minute campaign has been instituted here by circuit chiefs in order to combat propaganda of the Lord's Day Alliance against the Sunday show referendum at the polls Tuesday. More than 250,000 one-sheets are being sent out all over the territory, house-to-house canvasses are being conducted by the film men in order to get an accurate check on sentiment and the screens are showing a series of shorts made by stars on the coast.

Opponents are concentrating chiefly in the small towns.

Expect Quick End To Mexico Dispute

MEXICO CITY, Nov. 1.—It is expected here that the film import tax controversy will be settled quickly as a result of the meeting next week of the mixed committee representing the industry and the Government. It is said sufficient pictures have been contracted for with independent American, British, French and German producers to keep theatres open.

Start New Coast Union

HOLLYWOOD, Nov. 1.—The National Association of Cinema Craftsmen, union which dissolved a month ago, is being reorganized under the leadership of Hal Smith, of I.A.T.S.E. Local 695. The organization, now holding weekly secret meetings, is understood laying the foundation for affiliation with the American Federation of Labor.

Eleanor Hunt Signed

HOLLYWOOD, Nov. 1.—George Hirliman has signed Eleanor Hunt to play opposite Conrad Nagel in his series of eight mysteries for Pacific Prod. The first is "Yellow Cargo," an original by Roger Whately.

Wall Street

20th Century-Fox Up on Big Board

	High	Low	Close	Net Change
Consolidated	5¼	5¼	5¼	.....
Consolidated, pfd	18¾	18½	18½	— ¼
Eastman Kodak ..	166½	166½	166½	+ ½
Loew's, Inc	49	48½	48⅞	+ ¾
Loew's, pfd	106½	106	106	+ ⅜
Paramount	9½	8¾	9⅛	— ⅜
Paramount, 1 pfd	81	76	78½	—2½
Paramount, 2 pfd	11¼	10⅝	11	— ⅜
Pathe Film	5½	5⅜	5½	.....
RKO	5⅛	4⅞	5	.....
20th Century-Fox	19⅜	18⅜	19¼	+1⅛
20th Century, pfd.	29	28¼	28⅞	+ ¾
Universal, pfd ...	39	39	39	— ½
Warner Bros.	7¾	7½	7¾	+ ¼
Warner, pfd	46¼	45½	45½	— ¼

Technicolor, Sentry Curb Gains

	High	Low	Close	Net Change
Sentry Control ..	½	½	½	+1/16
Sonotone	2⅞	2¾	2¾	.....
Technicolor	20	19½	19¾	+ ½
Trans-Lux	3¾	3½	3¾	.....

Paramount Bonds Off

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	15	15	— ¼
General Theatre 6s '40, ctf.....	15⅛	15	15⅛	+ ⅛
Keith B. F. 6s '46	91¼	91⅛	91¼	+ ¼
Loew's 6s '41 ww deb rights	104⅞	104¾	104¾	— ½
Paramount B'way 3s '55	57¼	57¼	57¼	— ¾
Paramount Pict. 6s '55	92½	90½	90⅝	—2⅜
Warner Bros. 6s '39 wd	83¾	83½	83½	+ ⅛

(Quotations at close of Nov. 1)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 106 NEW YORK, MONDAY, NOVEMBER 4, 1935 TEN CENTS

Momand, Loew Seeking Trial In N. Y. Court

Coxe Studying Damages In Paramount Case

BOSTON, Nov. 3.—Efforts will be made by George S. Ryan, local attorney for E. M. Loew of this city and A. B. Momand of Oklahoma, to have the anti-trust suits brought by the two against Paramount tried before a Federal judge and jury in New York in the near future, instead of having the cases heard by a special master, it was learned here.

The two exhibitor actions seek an aggregate of approximately $10,000,000 in triple damages. Federal Judge Alfred C. Coxe of the Southern District of New York, however, has reserved the right to decide whether or not the suits may be for triple damages or only single damages, as this phase of the two actions is based on disputed claims in the amount of the triple damages filed by the plaintiffs against Paramount in the company's bankruptcy and reorganization proceedings, over which Judge Coxe has jurisdiction. Special Master John E. Joyce, who heard these claims, ruled

(*Continued on page 4*)

MPTOA May Hold No Annual Meeting

Indications are that M.P.T.O.A. will hold no annual convention in 1936, substituting instead a series of board of directors and executive committee meetings, it was learned on Saturday. This is believed to mean that Ed Kuykendall will continue as president of the organization for another year, at least.

Invitations for the 1937 convention of the organization are being received already, with San Francisco in the van. Kuykendall returns to his Columbus, Miss., home about Nov. 20

(*Continued on page 4*)

New St. Louis Tax Aimed at Theatres

ST. LOUIS, Nov. 3.—Theatres are again the target of a bill introduced in the Board of Aldermen. The measure calls for a one-cent tax on tickets running from 25 to 50 cents; two cents, from 51 cents to $1; five cents, from $1.01 to $2; 10 cents, from $2.01 to $3; 15 cents, from $3.01 to $4, and 20 cents, from $4.01 up.

The measure also would make standing room unlawful. The M. P. T. O., headed by Fred Wehrenberg, will oppose the measure.

Circuit Tries Each Theatre On Dual Bills

Twelve Back to Singles; Others May Change

The Loew circuit, which already has swung 12 of its theatres in the metropolitan area from doubles to singles the big half of each week does not propose ending its research into twin bills there, but will change the policies of other houses if the results of a study of individual theatres, ordered from district managers and now under way, indicate such a switch is advisable.

The plan is to submit every Loew house to solo analysis which, in effect, will take the Loew chain, for this policy problem at least, out of the classification of a circuit operation and give it, in effect, separate treatment.

Houses which have gone back to single features are these: Lexington, Ziegfeld, 72nd St., 83rd St., and Sheridan in Manhattan; Pitkin, Kameo and Kings, Brooklyn; the White Plains. Mount Vernon, New Rochelle and the Prospect, Flushing.

Duals Spread Among Pittsburgh Houses

PITTSBURGH, Nov. 3.—Double features are now being played in three first runs downtown, the Warner, Fulton and Alvin. Until a month ago only the Warner had duals.

The Fulton and Alvin are using two features only when one feature doesn't look strong enough to hold up alone. Since this has been true for several weeks now, the policies are practically permanent.

With the Pitt showing three features at 20-cent top and the Variety displaying both burlesque and pictures at 30 cents, competition has become keener than it has been in years.

Ready to Go

Hollywood, Nov. 3. — Its financing deal with Standard Capital and a financial group represented by Charles R. Rogers now set, Universal will immediately fix budgets on the next batch of important pictures on its schedule and start active production.

In the group are "Sutter's Gold," "Showboat" and "Spinster's Dinner."

Willard S. McKay, company lawyer who has been here on the deal, is on his way to New York by air.

Paramount Circuit Agreements Set

Agreements were arrived at on Saturday by which Karl Hoblitzelle and A. H. Blank will continue as operating partners for Paramount of the circuits which they now head.

Details of the new arrangements, including the length of time for which the new operating agreements will run, remain to be set, but are expected to be completed within the next few days. Within the same period, details of the new operating agreement between Paramount and George Trendle for United Detroit Theatres Corp., which went into its final stages last Thursday with an agreement that

(*Continued on page 4*)

Stars Seek Purvis To Oppose Rackets

HOLLYWOOD, Nov. 3.—A movement is under way among film stars to have Melvin Purvis, former Chicago G-Man chief, comes here as head of a proposed M. P. Protective League designed for the protection of film players against racketeers. Jack LaRue, a recent victim, is behind the movement.

LaRue has wired a proposition to Purvis and has established headquarters at the Goldwyn Studio.

Jury May Get Case Within Next 10 Days

Defense Finishes with RKO Tomorrow

By BILL ORNSTEIN

ST. LOUIS, Nov. 3.—With RKO scheduled to complete the joint defense case on Tuesday, Judge George H. Moore is expected to turn the anti-trust indictment charges over to the jury within the next 10 days, according to a consensus of legal opinion here.

Warners and Paramount finished their presentations on Friday when the court adjourned until Nov. 5. Nine witnesses altogether testified on behalf of Warners and three for Paramount. Ned E. Depinet, president of RKO Dist. Corp. and one of the five executives indicted, will testify Tuesday and it is likely Jules Levy and Cresson E. Smith may also be placed on the stand for a second time.

The nine Warner witnesses included

(*Continued on page 4*)

"Tunnel" Broadway Leader at $41,700

"Transatlantic Tunnel" was outstanding in its first week at the Roxy. The take ran up to $41,700 and the feature was held over.

Elsewhere grosses went into the doldrums, due in part to the bad weather of the last half of the week. "Feather in Her Hat," Columbia feature, was extremely weak at the Music Hall on a take of $55,000.

"Rendezvous," at the Capitol, took $36,400. "Shipmates Forever," in the second week at the Strand, reached $16,007. "Last Days of Pompeii" collapsed at $8,500 in its second week at the Center. "Dr. Socrates" and "Here's to Romance" garnered $8,000 at the Palace.

Bishops to Discuss Legion of Decency

WASHINGTON, Nov. 3.—A report on the progress of the Legion of Decency and motion pictures is expected to be discussed by high officials of the Catholic Church at the annual meeting of bishops here on Nov. 13-14 for consideration of church problems. Indications are the Legion report will approve the work of the industry in improving the screen and find the producers are offering numerous films of exceptional character.

It is also understood that the report, however, will recommend that the Legion be kept alive.

October Grosses Fall Off From Late September Peak

October grosses in 30 key cities ran slightly lower than the high point reached during late September, but held to a fairly steady level. For the week ending Oct. 17-18 the total with 178 theatres reporting was $1,563,750. The following week the total, with 180 theatres, was $1,534,575.

Both of these totals are lower than for the week ending Oct. 3-4 when the total, for 178 theatres, was $1,572,310.

The high point of the current season was reached Sept. 26-27 when, with only 164 houses reporting, the total reached $1,655,050.

(A comparative tabulation on October grosses is on page 9.)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 November 4, 1935 No. 106

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Rogers Tribute on Air

A one-hour radio program in tribute to Will Rogers was broadcast Saturday night over the complete networks of the NBC and CBS. The program, presented in co-operation with the Will Rogers Memorial Committee, originated in New York and embraced points here and abroad.

George M. Cohan acted as master of ceremonies and speakers included former President Hoover, Lady Astor, from England; Capt. Eddie Rickenbacker and Harold Talbott. Music was supplied by the orchestras of Frank Black and Rudy Vallee.

E. L. Scanlon to Pioneer

HOLLYWOOD, Nov. 3.—Ernest L. Scanlon has been made assistant treasurer of Pioneer Prod., with Phil Gallagher, former Radio auditor, joining Pioneer in a similar post.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

NATIONALISM, running high in Spain as well as elsewhere, continues to place hurdles in the path of American pictures abroad and makes progress in production difficult in this country to boot. The Spanish incident swings around "The Devil Is a Woman" to which exception, by Madrid despatches, has been taken because one scene depicts a member of the Civil Guards in high fettle. In other words, drunk. It seems that the Civil Guard either does not fall on its face or, if it does, the awful truth must be kept from a palpitating world. Spain's escutcheon must not be sullied. . .

▼

That, however, is not the point. Knowing full well that the American industry is international in its operations, foreign governments, reaching far beyond their own borders within which their authority cannot be successfully combatted, cleverly enough extend their demands into territory where they have no say and tell American producers offending material must be routed out of all countries to keep national pride on an even keel. . . .

▼

The blow on the jaw which this gives Hollywood is as substantial as it is obvious. Dave Selznick had difficulty with the Mexican Government over "Viva Villa" and was compelled to compromise with a pallid tag for the picture which depicted honey and sunshine below the Rio Grande and some sort of a jellyfish title which explained that, out of all which went before, a new, a happier and a more contented Mexico was born. Sol Lesser and Upton Sinclair had an identical experience with Eisenstein's pictorial indictment of the same country in "Thunder Over Mexico." . . .

▼

Currently, Paramount is in a stew over Humphrey Cobb's "Paths of Glory" which deflates the French war machine during the World War and tells the story of how a division was sacrificed in a futile attempt on a fortified German hill to assure for the French commander an additional decoration. Irving Thalberg has his troubles with the Turkish Government over "The Forty Days of Musa Dagh"; the wearers of the fez, it appears, are extremely sensitive over their record of atrocities inflicted on the Armenians. . . .

▼

Reaching out, as usual, into the realms of striking and vital books and plays, the industry here thus finds itself blocked in the desire to get away from fluff and Pollyanna and to inject iron into its celluloid. This department has had this unfortunate situation on its mind for some time, but, aside from pointing up its injustices, has arrived at no solution. If producing a "Musa Dagh" or a "Paths of Glory" as their authors wrote them meant a ban against them only in the countries about which they deal, the situation might not be hopeless. But these nations, outstepping their rights, threaten to extend such bans to exhibition in this country. No major company can dare risk finding its product completely closed out because of a playdate here. That stymies them. It also stymies the ambitions of Hollywood and much of the future progress of today and tomorrow. . . .

Navy Comes to Rescue

HOLLYWOOD, Nov. 3.—The Universal company, making the Frank Merriwell serial, stirred up the U. S. Navy while on location off San Pedro. The company was on a barge shooting a fire scene. Smoke pots were burning, and the flag was flying upside down, an international distress signal. Navy aviators flying over the barge could not see the cameras and reported the ship in distress. When a destroyer steamed over to offer assistance, however, the camera crew was sighted, and it sailed away again.

Theatre Issues Paper

GRAND JUNCTION, Col., Nov. 3.—A four-page weekly newspaper is being published by the Mesa. The theatre management claimed that it was not getting an even break with the opposition house in advertising space in the local paper.

The sheet contains advertising, a film column, and serial story. B. V. Warren, manager for Westland, is editor.

Cooperate on Toy Drive

WILMINGTON, Nov. 3. — Eleven managers will cooperate with the Bureau of Fire in a Christmas toy program that results annually in a one-day collection of 15,000 toys for needy children. The following are on the program committee: A. Joseph DeFiore, Park; Roscoe R. Drissel, Loew's Parkway; Morton Levine, Warner Grand, and A. J. Belair, Rialto. The committee was appointed at a conference in the office of Mayor Walter W. Bacon.

Cincy Club Uses Extras

CINCINNATI, Nov. 3.—The Cincinnati Cine Club, organized several months ago to produce pictures here, has issued a call for approximately 40 extras for filming a garden scene at Castle Farm, surburban night club. The sequence will be part of the first feature length sound picture, "First Option," made by the company, and will be shown Dec. 3, at the Taft, downtown house, which plays attractions of various forms sporadically.

Open Bidding Sought To Solve Clearance

KANSAS CITY, Nov. 3.—Elmer C. Rhoden indicated he would ask distributors by registered mail to renegotiate Fox Midwest contracts and to open bidding to all local houses on an equal basis for the new season's product, E. Rolsky, president of the I.T.O., declared after his organization, its legal counsel, and Rhoden had conferred Thursday and Friday on the local clearance situation.

Independents, said Rolsky, had pointed out they have not been offered pictures on any basis. Rhoden then invited conferences, following announced plans of the I.T.O. to take its fight on protection into court. Rhoden is insisting upon prior run protection among equally priced theatres whether he or independents get it, but Fox Midwest will not pay the highest rentals and get only day and date bookings, it was indicated by Rhoden, who implies this is the only action he is willing to take. He has declined to consider the clearance plan proposed by independents or any other clearance on an admission price basis.

Independents do not want protection between independents and circuits, but Rhoden's offer now changes the situation according to Rolsky, who will confer with the I.T.O. further and hold an association meeting Tuesday to determine its course.

Hamlin Takes Check For National Claim

KANSAS CITY, Nov. 3.—Payment offered Lee H. Hamlin by National Theatres Corp. on some unsecured claims against one of the bankrupt properties the latter acquired in Federal district court here has been accepted. The checks had been held in escrow.

This does not affect the suit of General Theatres Equipment bondholders, of which Hamlin is one, in which they are seeking to impose a lien on the properties, among them Fox Midwest, Fox Rocky Mountain, etc., for which National Theatres was the successful bidder in a bankruptcy sale here.

Judge Albert L. Reeves has not yet passed on the GTE suit.

RCA Nine-Month Net Up

Increased earnings of RCA for the first nine months of this year brought the net, after expenses, depreciation, interest and taxes, to $2,801,123. This is equivalent after dividend requirements on the seven per cent preferred stock, to $1.95 a share on the 767,275 shares of no-par preferred B.

This compares with a net of $2,177,770 for the first nine months of last year.

McNab Joins AFA

BOSTON, Nov. 3.—Horace McNab, former assistant publicist at Keith's Memorial and later publicity manager at the Majestic, is now with the American Federation of Actors here. He is working to save vaudeville in New England.

"Bounty" to Aid Fund

M-G-M has promised a percentage of the opening night receipts of "Mutiny on the Bounty" to the *N. Y. Evening Journal* and *American* Christmas and Relief Fund. The opening is scheduled for Nov. 8.

HE MAKES BIG ONES OUT OF LITTLE ONES!



Credit Hal Roach with a Swell Box-Office Idea that's stealing the show on Broadway!

"OUR GANG FOLLIES of 1936"



SPANKY McFARLAND *is the best M.C. you ever saw!*

Jack Harrower in the Film Daily says: A wow!...A riot! This special short should wow 'em wherever the Our Gang aggregation are known and loved. And that's practically everywhere!

Motion Picture Daily says: Hal Roach has produced a swell singing, dancing musical in two reels, using the talents of his famous gang to the utmost for entertainment and laughs. An unusual entertainment, it should get unusual box-office response.

Hollywood Reporter says: Hal Roach introduces an innovation by putting his Our Gang youngsters in a musical short—"Our Gang Follies of 1936." Previewed yesterday, the picture is 18 minutes of laughs.

Daily Variety says: Sure fire! First musical short featuring Our Gang players is an ambitious undertaking, providing 18 minutes of solid entertainment. Spanky MacFarland not only is producer, but sings his own bally, introducing a number of specialty acts. Will click on any program!

Louis Sobol in Evening Journal says: A bow to Hal Roach for unearthing another set of amazingly precocious child stars for his new series of Our Gang pics—the current one at the Capitol is a howl from start to finish.

Variety (Weekly) says: Good enough for marquee playup! Packs a lot of laughs...with a burlesque of the Floradora sextet that brings the show to a screaming finish.

N.Y. Daily Mirror says: A musical revue, impudently satirizing the adult screen musicals and zealously using Hal Roach's usual troupe of talented infant wonders. It's a cute little feature, with laughs, amazing juvenile talent and jaunty melodies.

HELD OVER! 2nd HOWLING WEEK AT N.Y.'s CAPITOL!



It's just ONE of the NEW IDEA "OUR GANG" COMEDIES! *(Leo of M-G-M and his exhibitor pals thank you, Mr. Hal Roach.)*

Jury May Get Case Within Next 10 Days

(*Continued from page* 1)

Sam B. Jeffries, Harry M. Warner, A. D. and Charles Cella, Herman Starr, Gradwell L. Sears, Miles Alben, Arthur Simpson and George Weigand, in that order. This company's presentation took four and a half days.

Paramount put on the stand George J. Schaefer, A. A. Tyson and Neil F. Agnew.

It is likely counsel for Warners may call additional witnesses when RKO finishes. Frederick H. Wood reserved this right when he turned over the proceedings to Samuel W. Fordyce, Paramount attorney, on Friday. Moe Silver and Clayton Bond have been ordered to stand by in the event they are needed. Harry Singer, Ed Dubinsky and a handful of others who had been notified by Warner counsel to be ready are patiently waiting around for a call. A checkup of the testimony was made over the weekend to determine if this will be necessary.

2,700 Pages

Up to the last session, the testimony of 35 defense and prosecution witnesses covered 2,700 pages. There are about 50 exhibits.

As soon as the defense announces "we rest," rebuttal will be started by the Government. It is probable two new witnesses may be called, but Russell Hardy is not sure at the moment whether they will be required. Defense attorneys are also expected to call rebuttal witnesses.

This case may also find sur-rebuttals, or arguments after the presentation of rebuttal, provided Judge Moore allows them. However, this is not unexpected.

Following rebuttal, several days are expected to be consumed by both sides on summations which will officially close the case. Immediately after the criminal case is decided, the Government will insist that the equity hearing go on as scheduled. This has to do with the seeking of a restraining order with the same defendants involved.

All defense witnesses who have testified in the past week have made blanket denials of the alleged threats and charges attributed to Starr, Sears and Abel Carey Thomas. With few exceptions, every Government witness declared the statements were made.

Make Complete Denial

A complete denial of the indictment charges also were made by witnesses for the defense. The gist of the combined testimony was that Warners leased the Orpheum and the Shubert Rialto as their show windows here because they could not get together with the bondholders' committee for the Ambassador, Missouri and New Grand Central on what was presumed to be a fair and equitable plan of reorganization; that the theatres were acquired lawfully and that there had not been any collusion between Paramount, RKO and themselves in effectuating any product arrangements.

On the Lighter Side

St. Louis, Nov. 3.—Some of the exchange managers are wondering how Ben B. Reingold of Fox managed to testify without his usual cussing exercise.

✚

During her brief stay in town, Doris Warner Le Roy spent her time shopping. She was accompanied by Gwen Heller Lang a former Warner home office publicity employe. Neither put in an appearance at the court.

✚

H. M. Warner and Herman Starr have educated Moe Silver to the economic practice of cutting cigars in half during court sessions.

✚

Depinet received a letter the other day from Thomas N. Dysart, president of the St. Louis Chamber of Commerce, asking him to join that organization. The RKO head is consulting his lawyers on whether he can introduce this missive as an exhibit.

✚

Ned E. Depinet and Col. Bill Mallard take to golf diversion over the weekend. There's no accounting as yet of the new born patches on the links they played Sunday.

✚

Depinet is always flanked by Mallard and Leisure at the RKO lawyers' table, while Warner usually sits next to Sam B. Jeffries.

✚

Miles Alben of the Warner home office legal staff always manages to sit next to Starr in court.

✚

Warner never reads the trade papers in the morning. He prefers to look them over after court adjourns for the day. You can take his word for it, he reads them religiously and thoroughly.

Spanish Producers Gain, Report Shows

Washington, Nov. 3.—The Spanish film industry has made progress in the current year, according to a report from the Madrid office of the U. S. Department of Commerce. It is estimated in Spanish trade circles that approximately 50 sound films will have been produced by the close of 1935. Greater activity is also being shown in dubbing foreign films. The total is expected to reach 60.

Although in Barcelona and Madrid American films are shown in the original English version with Spanish titles superimposed, dubbing is supported by the demand in the provinces. Increased Spanish production has cut the market for dubbed films.

It has been announced that an American-Spanish company is planning to produce in Spanish at Barcelona. No picture has yet been completed, but several players have been signed.

A studio for production of industrial films has been completed in a suburb of Madrid, but production is not expected to begin until next summer.

To Raze K. C. Shubert

Kansas City, Nov. 3.—Razing of the Shubert, Kansas City's outstanding legitimate house since 1906, and replacing it with a parking station and basement garage is definitely planned, subject to the final approval of the insurance company which holds the mortgage. The plan is expected to be approved within the next few days.

Form 2 Coast Firms

Sacramento, Nov. 3.—Two new incorporations here are: Mission Trails Theatres, a $25,000 firm formed by Sylvan Covey, M. M. Liodas and H. M. Simon of Los Angeles, and *Hollywood Spectator*, by Welford Beaton, Howard Hill and C. A. Highes.

Lancaster to Tulane

New Orleans, Nov. 3. — Algar Lancaster has been appointed treasurer and press representative of the Tulane by Manager Thomas Campbell. Lancaster succeeds the late Nick Smith.

Transfers Numerous In St. Louis Area

St. Louis, Nov. 3.—Theatre transfers and openings are gaining in this territory.

Transfers include: Gaiety, Freeburg, Ill., and Kempsville, Kempsville, Ill., from A. N. Brown to C. T. Dusinberre; La Petite, Kankakee, Ill., to La Petite Theatre Operating Co., headed by L. Briere; Scenic, Lexington, Ill., to Eugene Baker; Empire, McHenry, Ill., from E. W. Johnson to R. J. Miller; Albro, Urbana, Ill., to E. E. Alger; Windsor, Windsor, Ill., from Bruce Carvin to Windsor Theatre Co., headed by C. J. Smith; New Melba, Steelville, Mo., from R. Oarrto to W. T. Ballinger; Cozy, Cabool, Mo., from J. H. Fisher to Charles M. Cain; Dixie, Clarence, Mo., from C. B. Coverston to F. M. Mertz.

Openings are as follows: Amusu, La Harpe, Ill.; Orpheum, Joliet, Ill.; New Baden, New Baden, Ill.; Red Bud, Red Bud, Ill.; Pocahontas, Pocahontas, Ill.

Two houses have closed. They are the Liberty, Coulterville, Ill., and Plaza, Galesburg, Ill.

Seek Earlier Closings

Cleveland, Nov. 3.—Efforts are being made by all local exchanges to close their booking departments daily at 4 o'clock. This is to eliminate the late shoppers and to give the departments time to take care of records without working until late into the night.

Oppose Ridgewood Shows

Ridgewood, Nov. 3.—A committee has been formed to fight Sunday shows. The question will be settled Nov. 5 at the town's election.

The committee doesn't want to see Ridgewood lose its quiet character on Sunday.

Seek Sunday Closing

High Point, N. C., Nov. 3.—The High Point Ministers' Ass'n. has petitioned the City Council to close all amusements on Sunday. Theatres have been operating here on Sundays for several weeks.

Paramount Circuit Agreements Set

(*Continued from page* 1)

Trendle would continue as operating head, are scheduled to be set also.

These three operating contracts are the last of the currently expired Paramount theatre deals to be disposed of at this time. Together with the Wilby-Kincey and Lucas & Jenkins contracts, which were extended to July 1, 1936, and the Hamm & Charles contract for Minnesota theatres, which was relinquished, the Hoblitzelle, Trendle and Blank contracts expired Sept. 28, last. John E. Otterson, Paramount president, held preliminary conferences with Hoblitzelle on a new agreement in Hollywood during September, while S. A. Lynch and Y. Frank Freeman of the home office theatre department conferred here with Trendle and Blank. When agreements had not been effected by the expiration date of the contracts they were extended for 30 days.

The Hoblitzelle operations are in Texas and the southwest and Blank's in Iowa and western Illinois.

Momand, Loew Seek N. Y. Court Trial

(*Continued from page* 1)

that only single damages, without attorney's fee, could be sought of a bankrupt estate. Objections to the report were filed by both Ryan and the attorneys for the Paramount trustees, with the result that Judge Coxe reserved the right to determine whether the judgments could be proved in any amount in excess of the actual damages, if any, found to have been sustained by the claimants.

In endeavoring to have the cases heard by a judge and jury, rather than by a special master, Ryan feels that triple damages and attorney fees may be included in any settlement obtained, it is said. His briefs setting forth his position were forwarded to Judge Coxe in New York Saturday.

MPTOA May Hold No Annual Meeting

(*Continued from page* 1)

from his current national tour of large exchange centers and will call a meeting of M.P.T.O.A. directors soon thereafter to consider plans for local settlement of industry complaints. A place for the meeting has not been decided yet, but may be either Chicago, White Sulphur Springs or Pinehurst. If the latter location is chosen, the meeting may be held in connection with the convention of the M.P.T.O. of North and South Carolina, early in December.

Starts Boston Company

Boston, Nov. 3. — Mrs. Florence Scully Slater heads a new company here, Selected Pictures, which will distribute foreign product. Mrs. Slater is a sister of John Scully, New England manager for G. B.

Blackstone to Regent

Boston, Nov. 3. -- Harry Blackstone has been named manager of the Regent, Arlington. He has been assistant at the National, another E. M. Loew house.


'REMEMBER LAST NIGHT?'
You'll never forget it!

IT'S BIG ON THE V

Carl Laemmle presents a million-dollar cast in Universal's picture of a thousand surprise

Starring EDWARD ARNOLD • CONSTANC

and ROBERT YOUNG in JAMES WH





with ROBERT ARMSTRONG • LOUISE HENR

Ed Brophy • Monroe Owsley • Gustav von Seyffertitz • Jack LaRue • Geo

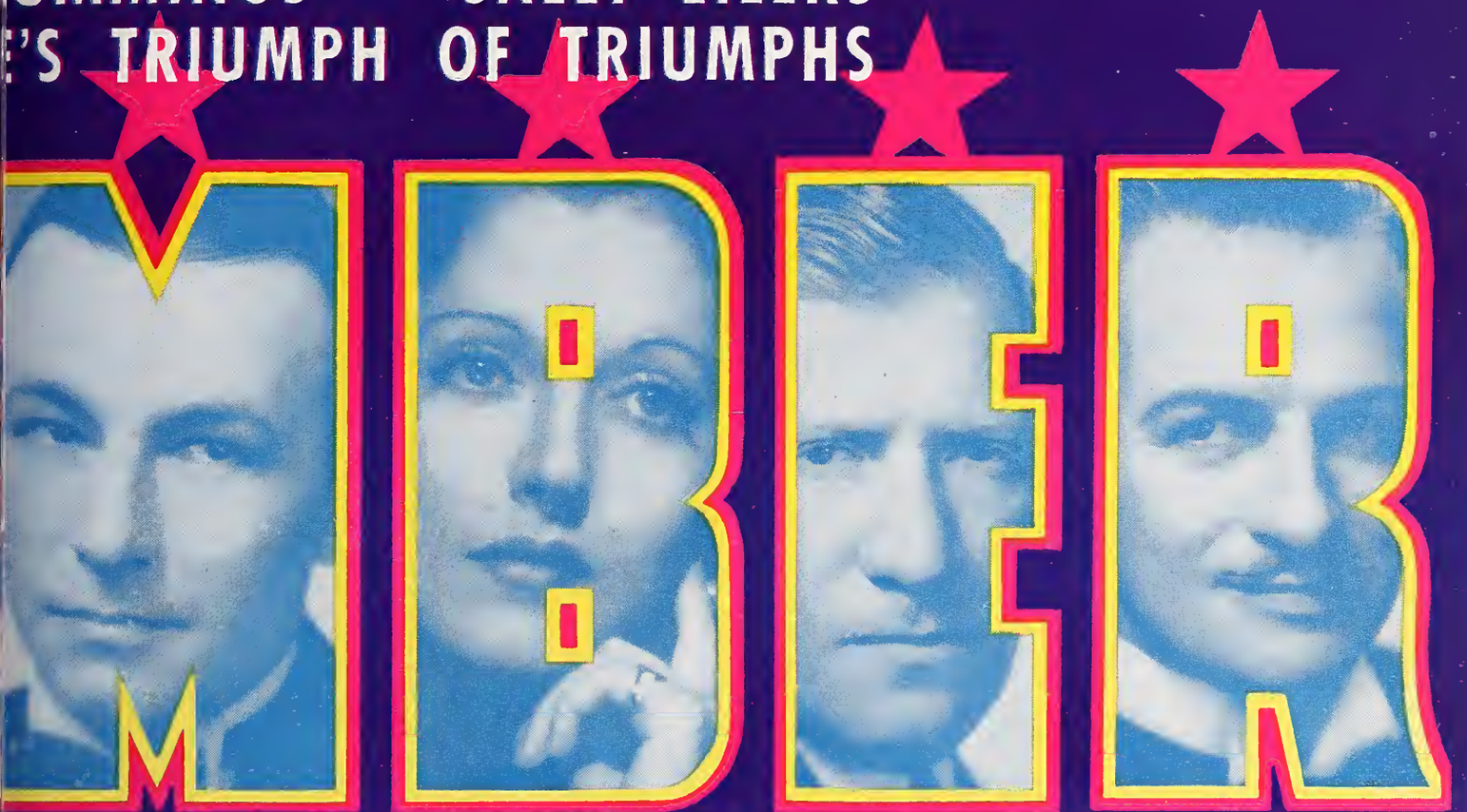
CARL LAEMMLE, JR

ERY FACES OF IT!

. . . From the novel by Adam Hobhouse—the story that's making millions talk

UMMINGS • SALLY EILERS

E'S TRIUMPH OF TRIUMPHS





MBER NIGHT?

• GREGORY RATOFF • REGINALD DENNY

ker • Arthur Treacher • Rafaela Ottiano • E. E. Clive • Frank Reicher

st Production



It's got Beauty, Prestige and Punch! It's got Drama, Magnitude and Comedy! It's got What It Takes for Records and Holdovers!

REMEMBER LAST NIGHT?"

You'll never forget it!

Purely Personal

FRANK J. MURRAY, former Fox publicity man, and EDWARD S. MANSON, also a former publicity man, have joined the production department of Audio Prod.

•

W. SOMERSET MAUGHAM'S novel and play, "Caesar's Wife," has been purchased by Warners.

Quip of the Day

Overheard on Broadway:
"'The Crusades' is about a war between the Christians and the imbeciles."

WILLIAM PIZOR of Imperial Prod. has left for the coast.

•

JACQUES KOPFSTEIN has secured U. S. rights to "Wolves," B. & D. feature.

•

GENE and KATHLEEN LOCKHART will leave for the coast today.

•

. . . Pittsburgh

The BEN STEERMANS celebrated their first wedding anniversary with a house party.

JACK GILMORE is in town arranging for exhibition of a model of *H. M. S. Bounty.*

HARRY KALMINE'S young brother-in-law, ERNEST (BUNNY) LIEBERMAN, is the star center this season for the Mt. Lebanon H. S. football team.

SAM HONIGSBERG has resigned as the Pitt's press agent and his post will not be filled.

SAM STERN, Warner artist, has had a number of his water colors accepted for exhibition by the Philadelphia Academy of Fine Arts.

DICK POWELL, REGIS TOOMEY and FRANK MCHUGH are expected to be honor guests at the annual "Big Top" Variety Club banquet in the William Penn Nov. 10.

•

. . . Portland

JACK FLANNERY made a fast round trip from Portland to Seattle to Medford and back.

IKE GELLER, pioneer exhibitor, reinvesting thousands in his Walnut Park house.

GEORGE MANN, California circuit operator, now running the New Vox, Klamath Falls.

JACK GARVAN is now operating the Broadway at Butte, Mont.

•

. . . Washington

ARTHUR DE TITTA, head of Fox Movietone in Washington, has returned from Hollywood.

MRS. LOUIS K. SIDNEY in for a three-day visit with Sister HELEN, and brother-in-law, PERCY LOWE.

BRUCE KING, the man responsible for all those astrolograph machines in theatres throughout the country, in for a visit.

DOROTHY RODIER, secretary in publicity office and WALTER CERSLEY, manager of Warners' Avalon, are preparing for their wedding Nov. 7 at the Willard.

DAN S. TERRELL, Warner publicist, just back from his honeymoon, is busy on "A Midsummer Night's Dream."

October Grosses Fall Off From Late September Peak

	Week Ending Oct. 24-25		Week Ending Oct. 17-18	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$92,500	7	$86,000
Buffalo	5	48,300	5	51,000
Charlotte	3	16,000	3	15,500
Chicago	8	128,300	8	131,800
Cincinnati	9	61,900	9	56,700
Cleveland	5	37,100	5	58,700
Denver	6	19,000	6	21,300
Detroit	7	73,300	7	77,300
Houston	5	28,600	4	27,700
Indianapolis	5	26,000	5	30,000
Kansas City	5	47,700	5	42,200
Lincoln	5	11,700	5	11,700
Los Angeles	8	70,500	9	84,100
Louisville	7	24,600	7	24,400
Milwaukee	5	21,950	5	22,100
Minneapolis	5	23,500	5	21,200
Montreal	5	42,000	5	42,000
New Haven	4	25,000	4	23,100
New York	9	251,300	8	225,200
Oklahoma City	4	14,350	4	12,050
Omaha	3	18,400	3	28,700
Philadelphia	10	86,100	8	90,400
Pittsburgh	5	44,000	6	48,700
Portland	6	30,700	6	31,700
Providence	6	45,250	6	43,800
San Francisco	9	77,900	9	78,775
St. Louis	5	47,025	5	51,125
St. Paul	5	16,000	5	21,200
Seattle	7	32,400	7	31,500
Washington	7	73,800	7	73,800
	180	$1,534,575	178	$1,563,750

Comparative grosses for the last available periods:

Week Ending	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575

(*Copyright*, 1935, *Quigley Publications.*)

Duffy to Alternate Between Two Coasts

HOLLYWOOD, Nov. 3.—Henry Duffy expects to spend three months of each year in New York under his new arrangement with Twentieth Century-Fox as head of the Twentieth Century-Fox Producing Co.

Although only one play has been closed for, so far, the plans call for original productions of at least five plays a year under sponsorship of the studio. Casting and rehearsals will be done on this coast at Duffy's El Capitan.

The first play, "Autumn," will open in San Francisco for two weeks, go directly to New York, play an engagement in Chicago, and close in Los Angeles. Many of the original stage cast will be featured on the screen. Pictures probably will be made at the same time the shows play here.

There will be no clause in Twentieth Century-Fox contracts requiring screen players to appear in Duffy stage productions, but there will be a clause in contracts of players signed for the Duffy shows giving Twentieth Century-Fox an option on services for the screen.

Duffy plans to continue his own production of New York successes on this coast as before, and also will continue his duties as associate producer with Darryl Zanuck, though he is on leave of absence now from the studio for organization of the new producing company.

Wall Street

Paramount Issues Slightly Off

	High	Low	Close	Net Change
Columbia	63½	62¾	62¾	+1¾
Consolidated Film	5½	5⅜	5½	+ ¼
Consolidated, pfd.	18¾	18⅝	18¾	+ ¼
Eastman Kodak	167	166	166¾	+ ¼
Eastman, pfd.	160	160	160	.....
Loew's, Inc.	48⅞	48¼	48½	— ⅜
Paramount	9⅛	8¾	8⅞	— ¼
Paramount 1 pfd.	79	77¾	77¾	— ¾
Paramount 2 pfd.	11⅛	10¾	10¾	— ½
Pathe Film	5⅝	5⅝	5⅝	+ ⅛
RKO	5⅛	4⅞	4⅞	— ⅛
20th Century-Fox	19⅜	19⅜	19¼	.....
20th Century pfd.	29	28½	28½	— ⅜
Warner Bros.	7⅞	7¾	7¾	.....
Warner Bros., pfd.	46⅜	46	46⅜	+ ⅛

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety Control	½	7/16	7/16	-1/16
Sonotone	2¾	2¾	2¾	.....
Trans Lux	3¾	3¾	3¾	.....

Fractional Bond Gains

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15	15	15	.....
General Theatre Equip. 6s '40 ctf.	15⅛	15⅛	15⅛	.....
Loew's 6s '41 ww deb rights	105	105	105	+ ¼
Paramount Pictures 6s '55	90¾	90½	90¾	+ ⅛
Warner Bros. 6s '39 wd	83⅜	83¼	83⅜	.....

(Quotations at close of Nov. 2.)

Robert Jersey Joins U. A.

KANSAS CITY, Nov. 3. — Robert Jersey, widely known film man, has joined United Artists here.

"Hands" with Calloway Big Hit on Coast

LOS ANGELES, Nov. 3.—In a week of generally dull business "Hands Across the Table," with Cab Calloway and his band and an F. & M. stage revue, were sensational at the Paramount. The $26,000 take left normal $8,000 behind.

The only other strong attraction was "A Midsummer Night's Dream," which went to $15,600 at Warners' Beverly. This is $12,100 over average.

Total first run business was $94,570. Average is $93,150.

Estimated takings for the week ending Oct. 30:

"I LIVE MY LIFE" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $8,750. (Average, $12,500)
"TRANSATLANTIC TUNNEL" (G.B.)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $3,250. (Average, $3,250)
"PEASANTS" (Amkino)
GRAND INTERNATIONAL THEATRE—(750), 35c-40c, 7 days, 2nd week. **Gross:** $1,350. (Average, $1,200)
"3 KIDS AND A QUEEN" (Univ.)
HILLSTREET—(2,700), 25c-40c, 5 days. **Gross:** $2,800. (Average, $8,000)
"I LIVE MY LIFE" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $11,000. (Average, $14,000)
"HANDS ACROSS THE TABLE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Cab Calloway and his orchestra. **Gross:** $26,000. (Average, $18,000)
"THIS IS THE LIFE" (Fox)
"THE BISHOP MISBEHAVES" (M-G-M)
UNITED ARTISTS—(2,100), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,500)
"A MIDSUMMER NIGHT'S DREAM" (W.B.)
WARNER BROS. (BEVERLY)—(1,612), 50c-$1.50, 7 days, 2nd week. **Gross:** $15,600. (Average, $3,500)
"GOOSE AND THE GANDER" (W.B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $10,780. (Average, $14,000)
"GOOSE AND THE GANDER" (W.B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $9,240. (Average, $12,000)
"3 KIDS AND A QUEEN" (Univ.)
PANTAGES—(3,000), 25c-40c, 5 days. **Gross:** $3,300. (Average, $3,200)

"Rainmakers" and "Time" Omaha Top

OMAHA, Nov. 3.—"The Rainmakers" and "March of Time," heading a triple bill at the Brandeis pulled the heavy money of the week, $5,400. This was $1,400 over normal.

"Barbary Coast" and "Fighting Youth" pulled $8,800 at the Orpheum.

Total first run business was $19,100. Average is $16,750.

Estimated takings:

Week Ending Oct. 30:

"SHE COULDN'T TAKE IT" (Col.)
"THE RAINMAKERS" (Radio)
"MARCH OF TIME" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,400. (Average, $4,000)
"THE LAST OUTPOST" (Para.)
"THE AFFAIR OF SUSAN" (Univ.)
OMAHA — (2,200), 25c-40c, 6½ days. **Gross:** $4,900. (Average, $4,750)

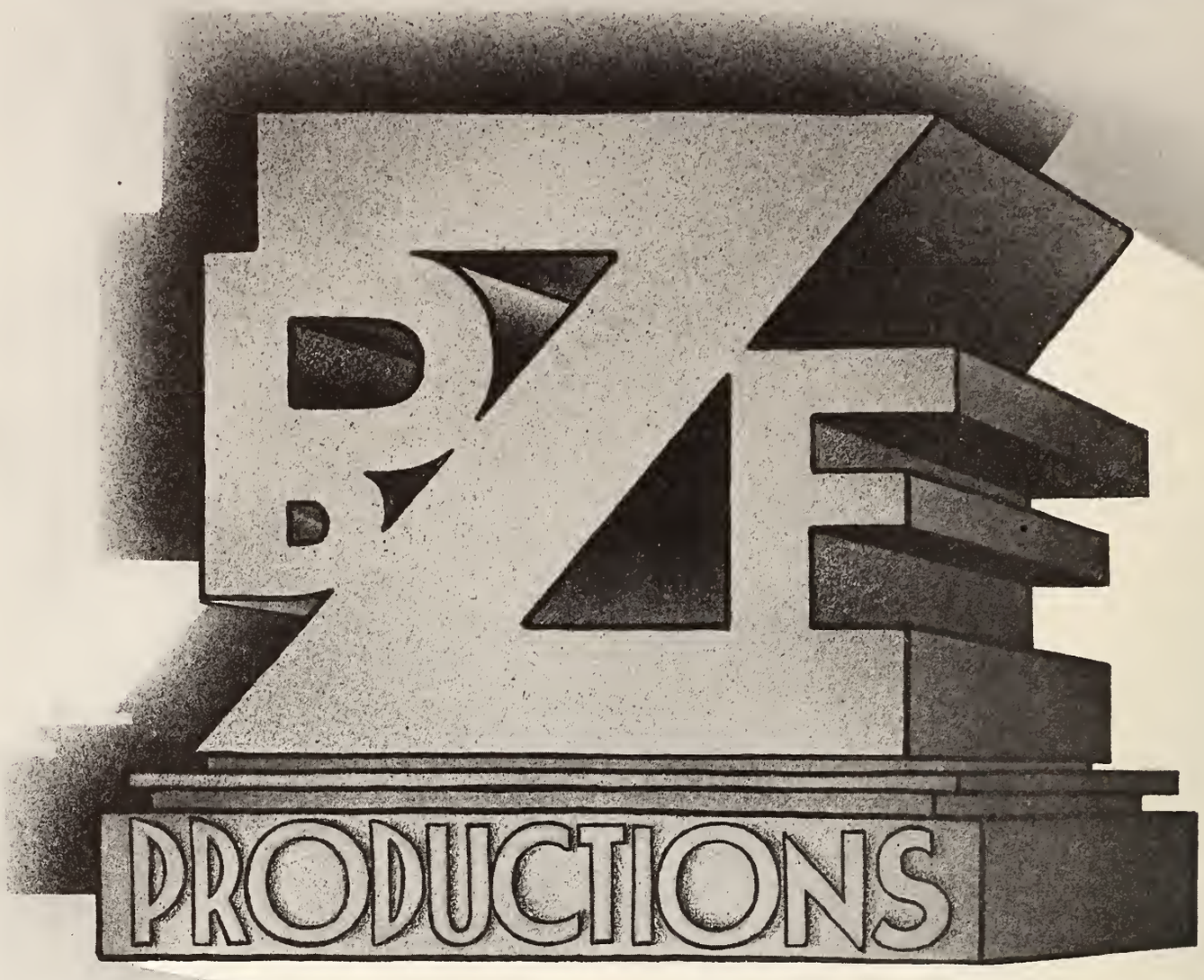
Week Ending Oct. 31:

"BARBARY COAST" (U. A.)
"FIGHTING YOUTH" (Univ.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $8,000)

Music Hall Rents Space

Radio City Music Hall has leased additional space in a warehouse on West 58th Street to provide for an overflow of stage scenery and lighting equipment.

Announcing Sixteen Productions For The Independent Market . . .



ZEIDMAN PICTURES announces the production and release on the independent market of sixteen productions for the coming season . . . pictures of such definite showmanship qualities as to warrant box-office attention by every exhibitor, everywhere.

ZEIDMAN PICTURES owns the rights to many of the most valuable picture properties in show business . . . **BOOKS** whose titles alone mean ready-made audiences of millions . . . **SCREENPLAYS** built from the ground up on box-office ideas that make them easy of exploitation and sure of wide appeal.

The choice of all these great properties is included in the list of sixteen productions outlined briefly on the opposite page.

★

ZEIDMAN FILM CORPORATION

B. F. Zeidman, President,
In Charge of Production

L. J. Schlaifer, Vice-President,
In Charge of Distribution

PARAMOUNT BUILDING . . . 1501 BROADWAY . . . NEW YORK, N. Y.

ST. ELMO

Augusta Evans Winslow's greatest novel. Screenplay by Earle Snell.

SWEETHEART OF THE NAVY

"Honey girl" herself . . . on land and sea . . . in a fast-moving musical. Directed by Johnny Hines. Screenplay by Rex Taylor.

THE GOLD BUG

Edgar Allan Poe's most widely-read story. Screenplay by Karl Brown.

PRIDE AND PREJUDICE

The famous and beloved best seller from the pen of Jane Austin.

WOMAN IN WHITE

Wilkie Collins' notable novel of mystery, romance and intrigue.

THE CAPTAIN COMES TO TOWN

Dramatic musical romance of life on the Mississippi.

★

TEMPEST AND SUNSHINE

Mary J. Holmes' companion novel to that great book, "Lena Rivers".

THEY WALKED ALONE

The most emotional novel from the pen of that master of fiction, Honore de Balzac.

IN HIS STEPS

The biggest best seller of all time. By Charles Sheldon.

ROGUE'S GALLERY

By Alvin Emanuel. The "inside" on what goes on behind the walls of a great prison.

FANTOMAS

Fantomas . . . the man of a thousand disguises. By Pierre Souvestre and Marcel Allain. A thrill treat for detective and mystery fans, who number millions.

THE FIVE LITTLE PEPPERS

More than six million readers have bought upwards of two million copies of Margaret Sidney's famous Pepper Books.

(Released one every three weeks — first release January 15, 1936)

★

FOUR BRET HARTE NOVELS

(Released one every six weeks — first release February 1, 1936)

THE OUTCASTS OF POKER FLAT

M'LISS OF RED MOUNTAIN

TENNESSEE'S PARTNER

THE LUCK OF ROARING CAMP

"Woman" and Bowes Troupe Chicago Wow

CHICAGO, Nov. 3. — "Woman Wanted" on the screen and Major Bowes' amateurs on the stage of the Oriental proved a box-office sensation. The take piled up to $25,500, just $10,500 over normal.

"Barbary Coast" was the only film to show real strength. It garnered $19,200, up by $2,200, at the United Artists. "Broadway Melody of 1936" held up to $10,000 in its third week at the Roosevelt.

Total first run business was $118,900. Average is $117,000.

Estimated takings:

Week Ending Oct. 31:

"I LIVE MY LIFE" (M-G-M)
CHICAGO—(4,000), 35c-50c-58c, 2nd week, 7 days. Stage: Bob Burns and revue. **Gross:** $26,000. (Average, $32,000)

"WOMAN WANTED" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $25,500. (Average, $15,000)

"LAST DAYS OF POMPEII" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Benny Davis Revue. **Gross:** $15,000. (Average, $19,000)

"THE LAST OUTPOST" (Para.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $5,700. (Average, $5,500)

"SPECIAL AGENT" (W. B.)
APOLLO—(1,400), 25c-35c-50c, 7 days, 2nd week. **Gross:** $4,000. (Average, $4,500)

"BROADWAY MELODY OF 1936" (M-G-M)
ROOSEVELT — (1,591), 30c-40c-60c, 3rd week, 5 days. **Gross:** $10,000. (Average, $11,000)

"BARBARY COAST" (U. A.)
UNITED ARTISTS—(1,700), 30c-60c, 7 days. **Gross:** $19,200. (Average, $17,000)

Week Ending Nov. 1:

"SANDERS OF THE RIVER" (U. A.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Don Zelaya, Arthur Boran and stage revue. **Gross:** $13,500. Average, $13,000)

"Barbary" Big in Portland 2nd Week

PORTLAND, Nov. 3. — "Barbary Coast" had a big second week at the United Artists. The $7,000 take was over par by $2,000.

"Freckles" and "Little America" carried sufficient appeal at the Paramount to do $6,000, over by $1,000.

Major Bowes' Amateurs and "Cappy Ricks Returns" brought the box-office up at the Mayfair to $5,000 for the week, above par by $2,000.

Total first run business was $30,700. Average is $24,700.

Estimated takings for the week ending Oct. 26:

"IT'S IN THE AIR" (M-G-M)
"FIGHTING YOUTH" (Univ.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"CURLY TOP" (Fox)
"MEN WITHOUT NAMES" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"CAPPY RICKS RETURNS" (Republic)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $5,000. (Average, $3,000)

"WINGS OVER ETHIOPIA" (Para.)
"HERE'S TO ROMANCE" (Fox)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"FRECKLES" (Radio)
"LITTLE AMERICA" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,600)

"BARBARY COAST" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Man of Iron"

(Warners)

HOLLYWOOD, Nov. 3.—Offering Barton MacLane in his first leading role, this picture, because of the light story and the absence of a love interest coupled with the fact that the supporting cast lacks drawing names, will not serve as a fair test of the player's pulling power.

MacLane, as an iron worker who rises to be the company manager and then vice-president, gives a vigorous, masculine performance. John Eldridge is in line for the general manager's job when MacLane is promoted to the position and smoothly serves as a menace who stirs up trouble between MacLane and the workers by goading MacLane to neglect his business for his social activities. Eldridge's scheming eventually leads to a boiler explosion in the plant and a strike by the men. MacLane settles these difficulties and returns to his foreman's job as the workers take care of Eldridge.

The direction by William McGann builds nicely to the strike climax and maintains an even pace throughout. The screenplay by William Wister Haines from the Dawn Powell original concentrates on building of character. Dorothy Peterson gives a sympathetic performance as MacLane's wife and John Qualen and Joseph Sawyer do well as the workers. Mary Astor appears briefly as Eldridge's aid, and Joseph King, Craig Williams and Joseph Crehan also contribute effective bits.

As masculine entertainment the picture is satisfactory for dual and smaller houses.

Production Code Seal No. 1,556. Running time 63 minutes. "G."

Governor to Delay Missouri Tax Call

KANSAS CITY, Nov. 3.—Because he feels that "legislation hastily considered and enacted is never desirable and rarely useful," Gov. Guy B. Park is going to "make haste slowly" in calling a special session of the Missouri legislature to make additional appropriations for old age pensions and to change the pension laws.

Park wants first to ascertain accurately the amount the one per cent sales tax will yield, inasmuch as it is from funds created by that tax that pensions will come; and suits testing the constitutionality of the sales tax law have not been tried.

RKO Takes Lincoln, Cleveland Theatre

CLEVELAND, Nov. 3.—RKO has taken over the Lincoln, a neighborhood house here. This makes the second under the circuit's direct operation, the other being Keith's East 105th St.

The Palace, RKO spot downtown, is part of pool, Warner-operated. Other members of it are the Hippodrome and Allen.

Minneapolis Turns Out

MINNEAPOLIS, Nov. 3.—Opening of "The Crusades" at the Minnesota was something of a civic celebration. The house had been dark for two years.

City officials and prominent citizens turned out in force and morning papers gave it heavy coverage. Harold Kaplan is managing the house.

LeBaron Is Re-Signed

HOLLYWOOD, Nov. 3.—William LeBaron has been given a new long-term contract as Paramount associate producer. LeBaron is now producing Mae West's "Klondike Lou" and Jan Kiepura's "Give Us This Night."

Jersey Allied Will Elect on Shipboard

Election of officers of Allied of New Jersey will be held during the single business session scheduled for the convention cruise of the organization, Dec. 7 to 13. A mid-year product survey and plans for state and national legislative activity are also scheduled for the meeting, which will be held aboard the *Queen of Bermuda.*

The cruise will comprise the final session of New Jersey Allied's adjourned annual convention. Special passage and hotel rates have been secured by the organization and extensive recreation plans have been completed for the expected large delegation.

No Appeal Planned On "Hat" Decision

CLEVELAND, Nov. 3.—Local exhibitors, who last week lost a suit against RKO to force delivery of "Top Hat" under the 1934-35 contracts, will not carry their case to any higher court, says their legal representative, Jerome Friedlander.

Honor Jenkins Memory

RICHMOND, Ind., Nov. 3.—Forty years ago friends of C. Francis Jenkins of this city turned out to see the first film show here. Jenkins invented the phantescope, believed to be one of the earliest moving picture machines. The inventor's brothers, Will and Atwood Jenkins, have just marked the site of the first show with a bronze tablet. Jenkins died last year.

Reid in Cleveland

CLEVELAND, Nov. 3.—Kenneth Reid, for 15 years with Loew's theatres as manager in Cleveland, Columbus and Akron, is back here as manager of the Dennison Square, belonging to Associated Theatres circuit.

"Shipmates" Top Seattle Money-Maker

SEATTLE, Nov. 3.—"Shipmates Forever" was a strong draw at the Fifth Avenue, the take going to $7,250. As a result, the picture was moved to the Music Box for an extended run.

"Barbary Coast" was also a money-maker at the Orpheum at $6,250, and it was moved to the Blue Mouse.

Total first run business was $30,650. Average is $32,500.

Estimated takings for the week ending Nov. 1:

"BIG BROADCAST OF 1936" (Para.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** 3,600. (Average, $4,000)

"SHIPMATES FOREVER" (F.N.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,250. (Average, $7,000)

"SHE COULDN'T TAKE IT" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days. **Gross:** $4,150. (Average, $4,000)

"BROADWAY MELODY OF 1936" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 5th week, extended run from Fifth Avenue. **Gross:** $3,200. (Average, $4,000)

"BARBARY COAST" (U.A.)
ORPHEUM — (2,450), 25c-30c-40c-55c, 7 days. **Gross:** $6,250. (Average, $6,000)

"CHARLIE CHAN IN SHANGHAI" (Fox)
"THE BISHOP MISBEHAVES" (M-G-M)
PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"SHE GETS HER MAN" (Univ.)
REX—(1,500), 20c-30c, 7 days. "Monkey Shines" stage unit. **Gross:** $2,100. (Average, $2,500)

"Coast," "Take It" Top in Providence

PROVIDENCE, Nov. 3.—The combination of "Barbary Coast" and "She Couldn't Take It" won top money for Loew's State for the week. The take was $16,000, which bettered normal by $4,000.

The RKO Albee also had an excellent week with "The Rainmakers" on the screen and Marcus' "Continental Revue" as the stage attraction, which garnered $10,300. This is $3,300 over par.

The Strand had an average week, catching $6,500 with "A Feather in Her Hat" and "Two Fisted." Fay's cracked out $7,800, topping normal by $800, with "Fighting Youth," and a stage show, "Comedy Jubilee Revue." The Majestic was down to $5,200 with "Way Down East" and "Music Is Magic."

Total first run business was $46,800. Average is $40,500.

Estimated takings for the week ending Oct. 31:

"A FEATHER IN HER HAT" (Col.)
"TWO FISTED" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $6,500)

"WAY DOWN EAST" (Fox)
"MUSIC IS MAGIC" (Fox)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $5,200. (Average, $7,000)

"FIGHTING YOUTH" (Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Comedy Jubilee" Revue. **Gross:** $7,800. (Average, $7,000)

"BARBARY COAST" (U. A.)
"SHE COULDN'T TAKE IT" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $16,000. (Average, $12,000)

"THE RAINMAKERS" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Marcus' "Continental Revue." **Gross:** $10,300. (Average, $7,000)

"SOCIAL ERROR" (Berke)
"RETURN OF PETER GRIMM" (Radio)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 38. NO. 107 NEW YORK, TUESDAY, NOVEMBER 5, 1935 TEN CENTS

N. E. Groups File 10 New Trust Suits

Morse & Rothenberg Ask Million from Majors

BOSTON, Nov. 4.—Ten anti-trust suits in which damages of approximately $1,000,000 are sought were filed today by the Morse & Rothenberg circuit against Columbia, M-G-M, Paramount, RKO, Twentieth Century-Fox, U.A., Universal and New Hampshire Theatres, Inc., a Paramount affiliate controlling about 40 theatres in New England, and Shea Chain, Inc.

Conspiracy in restraint of trade is charged. Each suit asks for about $100,000 in damages.

The attorney for the plaintiff is George S. Ryan, counsel for E. M. Loew of Boston and A. B. Momand of Oklahoma City, who last week asked permission of U. S. District Judge Coxe in New York to have a similar suit by these men against Paramount heard by a jury instead of by a special master.

Morse & Rothenberg are acting in behalf of their subsidiaries, Aetna

(*Continued on page* 4)

Omaha's Anti-Trust Case Up on Friday

OMAHA, Nov. 4.—Following 10 days' additional time granted defense attorneys in the Vern Brown suit for $424,500 against the major companies and some 28 defendants, the defense answer is expected to be heard in Federal court here Friday.

Vern Brown, former manager of the Rialto at Missouri Valley, Ia., filed suit last June, charging conspiracy, restraint of trade and forcing him into bankruptcy. Besides the film companies, the Omaha Board of Trade, the local MPTO, Evert R. Cummings, district manager for the A. H. Blank theatres, and others are named defendants.

Final Briefs in on Fox Theatre Option

Final briefs for and against the exercising by Fox Theatres of its option to purchase a 50 per cent interest in Metropolitan Playhouses, the reorganized Fox Met company, were filed yesterday with Federal Judge Martin T. Manton by attorneys for Fox Theatres' stockholders and creditors.

The option permits Fox Theatres

(*Continued on page* 4)

Nationalized First Division Distribution to Be Set Soon

St. Louis, Nov. 4.—Nationalization of First Division distribution will be completed in about two weeks when Harry Thomas and Al Friedlander return to New York from extensive tours of the country for the purpose of effecting distributing tieups.

Friedlander arrived here today from Kansas City, leaving tonight for Chicago and thence to Cleveland, Buffalo and Albany before returning to Manhattan. Thomas is due in Omaha today and from there he will go by plane to Dallas and thence to New Orleans and Atlanta. It is assumed that distribution arrangements for First Division will be effected by the two in each city visited. Others will be added to the list later.

Prior to its recent reorganization under Pathe, First Division distribution was carried on by its own 16 exchanges. The tieups now being effected by Thomas and Friedlander will give the company outlets in 30 key cities.

Cutting Rooms in Middle of a Rush

HOLLYWOOD, Nov. 4.—Film editors were worked at a feverish pace last week. Studio cutting rooms were jammed with 52 features and 15 shorts getting the final trimmings. Camera work showed a slight decline, with 33 features and two shorts shooting as compared to 37 features and three shorts for the week preceding.

Excluding the smaller production units camera activity was evenly divided among the various companies. Columbia had four features working, four scheduled for filming within two weeks and five in the cutting stages,

(*Continued on page* 4)

Penn. Is Voting on Sunday Films Today

PHILADELPHIA, Nov. 4.—Voters go to the polls tomorrow to record their answers to the question of Sunday shows, appearing on the ballot as a referendum, following a vigorous campaign conducted from both sides by various church organizations, of all faiths, in opposition, and theatre interests, in favor. Theatres showed trailers, pointing out the rights of the screen.

The measure is expected to pass, but the opposition, largely led by Cardinal Dougherty, head of the Catholic

(*Continued on page* 4)

Warner Funeral Set For Friday on Coast

YOUNGSTOWN, Nov. 4.—The body of Benjamin Warner, father of the Warner brothers, who died Sunday night while visiting his daughter, Mrs. David Robins, here, was shipped to Los Angeles tonight.

Funeral services will be held Friday. Harry M. Warner came here

(*Continued on page* 4)

Paramount Gets No Word on Spain Ban

No official advices were received by Paramount here yesterday from either Spanish officials or representatives of the State Department, which is acting through the American Embassy at Madrid on Spain's demand that Paramount withdraw "The Devil is a Woman" from world distribution.

The Spanish government stated last week that if the offending print was not withdrawn by Monday Paramount pictures in that country would be subject to confiscation and the company's future releases might be barred. The

(*Continued on page* 4)

Para. May Make "Carmen" in Astoria

Plans for the production of "Carmen" at Eastern Service Studio are under discussion by Paramount officials here. They believe the film version of the opera could be cast more readily here than on the west coast.

The company has had under consideration for some time plans for increasing its eastern production activity by setting a limited amount of feature work into the Astoria plant. A Paramount official said yesterday that this remains as a possibility although no definite decision has been made yet.

Joe Louis Cut from Reels in the South

ST. LOUIS, Nov. 4. — Paramount newsreel accounts in a number of southern cities were forced to cut from the reel shots of Joe Louis and his wife because of the many complaints received by patrons, due to the commentator introducing the colored heavyweight champ as Mr. Louis.

RKO to Start Defense Today At St. Louis

May Call Five to Seven In Shift of Plans

By BILL ORNSTEIN

ST. LOUIS, Nov. 4.—Counsel for RKO will start the company's defense tomorrow, the 26th day and sixth week of the anti-trust trials. George S. Leisure and Jacob M. Lashly will alternate in interrogating witnesses.

It had been anticipated that RKO would put in its defense in one day, but a week-end shift of plans will make this impossible. From five to seven witnesses will take the stand, indicating that direct, cross and possibly redirect examination will not be completed before Thursday. Five company executives definitely set to go on the stand are Ned E. Depinet, Jules Levy, Cresson E. Smith, Walter Branson and Lou Ellman.

Branson flew in from Chicago this morning. Levy is due by plane from

(*Continued on page* 4)

Appraisers Picked In Fox Stock Cases

Justice Aaron J. Levy in the Manhattan Supreme Court yesterday granted five applications for appointment of appraisers made by five discontented stockholders. Counsel for Fox Film Corp., against whom the applications were directed, consented to the appointments.

In the case of Ora B. Mead, a stockholder, Justice Levy named Millard H. Ellison, 535 Fifth Ave., William E. Frost, 20 Vesey St. and Morton L. Panken of 1650 Broadway. The same appraisers were named for the other applications as well, namely, Estelle R. Gold, Julius C. Vogeler, Charles F. Eisele.

Loew Sees Multiple Bills Losing Favor

KANSAS CITY, Nov. 4.—"So many theatres are running double and even triple features, I look for the practice to pall upon the public very shortly," David L. Loew said here on his way to the Coast to assume the vice-presidency of Hal Roach studios.

Loew believes "there is certain to be a reaction which will create a greater demand for short subjects." That is one of the chief reasons for the change he is making at this time, he said.

He added that the Roach studios are being enlarged, new writers added, and the personnel increased.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 5, 1935 No. 107

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Bank Night Goes to Indianapolis Jury

INDIANAPOLIS, Nov. 4.—The restraining order halting police interference with Bank Night drawings has been dissolved in Superior Court, but all records taken by police in the last week have been turned over to the Grand Jury.

The Grand Jury will study the legality of the enterprise and will also conduct an inquiry into the Bank Night drawing in the Rivoli two weeks ago where the drawing barrel was said to have been stuffed. Meanwhile the "pot" at the Rivoli has grown to $650 and the management is unable to hold a drawing because the list of registrants is in the hands of the Grand Jury.

Col. Joy Gets New Pact

HOLLYWOOD, Nov. 4.—Col. Jason Joy has been signed to a new long term contract at Twentieth Century-Fox where he has been in charge of public relations for the past three years. Joy deals with various agencies and clubs which take an interest in studios, and also looks after internal regulation of censorship problems. He was with the Hays office for 10 years before joining Fox.

Street Closed Today

Wall Street, the stock and bond markets will be closed today in observance of Election Day.

Purely Personal

HOWARD DIETZ and ARTHUR SCHWARTZ, the two musketeers of musical comedy, have combined for the lyrics and scores, respectively, of the new C. B. COCHRAN revue which took Schwartz to London a handful of weeks ago. The title: "Follow the Sun." CLAIRE LUCE and NICK LONG, Jr. will be two of the principals.

•

N. L. MANHEIM, CHARLES PAINE, LOUIS FRESCH, JIMMY CRON, around again after a siege of bronchitis; W. RAY JOHNSTON, ED FINNEY, LYNN FARNOL, DICK WALLACE, still using a cane; ED CHURCHILL and HAL HORNE among those at The Tavern yesterday.

•

JIMMY GRAINGER, back from a cross-country sales trip, landed his first hole-in-one on the Lawrence Golf Club course Sunday. It was the 12th hole. EDDIE BONNS is the witness.

•

ERWIN GELSEY'S story, "Portrait of John Garnett," has been bought by Radio to be used as a vehicle for FRED ASTAIRE and GINGER ROGERS. The title has been temporarily changed to "I Won't Dance."

•

CECIL MARKS, general manager for U. A. in Australia, and MRS. MARKS, have arrived in Hollywood. This is MARKS' first visit to this country. He will accompany ARTHUR W. KELLY back to New York.

•

ANNE, 14-year-old daughter of CHARLES B. PAINE, Universal's treasurer, won the girls' golf championship at the New Rochelle Senior High School the other day. Papa smiles.

•

MARK OSTRER, chairman of the board of G.B.; MICHAEL BALCON, production head; J. H. SEIDELMAN, Columbia foreign head, and JEAN PARKER will get in on the *Aquitania* today.

•

BENNY BERGER, Northwest exhibitor who now operates a circuit of 10 houses in and around Minneapolis, is honeymooning at the Park Central, en route to Mexico.

•

GEORGE COMDEN, operator of the Fine Arts at Westport, Conn., was in town yesterday for conferences on the opening of "A Midsummer Night's Dream."

•

BEN S. MOSS left for Hot Springs yesterday with a one-day stopover at the Government trial in St. Louis on the schedule.

•

REGINA CREWE and HERB CRUIKSHANK cocktailed for MARY and DICK WALLACE in their sky apartment atop the Century yesterday.

•

WILLARD MCKAY, who left the coast by plane yesterday, was grounded at Albuquerque and is completing the trip by train. Due in Thursday.

•

ED KUYKENDALL, postcarding the editor from 4,000 feet in the air, somewhere between Salt Lake and Los Angeles:

"Great country up around Seattle. Had fine meeting, visited in San Francisco some of those places you were in."

•

ELIZABETH ALLAN is in town from the coast and is stopping in a Waldorf Tower apartment.

•

JACK GOLDSTEIN, U. A. exploitation chief, has joined the colonels on Gov. RUBY LAFFOON'S staff.

Kuykendall Hits at Pettengill on Coast

LOS ANGELES, Nov. 4.—Ed Kuykendall, M. P. T. O. A. president, forcefully denounced the Pettengill Bill, accused Ascap of being parasitical and monopolistic, struck at distributors for unfair percentage deals, and upheld the Legion of Decency for "making this country picture-minded," in an address here today before 75 exhibitors, distributors and exchange men at the Ambassador Hotel.

Kuykendall pleaded for closer cooperation among all industry factions to combat unfair legislation and the current flood of rackets, including giveaways. He said, "Good pictures are the answer to the racket evil." He expressed the belief that the end of duals would aid, rather than hurt the small producer.

Rogers Fund Drive Starts Nationally

The nationwide campaign to raise funds for a Will Rogers memorial got under way yesterday, 56th anniversary of his birth. The drive will be carried on for three weeks under the direction of over 200 local committees. No definite total has been set.

Over 1,500 banks throughout the country will display a special poster by Howard Chandler Christy and will serve as depositories.

"Autumn" First Fox Play

"Autumn," a play by Margaret Kennedy, author of "Escape Me Never" and "The Constant Nymph," will be the first stage production for Twentieth Century-Fox Film's newly organized play producing subsidiary. Henry Duffy will produce and Ann Harding, Otto Kruger and Anita Louise may have the leads. Rehearsals are scheduled to start in a month at Hollywood, where the play will be opened before bringing it to Broadway.

Ball a Warner Topic

Warner employes are still talking across their desks of the first annual ball of the Brooklyn unit of the Warner Club, held Saturday night at the Hotel St. George. Approximately 2,000 attended.

Moses Joins Zeidman

Vivian M. Moses has been engaged by Zeidman Film Corp. to handle its publicity and advertising. He is also handling similar duties for the New Yorker Theatres, formerly the Warner.

Half Holiday Today

Columbia, M-G-M, Paramount, RKO, United Artists and Universal will close at 1 o'clock today, Election Day, to permit employes to vote. Twentieth Century-Fox will close for the entire day.

Stanley Co. Given A Lease on Oxford

PHILADELPHIA, Nov. 4.—The Stanley Co. today was awarded a three-year lease on the Oxford, large house in the northeast section of the city, at a yearly rental of $20,000 by Federal Judge William H. Kirkpatrick at a hearing attended by bidders and 100 residents of the section who hold stock in the company owning the theatre and seven stores in the same block.

The company is in financial difficulties and is endeavoring to reorganize under Section 77 B.

A committee of stockholders bid a yearly rental of $18,000. A. R. Boyd Enterprises bid $20,000 for five years and Mayfair Theatres Corp. offered $19,100. After a conference with attorneys in chambers Judge Kirkpatrick awarded the Stanley Co. the lease for the entire property.

New Beecroft Setup Studied at Madison

MADISON, WIS., Nov. 4.—A new plan for financial reorganization of the Beecroft Bldg. Co., which provides for retirement of the outstanding bonds from earnings of the company's Orpheum, Parkway and Strand and providing for the theatre operation by a board of trustees representing the bondholders, has been submitted to Paul Grubbe, special master.

The plan suggests that the present lease of the Ashley Theatre Co. on the three houses be cancelled if the company fails to reach an agreement with the trustees. The trustees would also be granted the right to sell any part of the property if a suitable offer was received.

Odeon Theatre Suit Testimony Is Heard

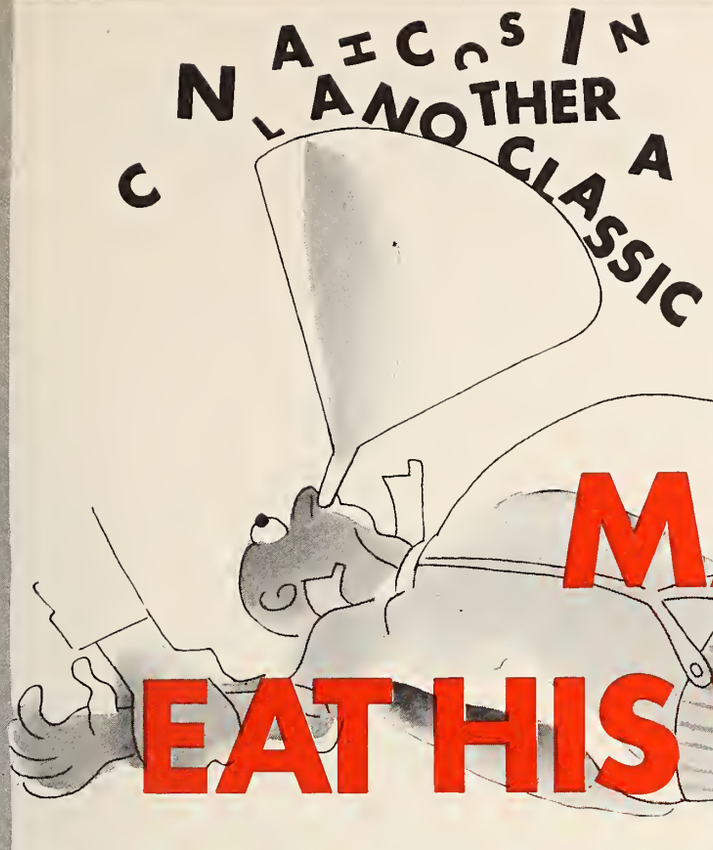
ST. LOUIS, Nov. 4.—Depositions were taken today in connection with the injunction and damage suit brought by the Abraham Lincoln Amusement Co. against Paramount Pictures Distributing Corp. for alleged refusal to furnish films during the period the Lincoln company operated the Odeon as a first run.

The plaintiffs sought to serve George J. Schaefer of Paramount and Louis Phillips, counsel for the company, but they were immune to service, as they had entered the jurisdiction of the local court under subpoena in the anti-trust trials.

Fox Seeks Two Awards

An application was filed in the Supreme Court yesterday by Louis Nizer on behalf of the Fox Film Corp. to confirm an arbitration award of $184 representing license fees for films not exhibited as per contract of May 13, 1935. The award was made against the F. H. E. Amusement Corp. in care of the Manhattan, 1,059 Manhattan Ave., Brooklyn. The award was made on Oct. 8 by the following arbitrators: John T. Cronin, Harry P. Decker, Arthur Greenblatt and Ed Mullen.

A similar application was made on behalf of Fox to confirm an award of $80 made by these four arbitrators against E. Jannings and J. Mangilo, care of Cannon Movies, 112 Cannon St., New York City. This award was also made on Oct. 8. Hearing has been set for tomorrow morning.



WE MADE HIM EAT HIS WORDS!

When a certain New York big shot heard we were filming **"PETER IBBETSON,"** he groaned publicly, "Another classic!"

Remembering "David Copperfield," "Ruggles of Red Gap," "Bengal Lancers," and other pretty grand moving pictures taken from books, we got just a little bit peeved. So we lassoed that gentleman and took him to a screening of **"PETER IBBETSON."** It was a censorship print, needed a lot of cutting, and a lot of smoothing. But he came out of the projection room with honest tears in his eyes. "One of the most wonderful experiences I've ever had," he told us.

We tell you this because we think you'll want to give that kind of word of mouth publicity to **"PETER IBBETSON."** For **"PETER IBBETSON"**, in this newest production, has real beauty, real greatness! It also has what you, as practical business men are even more interested in--an emotional appeal that is definitely **BOX-OFFICE.** In short, it's another proof that

It Pays to Play a Paramount Picture!

Paramount Pictures

RKO to Start Defense Today At St. Louis

(*Continued from page* 1)

New York tonight and Ellman is slated to arrive from Denver Wednesday. Ellman formerly was manager of the St. Louis exchange.

No session was held today because Federal Judge George H. Moore was busy on other cases which have been on the docket for some time and which had to be disposed of without further delay.

Gloom settled over the defense group today following receipt of news of the death of H. M. Warner's father.

Confident in their progress thus far, Government counsel say they feel they will not have to put on any more witnesses.

"Based on the evidence already in, the Government may not even put in a rebuttal," said Special Assistant Attorney General Russell Hardy today.

Warners will decide in the next day or two whether or not more witnesses will be put on. Just before completing presentation of Warners' case Friday, Frederick H. Wood reserved the right to call extra witnesses. Paramount, which also finished last Friday, will not enter further evidence.

Final arguments and reading of instructions to the jury are expected to consume about three days, but this may extend a day or two more than this. In any event, it is said, Judge Moore expects to charge the jury in 10 days.

Following the verdict, the equity in which the Government seeks an injunction to end alleged refusal of the defendants to serve the Missouri, Grand Central and Ambasador theatres with films will go on.

Expect Foreclosure Appeal

ST. LOUIS, Nov. 4. — Counsel for Warners are expected to ask the U. S. Circuit Court of Appeals for a rehearing in the litigation involving foreclosure sales of the Ambassador, Missouri and New Grand Central theatres for $2,000,000.

The foreclosure was upheld by U. S. District Judge Davis in July, 1934, and the U. S. Circuit Court of Appeals upheld the decision Nov. 1.

The only change was a stipulation allowing Warners 20 days to determine whether they want to join in the reorganization as the holders of $154,500 in second mortgage bonds.

11 Premieres Planned

Paramount is shaping plans for 11 simultaneous premieres for "So Red the Rose" in the 11 cities which were Confederate capitals during the Civil War. The date, sometime this month, has not been set, but the cities have. They are Austin, Montgomery, Jackson, Tallahassee, Baton Rouge, Richmond, Winston-Salem, Columbia, Nashville, Atlanta and Little Rock.

Palestine Film Set

"The Land of Promise" a film depicting the rehabilitation of Palestine by the Jews, will have its premiere at the Astor, Nov. 20.

Hot Seat

St. Louis, Nov. 4.—After Neil F. Agnew, Paramount defense witness, finished testifying the other day in the anti-trust trial he approached some of his friends in the court and confidentially acknowledged:

"Gee, that seat was warm!"

Warner Funeral Set For Friday on Coast

(*Continued from page* 1)

from St. Louis, where he has been attending the Government anti-trust trial, immediately upon receiving news of the death, and is accompanying the body to the coast. The entire family will attend the services at the Home of Peace Chapel, with Rabbi S. M. Neches officiating.

Warner was 79 years old. Mrs. Warner died about a year ago. His death was due to a heart attack. He had been ill for some time.

In addition to the three brothers, Harry M., Albert and Jack L. Warner, he is survived by three daughters, Mrs. Robins, Mrs. Rose Charnas of New York, and Mrs. Sadie Halper of Los Angeles.

Mrs. Blumberg Dies

MILWAUKEE, Nov. 4.—Mrs. Libby Blumberg, mother of N. J. Blumberg, general manager of the RKO circuit, died at 11 o'clock this morning from a complication of ailments. She was 84 years old. Funeral services will be held from the Goodman Chapel at 3 o'clock Tuesday afternoon.

Aside from N. J., surviving children include two daughters, Frieda and Esther, and two other sons, Herman and William.

Final Briefs in on Fox Theatre Option

(*Continued from page* 1)

to acquire 50 per cent of the Met stock for $300,000, or to receive $150,000 for relinquishing the option. Stockholders are urging the purchase, but it is opposed by large creditors of Fox Theatres. Judge Manton is expected to rule on the action to be taken prior to Nov. 16, when the option expires. If the option is not exercised Joseph M. Schenck's United Artists Theatre Circuit will receive 40 per cent of the optioned stock for a total interest of 80 per cent, and Keith-Albee-Orpheum will receive an additional 10 per cent, bringing its interest to 20 per cent.

Cutting Rooms In Middle of a Rush

(*Continued from page* 1)

Fox had four, six and two; Goldwyn, one, zero and one; M-G-M, five, zero and 11; Paramount, six, two and 12; Radio, five, one and five; Roach, one, zero and zero; Universal, one, two and four; Warners, six, one and nine, and the Independents, zero, one, three.

In the short subject field Columbia had none shooting, one preparing and four editing. M-G-M had zero, two and three; Radio, one, one and four; Roach, zero, zero and three; Universal, zero, one and zero with the independents registering one, one, one.

Paramount Gets No Word on Spain Ban

(*Continued from page* 1)

company was not advised here yesterday that the Spanish officials had been appeased or that the period of grace for the withdrawal of the Marlene Dietrich picture had been extended, as unofficially reported.

It was also believed here that conferences between the American Embassy and Spanish officials were continuing and that there would probably be no confiscation of Paramount prints by Spain while the discussions were in progress.

News despatches from Madrid late yesterday said that the Spanish Ministry of Labor had extended for one week the time in which it would expect Paramount to withdraw the picture from world distribution and destroy the prints, failing which the ban against further distribution of the company's pictures in Spain would be applied.

Penn. Is Voting on Sunday Films Today

(*Continued from page* 1)

diocese, and heads of other groups, has indicated strongly its opposition.

In other cities in the state, similar activity has been carried on over a period of several weeks preceding Election Day.

Krouse Sees Victory

PHILADELPHIA, Nov. 4. — Lew Krouse, head of the operators local here, told members of the organization, through the medium of a screen trailer that last night's get-together at the Broadwood would probably be the last social function of the group. He predicted the passage of the Sunday show amendment tomorrow in the elections, thus eliminating the possibility of further Sunday night affairs.

The annual dinner was attended by over 550 people including Sol A. Rosenblatt and Walter Green, president of National Theatre Supply.

Kolbe Examined In Casey's Pathe Suit

Frank F. Kolbe, Pathe president, was questioned yesterday by Martin King, attorney for Pat Casey in the latter's action which alleges mismanagement and dissipation of assets of Pathe Exchange by officers and directors of the company. The interrogation of Kolbe was conducted at the Pathe offices by agreement of attorneys involved, and will be resumed on Wednesday. Robert W. Atkins, executive vice-president of Pathe, will be the next company official to be questioned before trial of the Casey action.

Metzger in Hays Post

HOLLYWOOD, Nov. 4.—Charles Metzger, Indianapolis exhibitor and attorney, has arrived here to take a Hays office post. He will work on scripts submitted for suggestions by producers.

May Gross $8,000

"The New Gulliver," now playing its first week at the Cameo, will gross $8,000 if the level of business to date maintains itself. This would give the house its best week in many moons.

N. E. Groups File 10 New Trust Suits

(*Continued from page* 1)

Amusement Enterprises, Inc., and Commonwealth Amusement Enterprises, Inc., which operate, respectively, the Arcadia, Portsmouth, N. H., and the Park, Nashua, N. H. Triple damages are sought under the Sherman anti-trust law.

It is alleged that Maine & New Hampshire Theatres, Inc., not only demand unreasonable protection, but also that the plaintiffs are unable to get film. This condition, the complaint alleges, has made it necessary for the Arcadia to shift to vaudeville. Similar charges are made in connection with the Park, Nashua. Furthermore, it is charged that the Shea circuit sought to buy the Park for a figure below its worth and threatened to have the theatre's license revoked, if the deal were not consummated.

Some time ago the plaintiffs sought an injunction from U. S. District Judge Lowell, but this was refused.

Other exhibitors in this territory are said to be watching these cases closely, due to general unrest over scrapping of clearance and zoning board decisions.

Roxy Advances Hour For Shift in Price

Conforming with other Broadway theatres, the Roxy, starting Thanksgiving Day, will change the hours when matinee and evening price changes go into effect.

Instead of the week-day 25 cents admission switching at 2 P.M., the 35 cents tariff will begin at 1. The 35-cent admission after the last Thursday of the month will be changed to 55 cents at 6 P. M. instead of 7. On Saturday, Sundays and holidays the 35-cent price will be eliminated entirely and at 1 P. M. the evening figure will prevail.

The change hour is being advanced because of the tremendous turnover during these periods, it is stated. The revised scale is expected to result in increased intakes for both matinee and night shows.

Grainger, Bonns Return

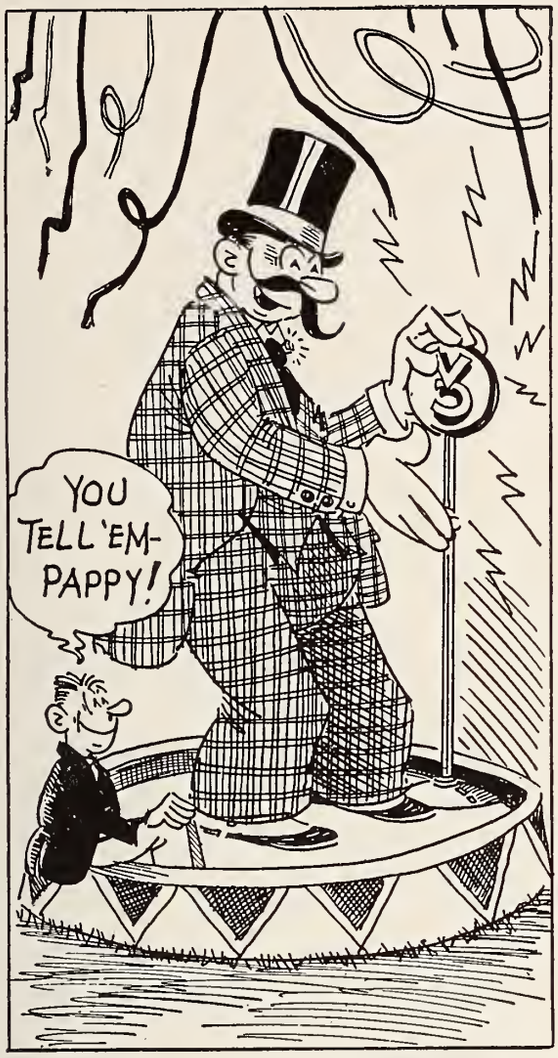
James R. Grainger, Universal's general sales manager, is back from a nationwide trip during which he visited the studio as well. "Throughout the country I found conditions more encouraging than on my last trip. The better feeling and the encouraging outlook are reflected in Universal sales which are several hundred contracts ahead of last year at the same time," he said.

Eddie Bonns, the company's short subject sales manager, has also returned from a trip through the South and Middle West. He visited nine exchange centers and reports business up, particularly with good attractions.

"U" Party Dec. 7

Universal Club's annual ball, this time to be known as "A Night in Old Kentucky," is slated for the Astor Dec. 7.

THE BARKER BARKS AGAIN!



Step Right This Way, Gentlemen!
Step Right This Way, for the BIG SHOW!

40 FEATURE ATTRACTIONS 40

A Collossal, Gigantic, Amazing and Unbelievable Aggregation of Sensations, Freaks and Curiosities . . . Gathered at the Risk of life and limb for your entertainment, My Friends, for your entertainment!

Do you HEAR me?

The Big Guns of Show Business will be there! Film Executives, Theatre Operators, Managers, Salesmen, Writers . . . and Fellow Barkers from the Variety Clubs of PITTSBURGH, COLUMBUS, CINCINNATI, DETROIT, BUFFALO, ALBANY, KANSAS CITY, INDIANAPOLIS, WASHINGTON, MILWAUKEE, OMAHA, DES MOINES, CLEVELAND, MINNEAPOLIS, PHILADELPHIA, AND ST. LOUIS.

Step this way, Folks! Step lively! The Biggest Event In Show Business!!!

THE VARIETY CLUB 7th ANNUAL BANQUET

HOTEL WM. PENN . . . PITTSBURGH

C'MON . . .
Make It a Real Week End . . .
PITT vs. ARMY football game on Saturday; the banquet on Sunday night; and Armistice Day on Monday!

Sunday Night, Nov. 10

(The Next Day After the Great PITT-ARMY Game)

Presented UNDER THE "BIG TOP" IN HONOR OF RETIRING CHIEF BARKER, MIKE CULLEN and His Retiring Associate Officers

FRANK SMITH, ART LEVY, JOHN MALONEY, JAMES G. BALMER, WILLIAM GARDNER, C. J. LATTA, STEVE COX, AL BARNETT, GEORGE TYSON, HAROLD LUND, Dr. A. I. WISE

The World's Greatest Show . . . . . 40 Big Acts!

Write for Reservations Immediately . . .
To John H. Harris, Variety Club Banquet Chairman, 711 Clark Building, Pittsburgh, Pa. We also will make your football and room reservations for you!
BANQUET, $10; Football, $4.56 and $5.70.

VARIETY & VARIETY . . . COMBINED CIRCUS

Minneapolis Top "Goose" And "Folies"

MINNEAPOLIS, Nov. 4.—A combination of "The Goose and the Gander" and the "Folies Bergere" revue on the stage, with the latter getting most of the credit, pulled $9,000 at the Orpheum. This tops par by $3,500.

Grosses elsewhere were not outstanding. "The Dark Angel" went $1,000 over the line on a take of $5,000 at the Century, and "Broadway Melody of 1936" was $1,500 up on a take of $7,000 at the State.

Across the river "Hands Across the Table" reached $7,000, and "Shipmates Forever" and "The 39 Steps" were on the profit side of the ledger.

Total first run business in Minneapolis was $25,500. Average is $21,000. Total first run business in St. Paul was $19,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Oct. 31:

"THE DARK ANGEL" (U. A.)
CENTURY—(1,680), 25c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $4,000)
"FIGHTING YOUTH" (Univ.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Nov. 1:

"GOOSE AND THE GANDER" (F.N.)
ORPHEUM—(2,300), 25c-40c, 7 days. Stage: "Folies Bergere." **Gross:** $9,000. (Average, $5,500)
"BROADWAY MELODY OF 1936" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500)
"CHAPAYEV" (Amkino)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Nov. 1:

"HANDS ACROSS THE TABLE" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500)
"RED SALUTE" (U. A.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
"FIGHTING YOUTH" (Univ.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"SHIPMATES FOREVER" (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)
"THE 39 STEPS" (G. B.)
WORLD—(400), 25c-35c, 7 days, 4th week. **Gross:** $2,500. (Average, $1,500)

Marx Comedy Off to Big St. Louis Start

ST. LOUIS, Nov. 4.—Opening of "A Night at the Opera" at Loew's State chalked up the greatest first day gross in the last three years with the exception of "China Seas." The Marx Bros. picture garnered around $4,400 and is expected to tally approximately $10,000 before the week is out.

Allan Jones, who appears in the film, made five personal appearances that day. "Mutiny of the Bounty" is slated to sail into the State Friday, but may be delayed a week if the New York office approves a holdover for the current attraction.

Kelleys Back at Iola

KANSAS CITY, Nov. 4.—Ira D. Kelley, Iola, Kans., exhibitor, and Mrs. Kelley have returned from a three-week vacation trip in the east by motor car. While in New York they attended the wedding of their daughter, Margaret Frances Kelley, to Percy W. Gatz.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"So Red the Rose"

(*Paramount*)

HOLLYWOOD, Nov. 4.—Paying tribute to patriotism, courage, faith and sacrifice, this sentimental romance-tinged drama tells the story of a Southern family swept into the turmoil of the Civil War. The drama is poignant to the point of being tragic. Romantic and natural comedy contrasts are of a character that stir sympathetic heart interest. The impressively serious tone, accomplished acting and direction, plus inspiring background effects give the picture a powerful human character.

The menace of war horrifies the Bedford plantation, the peace and happiness of which is reflected by the great love Margaret Sullavan has for Randolph Scott. A friend, Robert Cummings, is killed, then the oldest son, Harry Ellerbe, dies in battle. Scott, an idealist, stays home. Finally, Walter Connolly, the head of the family, joins the cause, suffers injuries and dies. Discarding his ideals, Scott becomes a soldier, leaving the women, Miss Sullavan, Janet Beecher and Elizabeth Patterson, and the boy, Dickie Moore, to face the invaders.

Placating the rebellious slaves, led by Clarence Muse, Miss Sullavan tries to save a wounded Yankee boy from a troop headed by Scott, only to have the maddened Northerners complete the family destruction by setting the mansion afire. With the coming of peace, the women are left to till the soil and Scott returns to Miss Sullavan for a romantic conclusion.

The power of the story, which should have a strong Southern appeal, and the performances give showmen plenty with which to work in developing popular interest. Based on the novel by Stark Young, the screen play by Laurence Stallings, Maxwell Anderson and Edwin Justus Mayer, and the understanding direction of King Vidor preserve the human quality of the original.

Production Code Seal No. 1,173. Running time, 90 minutes. "G."

Looking 'em Over

"The Throwback"

(*Universal*)

With the story concerning a man's vindication of himself in throwing off an inherited stigma, this western has Buck Jones, aided by his handsome horse, Silver, offering the usual and expected amount of hard riding, fast action and general excitement against a western background. The result should be good at the week-end action position and especially pleasing to the youngsters.

In support are Muriel Evans, who carries on the romantic aspect of the story and shows an unusual western heroine ability to ride a horse; George Hayes and Bryant Washburn.

In the nature of prologue material, the early portion of the film shows a small boy as an outsider because of the cattle rustling of his father, his only friend the small girl, Muriel. When his father is killed the boy goes away to another ranch and returns only when grown to manhood. He meets with the enmity of most of the people of the town, who refuse to have the son of a rustler among them. Only Miss Evans sticks by him.

To the tune of the rapid pounding of horses' feet, gunfire and lively action, Jones uncovers the real rustlers, is himself vindicated, and, of course, gets the girl.

Production Code Seal No. 1,161. Running time, 60 minutes. "G."

Allow Para. Claim

An agreement between Paramount and Joseph H. Cooper, theatre operating partner in the southwest, which reduces Cooper's $79,891 claim filed against Paramount during the company's bankruptcy proceedings, to $69,000 and allows the claim for that amount was approved yesterday by Federal Judge Alfred C. Coxe. The Cooper claim was based upon Paramount's liability under several St. Joseph, Mo., theatre leases.

Stanley Loses in Court

WILMINGTON, Nov. 4.—An opinion against the petition of the Stanley Co. of America, against John Anderson of Wilmington, asking for a correction of an order of distribution of the proceeds of a constable sale, has been handed down in Superior Court by Chief Justice Layton. The Stanley Co. claimed the defendant, then a constable, distrained upon the goods of one of its lessees and sold the effects for $135.25.

"Rendezvous," Kansas City, Gets $11,500

KANSAS CITY, Nov. 4.—"Rendezvous" took the big money with $4,300 over a par $11,500 at Loew's Midland.

"Wings Over Ethiopia" and "Hands Across the Table" at the Newman disappointed, and brought in only $100 more than average for the house, which is $7,000.

Disappointing also was "Last Days of Pompeii." With it, the Mainstreet garnered only $6,700, well below par of $8,000. The first experience of the Uptown with double features wasn't very satisfactory. The house took $3,400, $100 below average, with "Harmony Lane" and "His Night Out."

Total first run business was $43,400. Average is $37,000.

Estimated takings:

Week Ending Oct. 31:

"RENDEZVOUS" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $15,800. (Average, $11,500)
"SHE COULDN'T TAKE IT" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Harry Kahne, Dannie & Eddie, Joe Fanton & Co., Convey & Rowena. **Gross:** $10,400. (Average, $7,000)
"HANDS ACROSS THE TABLE" (Para.)
"WINGS OVER ETHIOPIA" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,100. (Average, $7,000)
"THE LAST DAYS OF POMPEII" (Radio)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $6,700. (Average, $8,000)

Week Ending Nov. 1:

"HARMONY LANE" (Republic)
"HIS NIGHT OUT" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)

Will Discuss Conn. Tax

NEW HAVEN, Nov. 4.—The Connecticut M.P.T.O. will discuss angles of the corporation tax at its meeting tomorrow. Bernard Schultz, sales manager of RCA, will speak.

Wall Street

Universal Best Advance on Big Board

	High	Low	Close	Net Change
Columbia	65	63½	65	+2¼
Consolidated	5⅝	5½	5⅝	+ ⅛
Consolidated, pfd.	19⅛	18¾	19⅛	+ ⅜
Eastman Kodak	166½	165½	166	— ¾
Loew's, Inc.	49¼	48	48¾	+ ¼
Loew's, pfd	106	106	106	.....
Paramount	9⅜	8⅝	9⅜	+ ½
Paramount, 1 pfd	79	76½	79	+1¼
Paramount, 2 pfd.	11¼	10⅝	11¼	+ ½
Pathe Film	6	5⅝	6	+ ⅜
RKO	5⅛	4⅞	5⅛	+ ¼
20th Century-Fox.	19	18⅝	19	— ¼
20th Century, pfd	28⅜	28	28⅜	— ⅛
Universal, pfd	42½	40	42½	+3½
Warner Bros.	8¼	7⅞	8¼	+ ½
Warner, pfd	47½	45¾	47½	.....

Sentry, Trans-Lux Curb Gains

	High	Low	Close	Net Change
Sentry Safety	½	7/16	½	+1/16
Sonotone	2⅞	2¾	2¾	.....
Technicolor	19⅝	19⅛	19⅛	— ⅜
Trans-Lux	3⅞	3⅝	3⅞	+ ⅛

Bonds Slightly Off

	High	Low	Close	Net Change
General Theatre 6s '40	15⅛	14⅞	14⅞	— ½
Keith B. F. 6s '46	91⅛	91⅛	91⅛	— ⅛
Loew's 6s '41 ww deb rights	105	104⅛	104⅛	— ⅞
Paramount Pict. 6s '55	92	90½	90½	— ½
Warner Bros. 6s '39 wd	83¾	83	83¾	.....

(Quotations at close of Nov. 4)

"My Life" Is Capital Hit; Gets $24,200

WASHINGTON, Nov. 4.—A change in the usual booking arrangement, bringing Joan Crawford's "I Live My Life" to Loew's Fox, sky-rocketed that house's receipts to $24,200, which topped par by $3,300, for the best gross since "Our Little Girl" last May.

Surprise showing, however, was "A Midsummer Night's Dream," road-showing at the legitimate National. It took $14,000 on the first of its two weeks. That figure is said to be second only to the gross—back in 1915—of "The Birth of a Nation."

World premiere of "The Passing of the Third Floor Back" took $2,600 over its par $2,200, for a gross of $4,800, and continued into a second week.

Return engagement of "Shipmates Forever" took $6,500. Average is $2,200. Other first runs slumped.

Total first run business, excluding the National, was $71,900. Average is $75,900.

Estimated takings, exclusive of tax:

Week Ending Oct. 31:

"DR. SOCRATES" (W.B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Barney Rapp and his New Englanders, with Ruby Wright, Bobby May, Dick & Edith Barstow, Bernice Claire, Alexander Grey. **Gross:** $14,000. (Average, $18,400)

"CHARLIE CHAN IN SHANGHAI" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $3,400. (Average, $3,600)

"I LIVE MY LIFE" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: York & King, with Coby Worth, True York, Phil Shaw, Louis Baldwin; Alexander & Santos, Vox & Walters, Al Shayne. **Gross:** $24,200. (Average, $20,900)

"THE BIG BROADCAST OF 1936" (Para.)
"WINGS OVER ETHIOPIA" (Para.)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $11,500. (Average, $15,900)

"SHIPMATES FOREVER" (F.N.)
METROPOLITAN — (1,591), 25c-40c, 7 days (return engagement). **Gross:** $6,500. (Average, first week, $4,300)

Eight Days Ending Oct. 31:

"RETURN OF PETER GRIMM" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 2/3 days. **Gross:** $7,500. (Average, 7 days, $10,600)

Week Ending Nov. 1:

"PASSING OF THE THIRD FLOOR BACK" (G.B.)
BELASCO — (1,140), 25c-65c, 7 days. **Gross:** $4,800. (Average, $2,200)

Week Ending Nov. 2:

"A MIDSUMMER NIGHT'S DREAM" (W.B.)
NATIONAL—(1,748), 55c-$1.65, 7 days (road show, 13 screenings). **Gross:** $14,000. (Average, $3.30-top, 8-show legit, approximately $18,000)

Lasky Signs D'Arrast

HOLLYWOOD, Nov. 4.—The Pickford-Lasky Co. has signed H. D'Abadie D'Arrast to direct the first on schedule. D'Arrast has been in Europe for the last two years, during which time he made a picture in Spain which was released here through United Artists. His last films in Hollywood were "Topaze," "Raffles" and "Laughter."

Derr Sets Releases

HOLLYWOOD, Nov. 4.—E. B. Derr and Charles Sullivan will release the first six pictures of their newly formed company through Far West Exchanges, it was learned here today.

Out Hollywood Way

HOLLYWOOD, Nov. 4.—GEORGE BARNETT sails for Orient after completing film deals here. . . . BOBBY ROSE second stunt man to be injured during filming of SAMUEL GOLDWYN'S "Shoot the Chutes" . . . Suffers broken leg.

SPENCER TRACY and MRS. TRACY planning a vacation in Europe in spring. . . . CLARK GABLE to go to South America from New York on vacation trip. . . . Warners decide to give JAMES MELTON type of buildup given DICK POWELL. . . . Think he is quite promising in "Stars Over Broadway."

Excelsior Pictures set back start of first TIM MCCOY picture to allow time for rewriting. . . . ROAMER GREY, son of ZANE, kept news of his marriage to VILMA MORRIS secret for several days.

SILVIA SCHULMAN, secretary to DAVID O. SELZNICK, and BARBARA KEON, continuity writer, finish play, "Adam Had Three Eves" . . . NEIL HAMILTON rehearsing a stage play in London . . . BOB ROSS signed as unit manager for "Little Lord Fauntleroy" . . . BOB DOMAN transferred from Twentieth Century-Fox publicity department to advertising.

CECIL B. DEMILLE to act as sponsor for Mark Twain memorial unveiling at Hannibal, Mo. . . . RICHARD DIX "Mother Lode" company on location at Kernville. . . . JOE COOK and M-G-M camera unit on "Rose Marie" snowed in at Lake Tahoe. . . . FRED MESSINGER made unit manager for "The Good Earth" unit, M-G-M.

FRANCES MARION conferring with IRVING THALBERG on a new story.

✣

Casting—DELMA BYRON signed by Twentieth Century-Fox for "Champagne Charlie" . . . REGINALD OWEN in lead of M-G-M's "Rose Marie." ARTHUR HOYT in "Two O'Clock Courage," Radio . . . LUCILLE HALL, ADDISON RANDALL, MAXINE JENNINGS and JANE HAMILTON in "Follow the Fleet," same studio. . . . RUSSELL HOPTON set for "Backfire," Warners. . . . GLORIA STUART opposite WARNER BAXTER in "Shark Island," Twentieth Century-Fox. . . . ROCHELLE HUDSON lead in IRVIN COBB'S starring picture, "Everybody's Old Man," Twentieth Century-Fox. . . . HOOPER ATCHLEY, JULIAN RIVERO and FRANK GLENDON in Republic's "The Sagebrush Troubadour."

Warners sign PEDRO DE CORDOBA for "Anthony Adverse," WILLIAM PAWLEY for "Backfire" and OLIN HOWLAND for "Manhunt" . . . JANE DARWELL in "It Had to Happen," Twentieth Century-Fox . . . EDWARD MORTIMER in "Kind Lady" and WADE BOTELER in "Whipsaw," M-G-M. . . . HENRY B. WALTHALL gets lead in "In His Steps," B.F. ZEIDMAN . . . RITA CANSINO in "A Message to Garcia," Twentieth Century-Fox. . . . ALAN MOWBRAY and MOLLY LAMONT in Radio's "Green Shadow."

✣

Director—ELLIOTT NUGENT to direct WALTER WANGER'S "Palm Springs," starting Nov. 15. . . . VICTOR FLEMING assigned to "The Good Earth," M-G-M.

✣

Writers—RUTH ROSE signed by Pioneer to do an original . . . FRANK R. ADAMS busy on continuity and dialogue of TAY GARNETT'S "Trade Winds" . . . SIDNEY HOWARD doing screenplay for "It Can't Happen Here," by SINCLAIR LEWIS, for M-G-M. . . . HAL ROACH signs HARRY MCCOY to do screenplay of JIMMY SAVO feature, and THOMAS BELL to work on Todd-Kelly "Patsy the Second." . . . TED PARSONS at work on "Darkest Africa," Republic serial.

Alvin, Pittsburgh, To Use Stage Units

PITTSBURGH, Nov. 4.—The Harris-Alvin will return to stage shows Friday, raising the top from 42 to 57 cents. That figure includes the Federal and state taxes. Annie, Judy and Zeke, hill-billies just back from Hollywood where they appeared in "In Caliente" and other pictures, will headline the opening bill.

For the last six months, the Alvin has been playing straight pictures only, alternating between single and double features.

To Keep Akron Shows

AKRON, O., Nov 4.—The stage policy of unit shows recently inaugurated at the Palace as an experiment, will be continued throughout the season, according to Holden Swiger, manager. The house heretofore has played pictures only.

Form Two More Firms

ALBANY, Nov. 4.—Two new film incorporations here are: Theatre of Eleven, Inc., New York, by Mary Hone, Walter B. Klavun and June Klavun, and James Snyder Studio, Inc., by Sol W. Benson, James Snyder and Eli Singer.

Virginia Notables To Attend Opening

RICHMOND, Nov. 4.—Plans for the opening of Paramount's "So Red the Rose" at the Colonial Nov. 14 are taking shape in a big way.

Gov. George C. Peery will speak on a radio hookup, and among others scheduled to be present are: Mayor John Fulmer Bright, Maj. Gen. John A. Lejeune, Miss Sally Archer Anderson, president of the Confederate Memorial Literary Society; Miss Susan B. Harrison, house regent of the Confederate Museum.

Prepare Toronto Ball

TORONTO, Nov. 4.—The film colony and theatre men of outside centres are preparing for the annual film ball Nov. 8 in the roof garden and ball room of the Royal York Hotel. Last year about 850 turned out for the dance and it is expected that the 1934 figure will be exceeded.

Cowdin to East

HOLLYWOOD, Nov. 4.—J. Cheever Cowdin, head of Standard Capital, important in the new Universal financing, left here by plane today for New York.

"Boy," Bowes' Unit, $30,000 In Pittsburgh

PITTSBURGH, Nov. 4.—The Stanley got everything there was to get here last week, collecting a sensational $30,000 with Major Bowes' amateur unit and "O'Shaughnessy's Boy." It was the best six days the Stanley has had since last spring, when "G Men" and the "Folies Bergere" revue were the attractions.

That, in addition to the near-capacity $17,000 "A Midsummer Night's Dream" did in 11 performances at the Nixon, just about drained the town. At the Fulton, "The Raven" and "King Solomon of Broadway" grossed barely $3,000, while the Warner did not do much better, about $3,300, with "Wings Over Ethiopia" and "The Return of Peter Grimm."

Total first run business was $51,100. Average is $40,500.

Estimated takings for the week ending Oct. 31:

"TRANSATLANTIC TUNNEL" (G. B.)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $3,800. (Average, $5,500)

"KING SOLOMON OF BROADWAY" (Univ.)
"THE RAVEN" (Univ.)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $3,000. (Average, $4,000)

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
NIXON—(1,800), 57c-$1.71), first week 11 performances. **Gross:** $17,000.

"SHE MARRIED HER BOSS" (Col.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $11,000. (Average, $10,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
STANLEY — (3,600), 25c-55c, 6 days. Stage: Major Bowes' Amateur Unit. **Gross:** $30,000. (Average, $16,000)

"WINGS OVER ETHIOPIA" (Para.)
"RETURN OF PETER GRIMM" (Radio)
WARNER — (2,000), 25c-40c, 6 days. **Gross:** $3,300. (Average, $5,000)

"Rendezvous" Big Hit in New Haven

NEW HAVEN, Nov. 4.—With a good portion of the Yale bowl emptied into the Poli Saturday night, and spilling over into S.R.O., "Rendezvous" and "The Gay Deception," scored high at $8,500, up by $2,000 over average.

"Barbary Coast" and "Case of the Lucky Legs" were a good dual, with $6,500 intake at the Roger Sherman, against the usual $4,500. The College combed the large Italian population and other artistic circles and grossed $1,300 over the $2,700 par on "Here's to Romance" and "This is the Life." "Wings Over Ethiopia" swooped way down at the Paramount, on a dual with "The Clairvoyant," doing $1,800 under par, with a $3,000 week.

Total first run business was $22,000. Average is $18,500.

Estimated takings for the week ending Nov. 2:

"HERE'S TO ROMANCE" (Fox)
"THIS IS THE LIFE" (Fox)
COLLEGE — (1,499), 25c-35c, 7 days. **Gross:** $4,000. (Average, $2,700)

"WINGS OVER ETHIOPIA" (Para.)
"THE CLAIRVOYANT" (G. B.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $3,000. (Average, $4,800)

"RENDEZVOUS" (M-G-M)
"THE GAY DECEPTION" (Fox)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $8,500. (Average, $6,500)

"BARBARY COAST" (U. A.)
"CASE OF THE LUCKY LEGS" (W. B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $6,500. (Average, $4,500)

"Lucky Legs," Fetchit Wow In Cleveland

CLEVELAND, Nov. 4. — First run business recovered from the previous week's slump. "The Case of the Lucky Legs" on the screen with Stepin Fetchit heading "Connie's Inn" Revue on the stage at the RKO Palace topped the $15,000 average by $8,000, with a $23,000 gross.

"Redheads on Parade" beat the Allen $3,000 average by $1,500, going to $4,500.

"Barbary Coast" at Loew's State topped the $10,000 par by $2,000 and "Diamond Jim" grossed $9,000 at Warners' Hippodrome where $8,000 is par. "Two Fisted," with "Wings Over Ethiopia" as an added attraction, with $3,600 gross fell $400 shy of average.

Total first run business was $52,100. Average is $40,000.

Estimated takings for the week ending Nov. 1:

"REDHEADS ON PARADE" (Fox)
ALLEN — (3,300), 30c-35c-42c, 7 days. **Gross:** $4,500. (Average, $3,000)

"CASE OF THE LUCKY LEGS" (F.N.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Stepin Fetchit heading "Connie's Inn" Revue. **Gross:** $23,000. (Average, $15,000)

"BARBARY COAST" (U.A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $12,000. (Average, $10,000)

"TWO FISTED" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. Also "Wings Over Ethiopia." **Gross:** $3,600. (Average, $4,000)

"DIAMOND JIM" (Univ.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $9,000. (Average, $8,000)

"Life," with Show $6,300, Milwaukee

MILWAUKEE, Nov. 4.—First run business perked up during the first part of the week, due primarily to the 41 neighborhood spots darkened by the strike. As a result, "This is the Life" and Dave Appollon's "International Varieties" at Fox's Palace were high with $6,300 for a six-day take. This is $1,300 above par.

"O'Shaughnessey's Boy" and "It's in the Air" ran a close second at Fox's Wisconsin with a $6,000 gross, $2,000 below average. All other first runs managed to take in enough to beat par.

Total first run business was $25,400. Average is $24,250.

Estimated takings for the week ending Oct. 31:

"THIS IS THE LIFE" (Fox)
PALACE — (2,800), 25c-35c-55c, 6 days. Stage: Dave Apollon's International Varieties, Gine, Dequincey and Lewis, Johnny Woods, Harold Aloma, Selma Marlowe, Ann Bradley, Ramon and Ruth, Arabian Sheiks, Signot Wences, Don Mortell, Bines Dancing Beauties. **Gross:** $6,300. (Average, $5,000)

"THE SPANISH CAPE MYSTERY" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Ada Leonard, Hal Sherman, Ralph Cook, Winnie & Jinx, Beth Miller, Joe Chapman. **Gross:** $5,500. (Average, $5,000)

"THE 39 STEPS" (G. B.)
"LITTLE BIG SHOT" (W. B.)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,800. (Average, $1,200)

"SHIPMATES FOREVER" (F. N.)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,800. (Average, $5,000)

"O'SHAUGHNESSEY'S BOY" (M-G-M)
"IT'S IN THE AIR" (M-G-M)
WISCONSIN—(3,200), 25c-40c, 6 days. **Gross:** $6,000. (Average, $8,000)

"In the Air" Gets $6,000, Denver's Top

DENVER, Nov. 4.—"It's in the Air" was the only attraction in town to go heavily on the profit side of the line last week. It was $1,000 up on a $6,000 take at the Orpheum.

"Shipmates Forever" got off to a fast start at the Denver and took $4,500 in four days. It was held over. "The Crusades" reached a par $4,000 in its second week, but elsewhere business was off.

Total first run business was $21,400. Average is $19,500.

Estimated takings for the week ending Oct. 31:

"CHARLIE CHAN IN SHANGHAI" (Fox)
ALADDIN — (1,500), 25c-35c-50c-60c, 3 days. **Gross:** $500.

"I LIVE FOR LOVE" (W.B.)
ALADDIN — (1,500), 25c-35c-50c-60c, 4 days. **Gross:** $1,000. (Average for week, $2,000)

"SUPERSPEED" (Col.)
"AFTER THE DANCE" (Col.)
BROADWAY—(1,500), 25c-40c, 2 days. **Gross:** $350.

"I LIVE MY LIFE" (M-G-M)
BROADWAY—(1,500), 25c-40c, 3 days following week at Denver. **Gross:** $650.

"SHE MARRIED HER BOSS" (Col.)
BROADWAY—(1,500), 25c-40c, 2 days, starting a return engagement, after having run a week at the Denver and four days here. **Gross:** $400. (Average for week, $1,000)

"THE CRUSADES" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days, 2nd week. **Gross:** $4,000. (Average, $4,000)

"I LIVE MY LIFE" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 3 days following 4 last week. **Gross:** $2,500.

"SHIPMATES FOREVER" (F.N.)
DENVER—(2,500), 25c-35c-50c, 4 days and will stay a week. **Gross:** $4,500. (Average for week, $5,000)

"IT'S IN THE AIR" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"KING SOLOMON OF BROADWAY" (Univ.)
PARAMOUNT—(2,600), 25c-40c, 7 days. **Gross:** $1,500. (Average, $2,500)

"Solomon" Lincoln Top on Triple Bill

LINCOLN, NEB., Nov. 4.—Heavy money in a dull week here went to a triple bill headed by "King Solomon of Broadway," with "Here Comes Cookie" and "Successful Failure" making up the other two-thirds. Vaudeville for three days also helped. The $3,000 take was above the line by $1,300.

Total first run business was $11,700. Average is $9,850.

Estimated takings:

Week Ending Oct. 29:

"SPANISH CAPE MYSTERY" (Republic)
"MIRACLE RIDER" (Mascot)
"CRIME OF DR. CRESPI" (Auer)
COLONIAL—(750), 10c, 15c, 7 days. **Gross:** $900. (Average, $850)

Week Ending Oct. 31:

"BRIGHT LIGHTS" (W. B.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,700. (Average, $2,200)

"GRAND EXIT" (Col.)
"DIZZY DAMES" (Liberty)
VARSITY—(1,100), 10c-15c-20c-25c, 7 days. **Gross:** $1,600. (Average, $1,700)

"KING SOLOMON OF BROADWAY" (Univ.)
"HERE COMES COOKIE" (Para.)
"SUCCESSFUL FAILURE" (Monogram)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days, 3 with "Ritz Carleton Blondes" unit on stage. **Gross:** $3,000. (Average, $1,700)

Week Ending Nov. 1:

"HANDS ACROSS THE TABLE" (Para.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,500. (Average, $3,100)

"Barbary" on Dual Louisville's Lead

LOUISVILLE, Nov. 4.—"Barbary Coast" and "The Girl Friend" proved to be a winning combination at Loew's State, the take going $1,700 over par for a total of $6,200.

Next big draw was "Music Is Magic" with Morton Downey heading the "Melody Lane" Revue which reached $6,000 at the Rialto. This was over normal by $2,500. "Transatlantic Tunnel" at the Brown, "Wings Over Ethiopia" at the Strand, and "Dr. Socrates" at the Mary Anderson, all failed to make an impression, grosses being below par.

The Mary Anderson will fall in line on a double feature policy next week, making the town 100 per cent dual featured.

Total first run business was $22,200. Average is $18,500.

Estimated takings:

Week Ending Oct. 31:

"MUSIC IS MAGIC" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. Stage: Melody Lane Revue, Morton Downey, Jack Pepper, Sammy Cantor, Harry Foster Welch, Terry Howard. **Gross:** $6,000. (Average, $3,500)

"BARBARY COAST" (U. A.)
"THE GIRL FRIEND" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross: $6,200.** (Average, $4,500)

"WINGS OVER ETHIOPIA" (Para.)
"HANDS ACROSS THE TABLE" (Para.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $2,200. (Average, $2,500)

"TRANSATLANTIC TUNNEL" (G. B.)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $1,800. (Average, $2,000)

"DR. SOCRATES" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,200. (Average, $2,500)

"EVENSONG" (G. B.)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: "Band Box Revue, Al Belasco, Smith Sisters Orchestra, Jack Leonard, Cecile Blair, Burke Sisters, Rodney & Gould, Bobby Graham, Dorothy Arnold, Four Ambassadors of Rhythms. **Gross:** $2,500. (Average, $3,000)

Week Ending Nov. 2:

"POWDER SMOKE RANGE" (Radio)
"SUPER SPEED" (Col.)
"ESCAPE ME NEVER" (U. A.)
"COLLEGE RHYTHM" (Para.)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,300. (Average, $1,400)

"Broadcast" Pulls $13,100, Buffalo

BUFFALO, Nov. 4.—Business was quiet here in a week of fair fall weather. The Buffalo's "Big Broadcast of 1936" cracked par by $1,100 with a take of $13,100.

The Lafayette's dual, "Fighting Youth" and "Manhattan Moon," was $1,000 to the good at $7,000.

Total first run business was $39,500. Average is $38,400.

Estimated takings for the week ending Nov. 4:

"BIG BROADCAST OF 1936" (Para.)
BUFFALO — (3,000), 30c-50c, 7 days. **Gross:** $13,100. (Average, $12,000)

"WAY DOWN EAST" (Fox)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5,600. (Average, $7,300)

"DR. SOCRATES" (W. B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $7,300)

"RED SALUTE" (U. A.)
"CAPPY RICKS RETURNS" (Republic)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,400. (Average, $5,800)

"FIGHTING YOUTH" (Univ.)
"MANHATTAN MOON" (Univ.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $7,000. (Average, $6,000)

A. J. Smith, Jr., Gaining

BRIDGEPORT, Nov. 4.—Arthur J. Smith, Jr., manager of the Edmond, Newton, is at Bridgeport hospital convalescing from a major operation.

"Outpost" and Lombardo Big Boston Draw

BOSTON, Nov. 4.—"The Last Outpost" and Guy Lombardo proved a winning combination at the Metropolitan. The take ran over normal by $11,000 for a total of $33,000.

In the face of this competition "I Live My Life" and "Pursuit" playing day and date on dual bills at Loew's Orpheum and Loew's State took a big $15,500 at the former and an equally strong $14,000 at the latter. "Shipmates" and "Harmony Lane" did well at both the Fenway and the Paramount.

Total first run business was $96,000. Average is $80,500.

Estimated takings for the week ending Nov. 1:

"SHIPMATES FOREVER" (F.N.)
"HARMONY LANE" (Mascot)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $6,000. (Average, $4,500)

"WAY DOWN EAST" (Fox)
KEITH'S MEMORIAL—(2,907), 25c-65c, 5 days. **Gross:** $6,500. (Average, $12,000)

"I LIVE MY LIFE" (M-G-M)
"PURSUIT" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $15,500. (Average, $12,000)

"I LIVE MY LIFE" (M-G-M)
"PURSUIT" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000)

"THE LAST OUTPOST" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Guy Lombardo and his Royal Canadians with the Ritz Brothers. **Gross:** $33,000. (Average, $22,000)

"SHIPMATES FOREVER" (F.N.)
"HARMONY LANE" (Mascot)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,500. (Average, $7,000)

"THE RAINMAKERS" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Benny Rubin, Ella Logan, Buster Shaver with Olive and George, Carl Freed and his Harmonica Harlequins, Gardner and Kane, 16 Bebe Barri Girls, and Eddie Rosenwald and his Grand Orchestra. **Gross:** $12,500. (Average, $12,000)

"Socrates" $7,500 Indianapolis Lead

INDIANAPOLIS, Nov. 4.—First runs fell into a slump last week with only one attraction, "Dr. Socrates," going onto the profit side of the ledger with a take of $7,500. This was up by $500.

"Music Is Magic" reached a par $4,000 at the Apollo, but elsewhere things were pretty dull.

Total first run business was $25,000. Average is $26,500.

Estimated takings for the week ending Nov. 2:

"MUSIC IS MAGIC" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THE LAST OUTPOST" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"HANDS ACROSS THE TABLE" (Para.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"BARBARY COAST" (U. A.)
"THE BISHOP MISBEHAVES" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

"DR. SOCRATES" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,500. (Average, $7,000)

Baltimore Smoker Set

BALTIMORE, Nov. 4.—William K. Saxton, Loew's city manager here, and Frank H. Durkee, head of Durkee Theatrical Enterprises, are in charge of a smoker to be held at the Elks' Club Tuesday night, under the auspices of Variety Club Tent 11, Washington.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 108 NEW YORK, WEDNESDAY, NOVEMBER 6, 1935 TEN CENTS

Phila. Leads Way, Voting Sunday Films

Elsewhere Vote Is About Equally Divided

PHILADELPHIA, Nov. 5.—The voters of this city had indicated, at a late hour tonight, that they want motion pictures on Sunday, thus leading the way for the other 275 municipal subdivisions, voting in referenda on the question of Sunday films.

With 28 out of 50 wards reported here, the result was approximately 118,000 for pictures on Sunday, with 31,000 against. This overwhelming "yes" total gave clear indication that the fight, waged here over a long period by picture interests, battling the vigorous opposition of church organizations in particular, had finally met with an unquestioned success.

Elsewhere in the state, with reports incomplete, indications were that the reaction of voters was about equally divided. Among the larger cities voting against Sunday films were: Harrisburg, York, Allentown, Sunbury and Uniontown. Voting in fa-

(*Continued on page 8*)

Ontario Men Await Moves for Tax Cut

TORONTO, Nov. 5.—Although the Canadian Federal elections were cleaned up at mid-October, no further action has been taken by the Ontario Government toward modifying the amusement tax schedule, which, since last May, has brought a heavy burden to the theatres of the province.

The promise was made, it is understood, that as soon as the Federal voting was a matter of history, consideration would be given to the adjustment of the tax. The one hope is that the levy will be eased when the Provincial Legislature holds its fall session at the end of November.

"Crusades" $18,000 In 2nd B'way Week

In its second week at the Paramount "The Crusades" was top draw along Broadway with a take of $18,000.

"Barbary Coast," in its third stanza at the Rivoli, garnered $19,000.

"Harmony Lane" at the Astor fell off to $6,000.

"A Midsummer Night's Dream," in its third week at the Hollywood, was good for $17,572, according to Warners.

Chance Games Sweep Around Loew Circuit

Receipts Are Up With Screeno, Bank Night

Chance games are sweeping the Loew circuit in the metropolitan area, where 33 theatres of this company are now playing either Screeno or Bank Night.

Receipts are reported to have picked up tremendously and the purse games are credited with having a good deal to do with it. The business improvement is said by Loew's officials to be particularly noticeable at the houses playing Screeno, which the circuit began using earlier than it did Bank Night. There are 18 Loew houses using Screeno and 15 having Bank Night. It takes several weeks to get the latter game established and it has been in most of the 15 Loew houses for less than two weeks. Officials expect to find its effect on attendance evidenced within the next few weeks. Definite results from the games observed thus far indicate that the circuit may increase its use of the game still further.

Loew's had only eight houses using Screeno and none on Bank Night during the summer. The game was with-

(*Continued on page 8*)

Maine Bank Nights Getting Court Test

AUGUSTA, Me., Nov. 5.—The fate of Bank Night in Maine will be decided by the verdict in the prosecution of Frank F. Colburn, Jr., manager of the M. & P.-Publix house at Bath.

The defense and the attorney for the county, Ralph Dale, have agreed that it will be a test case under the lottery law.

Amusement Concerns Dissolved in Albany

ALBANY, Nov. 5.—Certificates of voluntary dissolution of six corporations have been filed in the office of the Secretary of State.

Red Star Music Co., Inc., William Fox Vaudeville Company, Fox M. P. Display Co., Inc., all of New York, have been dissolved, the papers being filed by Twentieth Century-Fox.

The 77th St. Theatres, Inc., and Beacon Theatre Corp., both of New York, have been dissolved by Kelly & Connelly, attorneys.

The Pearson - Baruch Theatrical Corp., New York, has been dissolved by Cone & Greene, attorneys.

Do It in Style

Windsor Locks, Conn., Nov. 5.—Bank Night in this community is a civic event.

David Maglena, first Selectman, acts as master of ceremonies, and the assistant postmaster and a local banker act as judges.

British Seek Agreement on Quota Policy

By BRUCE ALLAN

LONDON, Nov. 1.—First steps toward a reconciliation of the divergent quota policies of British exhibitors, represented by the C.E.A., and producers for whom the Film Group of the F.B.I. speaks will be taken when these trade bodies go into conference. The immediate object is not to arrive at agreement, but to see if agreement seems a reasonable possibility, in order to meet the Board of Trade's request for a unanimous trade policy on Film Act revision. At present, exhibitors are solid for a reduction of the 20 per cent quota to 10 per cent, while producers want the quota stiffened by a minimum cost clause. It is thought possible that producers may be willing to yield the principle of a smaller quota for exhib-

(*Continued from page 8*)

Kuykendall Insists On 41c. Tax Margin

LOS ANGELES, Nov. 5.—Exhibitors nationally require a 41-cent exemption on admission taxes, Ed Kuykendall, M.P.T.O.A. president, here in the course of a tour of principal cities to observe theatre business, said today.

Kuykendall scored legislative moves aimed to establish new and higher admission taxes, pointing out that their enactment will, in many cases, remove whatever benefits exhibition has derived from improvements in business

(*Continued on page 8*)

Mayors Giving Help To Vaude Campaign

Mayors in a number of cities have joined in endorsing the "Save Vaudeville" campaign of the American Federation of Actors. Among them have been the chief executives of New York, Bridgeport, Pittsburgh, Erie, Milwaukee and Boston.

Vaudeville has been returned to Erie, Pa., as a result of the campaign,

(*Continued on page 8*)

Defense Rests As Depinet, Smith Testify

U. S. Rebuttal Is Next; Summations Follow

By BILL ORNSTEIN

ST. LOUIS, Nov. 5.—With the completion of RKO's case and the introduction of exhibits by Warners and Paramount, the joint defense today rested at 5 P. M. The Government is expected to complete its rebuttal tomorrow, following which summation will begin. It is anticipated these will take a few days and that before the week is out Federal Judge George H. Moore will charge the jury.

Ned E. Depinet and Cresson E. Smith were the only RKO witnesses to testify, although counsel for the company had planned to put on Jules Levy, Walter Branson and Lou Ellman, of RKO, and Harry Koplar and Harry C. Arthur, who appeared in court under subpoena. The decision not to call additional witnesses was made after Smith followed Depinet on the stand. RKO attorneys

(*Continued on page 5*)

Blank Operation Is Extended to Dec. 1

A. H. Blank's theatre operating contract with Paramount was extended yesterday to Dec. 1 to allow for additional time in which to complete negotiations for a new agreement. Blank is due here from Des Moines early next week for the negotiations. Yesterday's extension is the second to be made since his operating contract with Paramount expired last Sept. 28.

Negotiations on the new operating contract for Karl Hoblitzelle are continuing, with the term of the contract as yet undecided. Hoblitzelle will remain here until the final details of his new agreement have been set. The new contract with George W. Trendle for the operation of United Detroit Theatres is for a minimum of 18 months with provisions for renewal.

P. A. Powers Ready To Start New Series

P. A. Powers has completed plans for expansion of Celebrity Prod. and the release of a new series, the first of which he expects to have ready in 10 days. The first two subjects will be musical comedies, with operatic selections introduced.

Titles so far announced are "Kiss Me Goodbye" and "For Love of You."

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 6, 1935 No. 108

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Boat Trip a Success

BOSTON, Nov. 5.—Film Row is still talking about that installation of officers of the Motion Picture Post of the American Legion on the *Arcadia* while en route from this city to New York. Less is being said about what happened on the return trip.

Charles Heath of RKO, retiring commander, was made a member of the executive committee, with Richard Sears of Pathe News and James Sheeran of the Sunday censorship bureau. William McLaughlin of Allied, Cyril McGarrigle of RKO, Samuel Levine of G. B. and Kenneth Forkay of the Magnet, Dorchester, are the new officers.

Cosmopolitan Expands

Cosmopolitan Studios, 145 West 45th St., dealers in effects, organ slides and other sound products, have taken the entire fourth floor of their present building in an enlargement move.

Hold Blumberg Services

MILWAUKEE, Nov. 5.—Funeral services were held this afternoon for Mrs. Libby Blumberg, 84-year-old mother of N. J. Blumberg, general manager of the RKO circuit, who died here on Monday.

Celebrated on Second

Celebrated will start its second short, "Hot News," next week. Theodore Allen Lloyd has signed Lee Mortimer to do the dialogue.

Insiders' Outlook

By RED KANN

THE fog which, for weeks, has surrounded the situation at Universal lifts with these tidbits of information, some complete and, frankly, some not:

The loan arranged by Standard Capital, headed by J. Cheever Cowdin, and a group represented by Charles R. Rogers, is for $750,000.

It carries with it a three-month option to purchase control for $5,500,000. Of this amount, $1,500,000 would change hands in cash and as a down payment. The remaining $4,000,000 would be payable in annual instalments of $500,000 over a period of eight years.

When you talk a deal with or for Universal you talk to one man. His name is Carl Laemmle who has controlled the company since its formation over two decades ago. His holdings, as reported to the SEC in February, embrace 1,115 shares of first preferred, 15,702 shares of second preferred, 7,016 shares of common, 58,692 voting trust certificates and 120,126 voting trust certificates on the common.

If the two investment groups determine not to exercise their option, the three-quarters of a million becomes a straight loan which Universal will have to pay off, of course.

The probability is very strong, however, that Cowdin and his people who include individuals identified with Forbes, Morgan and Co. and Rogers have sufficiently gone over the company's situation to place their option definitely in the classification of things they propose picking up.

Standard Capital was incorporated in Dover, Delaware, on January 15 of this year with a capitalization of $1,600,000. Its three voting trustees are George N. Armsby, Cowdin and Lawrence W. Fox, Jr., the latter resident in Los Angeles. Armsby and Cowdin were one time chairman and vice-president, respectively of Bancamerica-Blair Corporation.

Other probabilities include a board chairmanship, if and when, for Laemmle, Sr.; a deal writing out Herbert J. Yates and Consolidated Film Industries, Inc., who hold a mortgage on Universal City which would permit reopening of "U's" own laboratory, one of the best equipped in the industry, which, in turn, would make the company even more self-contained as a unit on its own.

Rogers will be the studio head and that works out in this wise: Out of the loan came Universal Productions, Inc., which will make forthcoming product under a deal with Universal Pictures Corp. It is this picture-making unit which Rogers will head and all of its activities which Charlie will supervise.

The New York end of the organization is expected to remain intact with, perhaps, a direct representative of the new interests on deck. In administration under Robert H. Cochrane, in domestic sales under James R. Grainger—he has sold 7,600 contracts to date—in foreign sales under N. L. Manheim, the new financial blood is understood already to have expressed its satisfaction.

Question: What becomes of Junior Laemmle? . . .

▼ ▼

Rarely getting too positive about anything, this watchtower, nevertheless and from time to time, has advanced as its own firm and rock-ribbed opinion that maximums are not always squeezed out of celluloid plums by the fellow who exercises the elbow grease: the exhibitor. The argument has run that booking commitments and competition, as well as circuit and subsequent run situations, have brought box-office product to the end of its first run faster than judgment, if it were more discerning, should allow. Tearing a ham sandwich apart with "Skip" Weshner, first run zone manager for Warners in Philadelphia the other day, this subject entered the conversation because Weshner knew it nestled rather closely to this department's view of the matter. . . .

▼

He told of the current history of "Top Hat" in downtown Quaker Town. This is it:

Four weeks at the Stanley.
Four weeks at the Karlton.
One week at the Palace.
One week at the Victoria, the latter run a day and date booking with six neighborhood keys in the same city.

Ten weeks all told the picture bouncing from the Stanley to the Karlton to the Palace to the Victoria with no protective period between dates. And ten very good weeks at that. If the Rockefellers had geared the reopening of the Center to completion of the "Top Hat" run at the Music Hall, and had moved the print down the street to the smaller theatre, this dubious seer predicts the step would have been a wise one. . . .

▼

The rebuttal, as they say in St. Louis, will argue this might be done with a "Top Hat." Well, why isn't it? It is obvious, naturally, that here was an attraction which was the tops; that it rated extended playing time. Our insistence is that, while anyone can prove he's smart with a "Top Hat," there are others which have and will come along that are likely candidates and that the real showman is the one who is smart enough and daring enough to pick them out. . . .

Mrs. Gross Renamed Ohio Council's Head

COLUMBUS, Nov. 5.—Mrs. C. E. Gross was reelected state president of the M. P. Council at its second annual convention here.

Other officers named were: Vice-president, Mrs. W. J. MacLachlan, Cleveland; recording secretary, Mrs. C. A. Wells, Youngstown; corresponding secretary, Mrs. H. D. Van Kirk, Columbus; treasurer, Mrs. W. F. Vogel, Toledo; auditor, Mrs. C. A. Rager, Grovesport; district presidents, Mrs. Kathryn Smith, Marion; Mrs. O. E. DeLong, Toledo; Mrs. W. C. Brown, Steubenville; Mrs. J. E. Brate, Hamilton, and Mrs. George K. Ander, Dayton.

Small Estate to Charity

TORONTO, Nov. 5.—Still another chapter has been written in the A. J. Small case with the probate of the will of the widow of the late theatre magnate who mysteriously disappeared from the Grand 15 years ago. The estate of the widow, who died in October, was found to be approximately $2,000,000 and the will provides for the distribution of practically the whole amount among designated charities. A. J. Small once owned theatres in numerous centres of Ontario, but dropped out of sight a few minutes after he had received a first payment of $1,000,000 for his properties.

"U" Managers on Coast

HOLLYWOOD, Nov. 5.—Three out of town Universal branch managers have arrived here to close deals with F. W. C. They are L. J. McKinney, Seattle; Barney Rose, San Francisco, and Jack Langan, Denver.

19 Set at 20th-Fox

HOLLYWOOD, Nov. 5. — Darryl F. Zanuck, Twentieth Century-Fox production chief, declared today there will be no "traditional production holiday." Plans are set to place 19 major productions in work by Jan. 1.

Harrison Joins Staff

Robert Harrison, formerly with Charles H. Tobias, Inc., has joined the advertising staff of Quigley Publications and has been assigned to *Better Theatres*.

Woolstenhulme to Lasky

HOLLYWOOD, Nov. 5. — Charles Woolstenhulme, former Twentieth Century-Fox manager, has joined the Pickford-Lasky unit in the same capacity.

THE Hollywood REPORTER

Vol. XXX, No. 1. Price 5c. TODAY'S FILM NEWS TODAY Monday, October 28, 1935

MGM 'MUTINY' A SMASH

Joy's Insured!

Lloyds of London has taken a gamble on Joy Hodges of Radio to the tune of $125,000, which is considered half of her earning power in three years. She can't marry, smoke or drink in that time.

'Bounty' Knockout, So Warners Plans 'Sea Hawk' Remake

To follow in the wake of MGM's "Mutiny on the Bounty," Warners will remake "The Sea Hawk," which like "Bounty" was directed by Frank Lloyd.

Sam Bischoff will produce it, but no director or cast has been arranged.

Spanish Financiers Bid F...ish Films

...d here that ...hic Council ... a group of ... during the ...ent of all ...old option ... for three ... put the ...ducers for ... Spanish ...uss.

...ing ...e Job

...r will ... 11 in ...mental ...mited ...ur for ...Coast ...other

...ted ...He ...es.

...o ...n

...Con...

Con... on a lon... attached ...

Briski...

New Y... turn to Ho...

FRONT PAGE NEWS!

• M-G-M's GIANT HIT is the TALK of the Industry •

This Review is continued on Next Page

Thalberg's Genius Tops One Of The Greatest Films Of All Time; B. O. Records Assured

Metro-Goldwyn-Mayer now comes to the front with one of the greatest pictures of all time in Irving Thalberg's production of "Mutiny On The Bounty." A picture that will definitely elevate the industry in every country of the world, and, one that is certain to establish new money records through massed attendance and long runs. Its importance far surpasses anything that has been made in years, made possible by the great faith of Thalberg in fine productions and the unlimited backing of this faith by Metro-Goldwyn-Mayer.

Twelve years ago Frank Lloyd compelled world-wide attention with his direction of "The Sea Hawk," accounted at the time a milestone in motion picture progress, now with his masterful direction of this great epic drama of the sea, the world has a chance to see what amazing progress has been made in the art of the screen and to witness the maturing of a great talent.

The picture-going public is not so easily startled as it was in 1923, but this masterpiece can scarcely fail to be a universal "must." There is little need to appraise its box office value. Such great pictures sell themselves. And "The Mutiny" has as many strong exploitation angles as a porcupine has quills. Few theater patrons will be willing to miss it.

Heavy Cost and Time Spent Justified

With the full resources of the Metro organization and the production genius of Thalberg behind him; with upwards of $1,800,000 spent and months and months of actual shooting, Lloyd justifies it all. The picture is long, running just over two hours. Much of it is desperately grim, brutal and violent. But it has the epic sweep of the sea itself, "the hurl and the heave and the crash of the combers wind-hounded," and it holds almost breathless interest through every one of its 12,000 feet.

The celebrated book and its sequel, "Men Against The Sea," of which this is a close picturization, is virtually a historical document, the re-creation of one of the most dramatic of all true sagas of the sea. The writing of this Nordhoff-Hall book, which has been read by millions, is itself a fascinating story.

The picture is divided into six strongly-contrasted episodes, not counting a brief prologue showing preparations in England for the Bounty's history-making voyage. First is the long voyage itself around Africa to the South Seas, its progress punctuated by animated maps. The little full-rigged frigate is on its way to gather 1,000 breadfruit plants in Tahiti and transplant them in the West Indies, a two-year job. She is in command of Captain William Bligh, a great seaman but a domineering and merciless master, taking sadistic pleasure in the torture of his men for slight or fancied infractions of his brutal orders.

This terrifying character is magnificently presented by Charles Laughton. Throughout "The Mutiny" he is every inch the mas-

(Continued on Page 3)

3-Game Laemmle

Carl Laemmle Jr. attended the UCLA-Oregon game with a portable radio. Watching this game, and getting the USC-California tussle, he became peeved because his outfit simultaneously wouldn't pick up the Notre Dame scrimmage.

Operators' Strike Closes 35 Indie Milwaukee Houses

Milwaukee. — Thirty-five theaters closed yesterday when projectionists walked out after being refused a 7½ percent wage increase.

Circuit houses are operating after reaching an agreement with the union.

Robbins Leaves MGM Music Dept.

Jack Robbins, who has been in charge of the music department at Metro-Goldwyn-Mayer and is the publisher of all the MGM tunes, is out at that plant, with no successor appointed to fill the vacancy.

The split does not hamper the publication of the MGM songs by the Robbins Music Corp.

Westcott Injured In Riviera Polo Match

Gordon Westcott was in the Santa Monica hospital last night with concussion of the brain, the result of an accident during a Riviera polo game. He was knocked from his pony when in collision with the pony being ridden by Walt Disney.

Swanson Back From N.Y.

H. N. Swanson returned Saturday from a two-week business trip to New York. While there, Red Book magazine signed a new contract with him to review the best picture of the month for it.

Buzzell Leaves Col.

Eddie Buzzell and Columbia have settled the director's contract by mutual agreement. Buzzell left yesterday by plane for New York.

Schenck, Jolson In

Joseph M. Schenck and Al Jolson arrived yesterday from the east on the Chief.

SMITH-ALLEN LTD. Distributors ...er A.S.C. . . NOW PHOTOGRAPHING "Drift Fence" —Paramount Headline by DUPONT

'BOUNTY' MOST IMPORTANT PIC ACHIEVEMENT IN MANY YEARS

Lloyd's Direction, Cast Work Superb

(Continued from Page 1)

ter of men, with never a flicker of softening even at his final humiliation at the court-martial in England.

Next in command was Fletcher Christian, master's mate, now admirably brought to life by Clark Gable. This mate too was a great sailor and no weakling, trained to accept the harsh sea code of the period, a born leader. But he cannot stomach the increasing cruelties of his master. He warns of the smouldering resentment of the crew, semi-starved and overworked, only to be as harshly scorched as the lowest.

Thus the growing tension is built up through the months of the long voyage, to brood over the little ship like a black fog, till suddenly land is sighted. They have reached Tahiti.

The first chapter is closed in the nick of time.

In a Paradise

They are in a paradise. The natives, under a friendly chief, welcome them with lavish hospitality. The hardships are forgotten in the protracted shore-leave allowed for the gathering of the plants. Only the mate is kept aboard (except for one brief visit in which he and an island maiden fall in love) and thus his growing sense of injustice is further fanned.

Of the three midshipmen one Byam, admirably played by Franchot Tone, of whom more anon, goes ashore to compile a dictionary of the language and he too succumbs to a lovely native.

Then the voyage to the West Indies. Bligh's brutalities grow past human bearing. Gable leads the mutiny. The crew is about evenly divided and there is a fight, which the mutineers win. The captain and those who want to go with him are turned adrift in an open boat, with food, water and navigating instruments, thousands of miles from a port of call. Byam refuses to join Gable and his mutiny but is held by the mate. The Bounty is headed back to Tahiti.

After almost incredible hardships, marvelously pictured, the indomitable Bligh reaches port and eventually England.

Scenes in Tahiti

The mutineers and Byam reach Tahiti, marry natives and raise happy families. One day an English sail is sighted. Gable hurries most of his men and their families aboard the Bounty and they sail away. Byam, still loyal to the service, stays behind and boards the Britisher, to find Bligh in command, burning with the passion to catch Gable and get revenge. There is a hair-raising chase among the reefs. The Britisher is wrecked but those on board escape.

The Bounty reaches an uncharted and uninhabited island, now famous as Pitcairn, and is deliberately driven ashore under full sail and burned to the waters edge. The party is to start a colony but it disappears from the story and was lost to the world for more than a century. That is another story, and with MGM owning "Pitcairn Island," it is wide open for a sequel with audiences ready made for it.

"MUTINY ON THE BOUNTY" (MGM)

Producer .....Irving G. Thalberg
Associate Producer Albert Lewin
Direction .....Frank Lloyd
Story: Charles Nordhoff and James Norman Hall.
Screen Play: Talbot Jennings, Jules Furthman and Carey Wilson.
Photography .....Arthur Edeson
Musical Score Herbert Stothart
Cast: Charles Laughton, Clark Gable, Franchot Tone, Herbert Mundin, Eddie Quillan, Dudley Digges, Donald Crisp, Henry Stephenson, Francis Lister, Spring Byington, Movita, Mamo, Ian Wolfe, Ivan Simpson, DeWitt Jennings, Stanley Fields, Wallis Clark, Vernon Downing, Dick Winslow, Pat Flaherty.

Byam is taken back to England, tried and convicted of mutiny on the evidence of Bligh. He is allowed to speak and delivers a scathing indictment of the barbarous code of the sea that wins him a king's pardon and brings about many humane reforms. This is the stirring climax of the story and its intensely dramatic recital by Franchot Tone will bring spinal thrills to anyone, while the British public can almost be counted on to rise from its seats and cheer. This scene splendidly climaxes a finely consistent and manly portrayal. It is Tone's best work to date and marks him up for high credit.

Fifty Speaking Parts

There are some fifty speaking parts in the admirable cast and but a few can be mentioned. Herbert Mundin, as the captain's steward, furnishes the only light touch on the voyage and also delivers laughably on the island. Dudley Digges is outstanding as the drunken but humane ship's doctor, as is Donald Crisp, playing a soul-tortured sailor. Eddie Quillan, a young and tender member of the crew, torn from his wife and baby to serve the king, elicits sympathy with a moving performance. The Tahitian parts are beautifully played by natives, recruited during the filming in the islands. There are several smaller characterizations of high excellence. Ian Wolfe as Maggs, who is tortured to his death, Ivan Simpson as Morgan, DeWitt Jennings as Fryer, Stanley Fields as the hard-boiled Muspratt and Wallis Clark as Morrison, the muscular wielder of the lash, all stand out. Henry Stephenson, as Byam's very British father, and Francis Lister, president of the court-martial, are also excellent.

The screen play by Talbot Jennings, Jules Furthman and Carey Wilson is faithful to the highest standards and evidences meticulous care and fine feeling for the spoken word. The picture is photographed with brilliant distinction by Arthur Edeson. The art contribution of Cedric Gibbons and Arnold Gillespie is notable, and James Havens, with expert knowledge of ships and the sea, has given invaluable guidance in that department. Sound plays a vital part in the telling of this story, as does the background music, and unstinted credit must go to Herbert Stothart for a distinguished score. Add to all this the wise and unflagging supervision of Albert Lewin through many months and the total score is—a masterwork.

The picture, advertised and publicized for months as one of the most expensive ever made, is cheap at the $1,800,000 cost. Its great value to the British market alone would make that expenditure possible.

Exhibitors would do well to clear the booking sheets for additional days and weeks for this picture because it will take a longer run than the ordinary house has ever had, to accommodate the great number of people who will want to see it. It's fine entertainment and a great business builder, attracting, as it most assuredly will, patrons who only come out for important shows.

Camera, Technical Details Perfect

Six New Plays On B'way This Wee

New York.—News plays on Br
way this week are: Monday, "
End," by Sidney Kingsley, at t
lasco Theater, Norman Bel
producer; Tuesday, "On St
comedy by B. M. Kaye, at t
field Theater, by Laurenc
Inc.; Wednesday, "There
in Women," a comedy b
Kesselring, at the Cort Th
Genius, Play," a come
Kandel, at the St. J
Thursday, "The Body
comedy by Robert Ro
mouth Theater; Sa
the Billy Rose circ
Hippodrome.

G-B Pron

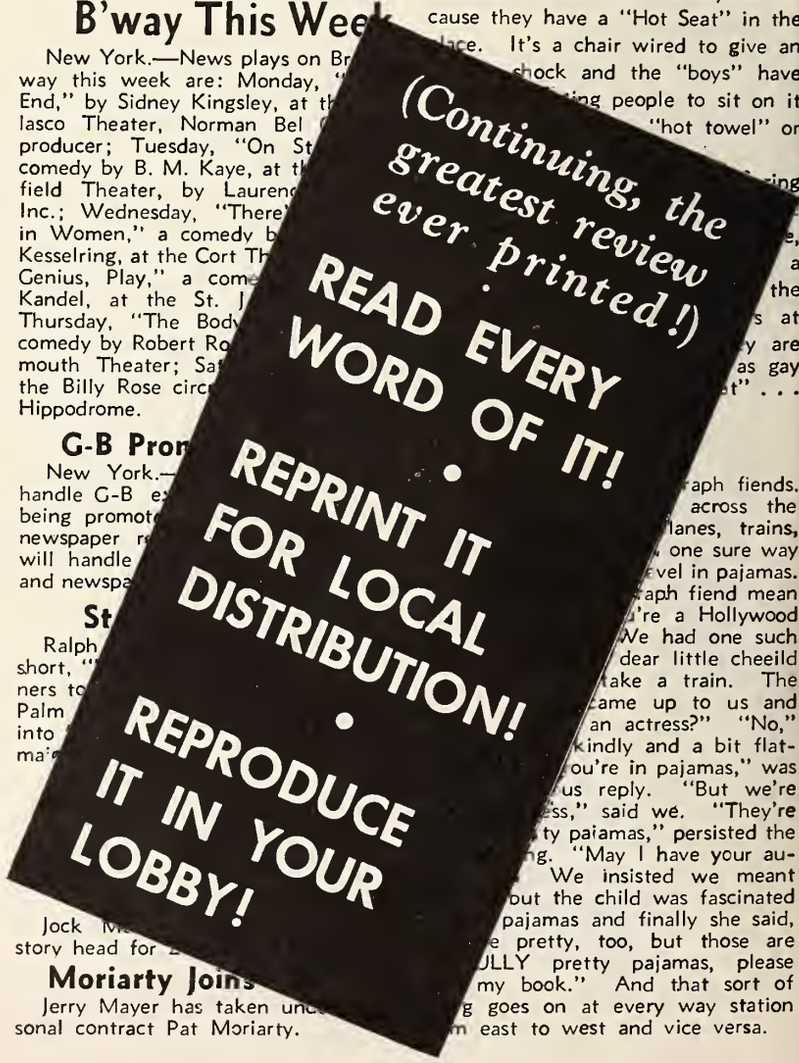
New York.—
handle G-B e
being promot
newspaper r
will handle
and newspa

St

Ralph
short, "
ners to
Palm
into
ma

Moriarty Joins

Jock M
story head for
Jerry Mayer has taken unc
sonal contract Pat Moriarty.



Not that it MATTERS by Helen Gwynn

Hollywood may have its photographers and autograph fiends, but New York has its photographers, autograph fiends AND colyumists. Colyumists are everywhere not only because the rivalry among them is so great that they must be everywhere at once, but because the late spots need their comment to keep going. The situation is such that undoubtedly a play will be written about it some day because right now things are so amusingly bad, that if you mention the fact that the weather is nice, a colyumist will immediately ask, "Who tipped you off and who's in on the plot?"

However, the night clubs add fuel to the fire. F'rinstance, two of the more popular places are the Stork Club and the Versailles. Lately the colyumists have been hanging around the Stork Club more and as a consequence it's had more publicity and the reason it attracts the boys is because they have a "Hot Seat" in the ace. It's a chair wired to give an hock and the "boys" have ing people to sit on it "hot towel" or ing e, a the s at y are as gay t" . . .

raph fiends. across the lanes, trains, one sure way vel in pajamas. raph fiend mean 're a Hollywood We had one such dear little cheeild take a train. The ame up to us and an actress?" "No," kindly and a bit flat- ou're in pajamas," was us reply. "But we're ess," said we. "They're ty pajamas," persisted the g. "May I have your au- We insisted we meant but the child was fascinated pajamas and finally she said, e pretty, too, but those are ULLY pretty pajamas, please my book." And that sort of g goes on at every way station n east to west and vice versa.

Defense Rests As Depinet, Smith Testify

(*Continued from page* 1)

were satisfied the testimony was sufficient for their purposes and ended interrogations at 4:30.

The Government was prepared to put on the stand this afternoon Arthur, Thomas N. Dysart, Frederick H. Kreismann and Joseph Grand, all of whom have previously testified. Because of the late hour this was delayed until tomorrow. Clayton Bond and Moe Silver did not take the stand for Warners.

Koplar's appearance in court for the first time since the anti-trust trial began six weeks ago caused some excitement. Several times during the session necks were craned for glimpses of the man whose name has been mentioned so often as allegedly inspiring the Government's action.

Deny Refusal to Sell

Both Depinet and Smith denied emphatically they had refused to sell Arthur in St. Louis because of Koplar or anyone else. The RKO president stated that when Arthur came to him to negotiate, the product already had been committed to Warners. He then related the difficulties experienced with Famous Amusement Co., which operated the St. Louis. Depinet also told of the alleged troubles with Arthur when the latter joined Koplar. Particular disagreement arose over collection of weekly short subject payments and inaccurate percentage reports. The RKO head said that when he committeed the pictures to Warners he "sold to the best customer," Arthur having previously given him reason to believe he was dissatisfied. "I also sold Warners because I thought them the best account under the circumstances," Depinet stated. He added that RKO sells to Milton B. Arthur, Harry's brother, in Massachusetts, California, Utah and other places and that there is "no proscription against the Arthurs."

"I don't believe I ever sold Arthur, but I would have no objection in so doing. If the pictures are open in his territory, I would be glad to deal with him," Depinet explained.

Discussed Second Runs

Smith also held that statements attributed to him by Arthur were erroneous. He said Arthur never came to his office in July, but it was the latter part of August and that the conversation pivoted about second runs in St. Louis. The RKO southern and western division manager asserted that when the first Government witness conferred with him Arthur mentioned his intention to reopen the Missouri and Grand Central as second runs. He wanted to know if he could get pictures. Smith said he told Arthur of negotiations with the St. Louis Amusement Co., and would inform him of the status of the deal.

"I did not promise to sell him," Smith testified, "and when Arthur called me a week later I told him RKO was selling to Nelson Cunliff, trustee for the local suburban circuit." Denial was also made that he had told Arthur Warners objected to a second run deal with F. & M. He said, "We conduct our own business and don't ask Warners what to do."

In rebuttal, Russell Hardy brought in the testimony of Smith before the grand jury. The prosecutor wanted to introduce the entire volume in evidence, but this was objected to. Hardy read from the grand jury pages that Smith testified he had not received a direct or indirect offer from Arthur personally. This, Smith declared today, applied only to second runs. The witness admitted he had a conversation with Arthur, who at the time said he was considering reopening the Missouri and New Grand Central, but this he did not regard as an offer, Smith stated.

Dealings with Cunliff

Emphasizing that no direct request had been made to him, the witness held he learned of Koplar's $80,000 offer for second runs from Branson, who was in Des Moines at the time. Smith testified he did not believe the Koplar bid *bona fide* because, "I don't know how they could have paid this sum when they couldn't pay $60,000 for first runs. I didn't think it was a genuine offer."

The second witness of the day could not recollect his testimony to the grand jury last January. Several times Hardy asked him if he made certain statements and Smith said he could not remember. Hardy pointed out Smith stated to the grand jury he never turned down an offer because it was too high, to which the witness replied he had never received an offer from Arthur. Smith also denied he knew Warners controlled the St. Louis Amusement Co. What he did know was that the company had an interest in the circuit which was being operated by a trustee. All his dealings were with Cunliff, he said.

Depinet revealed he was 45 and in the business 28 years, starting in 1907 as ticket taker and operator for the Dreamland Theatre, New Orleans. From there he joined an independent exchange in the same city as all-around man. He had numerous other jobs until he joined RKO-Pathe in 1931 as vice-president and general sales manager. He recited in detail the experiences RKO had with Koplar in several dealings, the asserted trouble on "Little Women," and how the reductions and cancellations of features and shorts cost RKO more than $20,000.

Arthur Cited Loss

The RKO president explained that although the films were originally bought for the St. Louis when Koplar had it, and the only reason Koplar got it for that house was because Julius Glazer and Aaron Waldheim signed as guarantors, they had been switched with his permission to the Fox, Missouri, Ambassador and Grand Central.

Arthur, Depinet stated, complained of losing $33,000 on RKO product, and, "if we gave him our pictures for nothing he would just break even." He said up to Dec. 8, 1932, RKO had operated the St. Louis. When the circuit lost the house it took the Missouri, which it held until April 30, 1933. On April 1, 1933, a deal was made for RKO first runs with Clarence M. Turley and Spyros Skouras, acting for Tom K. Smith, receiver for the Ambassador, Missouri and New Grand Central. The agreement provided for a four-month playing arrangement with two yearly options, he said.

Depinet insisted he never made a contract with Arthur. He declared he committed the company's output to Warners on March 29, 1934, after Clayton Bond and Joseph Bernhard had conferred with him. The meeting with Gordon Youngman in connection with the Warner agreement also was explained. Youngman testified in the early days of the trial in relation to the Smith memorandum of Aug. 17, and the Warner pact.

Denies Talking to Arthur

The only time he talked to Arthur about St. Louis, Depinet said, was on the phone after the Warner commitment. The F. & M. head apparently wanted to confirm a report he had heard on the street, the witness said, but he never suggested buying the pictures.

"Even if he did I couldn't have sold him. I couldn't sell twice in the same situation," the RKO chief contended.

Depinet also denied having talked to Arthur in Levy's office because the general sales manager, at the time specified by the first Government witness, was on the Coast. The Warner circuit deal was closed in February, 1934, and ran for 18 months, the RKO head testified, admitting he did not know the exact number of theatres Warners had but estimated something like 300. He further denied allegations credited to him by Arthur and John S. Leahy. Depinet gave his picture of what transpired at the Park Plaza Hotel session in New York on April 7, last year.

He said Leahy advised him the contract signed with Warners was illegal "and apparently wanted me to break it and sell to his clients." In answer to a question put by George S. Leisure, Depinet denied Leahy ever mentioned "Arthur is a long-standing friend," adding he has known the F. & M. head about 10 years and the acquaintanceship "has not been intimate."

"No Rules About Selling"

Between 10,000 and 14,000 contracts are sold annually by RKO, Depinet testified, and so far this season about 9,000 have been signed, 600 of which were closed in March. "We have no rules about selling. We keep our sales force working around the calendar. Our business is like the newsboy who sells his paper every day, including Sunday," Depinet said. After preliminary talks, the RKO president dropped out of the Warner deal, he stated.

On cross examination Depinet said to the best of his knowledge he did not believe Arthur attended the Park Plaza meeting because he did not hear or see him during the half-hour session. Hardy wanted to bring in a contract RKO had made with Montgomery Investment Co. for the Montgomery, St. Louis, on 1933-34 product. This house is operated by Koplar's brother. Leisure objected on the grounds the matter was not bearing on the issues charged in the indictment and involved a subsequent run situation when the question before the court was first runs. He was sustained.

Twice during his interrogation of the witness Hardy called him Levy. Levy was not in town and Leisure called this to the court's attention. The prosecutor apologized, but not before Depinet acknowledged he did not take offense as the general sales manager "is a good friend of mine."

Mystified, and admitting it frankly in open court, Hardy told Depinet that he could not understand why RKO, if it did have trouble with Famous Amusement Co. and Koplar, should refuse to sell F. & M. Leisure again objected and was upheld. Efforts by the prosecutor to argue after a decision was handed down met with orders by the court to proceed.

Procedure Irregular

The procedure was quite irregular today. After Hardy got through asking Depinet cross questions, he began to interrogate the witness on points not covered. Leisure pointed out Hardy had made Depinet a Government witness. In the course of this line of questioning a "sales letter" signed by Depinet and said to have been sent out by the company's advertising department was introduced. Hardy stated this letter indicated RKO wanted to do business with Arthur, but Leisure brought out the fact the letter was addressed to Arthur in New York and F. & M. had other theatres than those in St. Louis.

Another irregularity in procedure occurred with the opening of today's session. When the prosecutor refused to admit into evidence the minutes of the Code Authority meeting in New York on March 12, 1934, and a report by the Roney Plaza Hotel of long distance telephone calls made by George J. Schaefer in Miami, Samuel W. Fordyce, Paramount attorney, asked Hardy to take the stand.

"Are you kidding? Do you mean it?" Hardy queried. Fordyce told him he wasn't fooling and Hardy obliged. The Paramount counsel interrogated the Government on its reasons for not admitting the exhibits.

Depinet on Stand Twice

Hardy answered they were immaterial and irrelevant and the only reason he brought up the matter was "to test Schaefer's memory." The Paramount vice-president returned from New York today after a weekend in New York, with Louis Phillips and Irving Cohen. The trio were grounded in Indianapolis and made the rest of the trip by rail.

Latest reports have it the sessions will be transferred to the new courthouse Thursday.

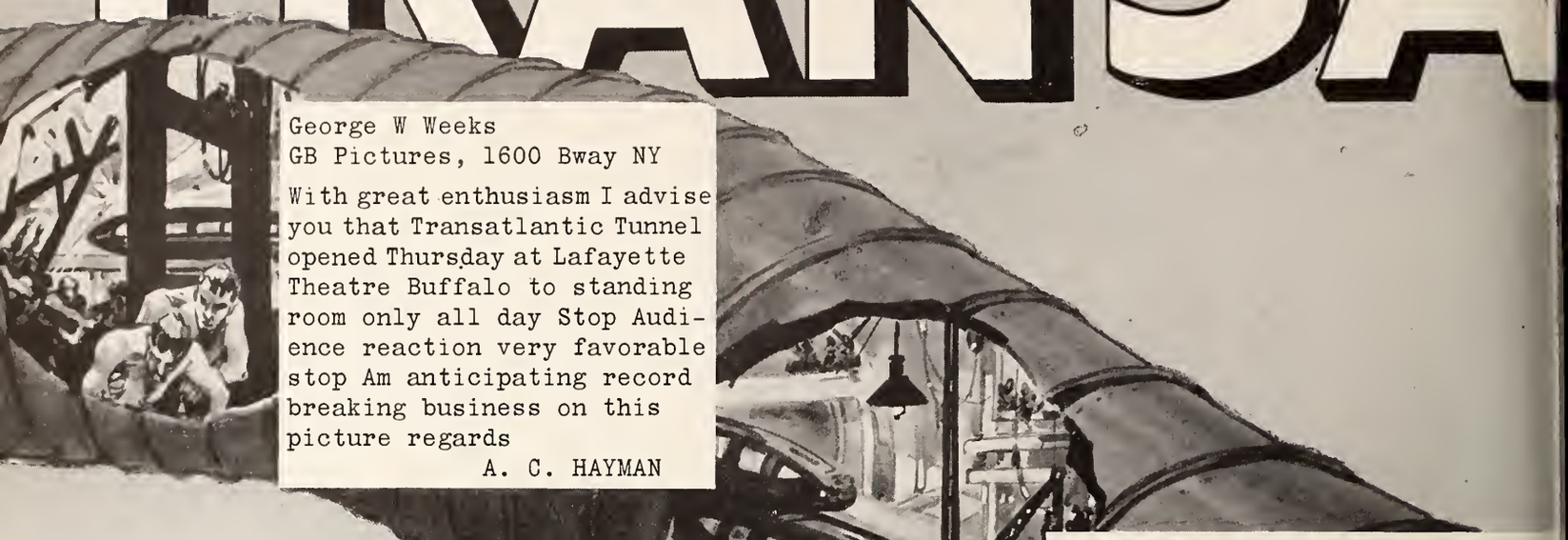
With Depinet taking the stand for the defense, this marks the second time he has been on. The first time he had been subpoenaed by the Government. Hardy will decide tonight on the witnesses he will return to the stand. The total is not expected to exceed four.

Recovery Program Session on Dec. 9

WASHINGTON, Nov. 5.—Representatives of industries interested in industrial recovery were notified today by George L. Berry, President Roosevelt's industrial cooperation coordinator, that the projected meetings for consideration of the problem will begin on Dec. 9. The industrialists will be divided into groups for discussion among themselves, after which general meetings will be held for consideration of the direction to be taken by the Administration recovery program.

Berry admitted that a number of important industries have refused to participate, and others will attend solely to oppose any revival of industrial control which would involve them. Most of Berry's support, it is indicated, is coming from small operators in various industries who benefited by the codes.

TRANSA



George W Weeks
GB Pictures, 1600 Bway NY

With great enthusiasm I advise you that Transatlantic Tunnel opened Thursday at Lafayette Theatre Buffalo to standing room only all day Stop Audience reaction very favorable stop Am anticipating record breaking business on this picture regards

A. C. HAYMAN

Mr. George W. Weeks
GB Pictures, 1600 Broadway

Dear George:

It gave me great pleasure to screen your last picture TRANSATLANTIC TUNNEL. It certainly was a pleasure and GB Pictures are to be highly congratulated on what I believe to be a very outstanding picture and one that should prove to be a most successful box-office attraction. Without a doubt, this is the best picture GB has brought into America and should have the sincere support of all exhibitors.

With kindest regards.

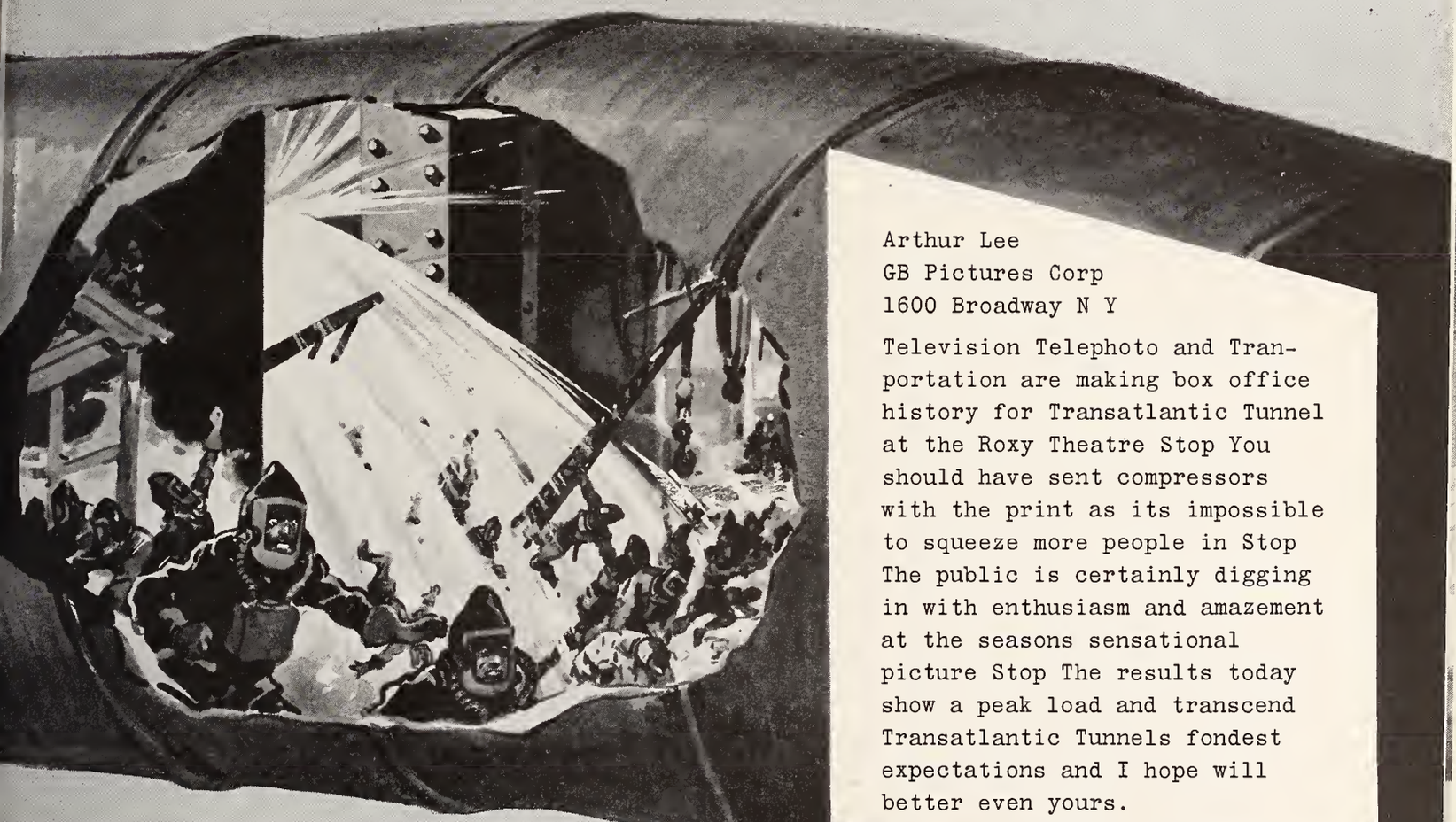
Sincerely yours,
S. P. SKOURAS,
President, Fox West Coast Theatres



A MASTERPIECE
. . . Of Man's Achievement
. . . Of Woman's Sacrifice

TLANTIC TUNNEL

NEW YORK TO LONDON



Arthur Lee
GB Pictures Corp
1600 Broadway N Y

Television Telephoto and Tranportation are making box office history for Transatlantic Tunnel at the Roxy Theatre Stop You should have sent compressors with the print as its impossible to squeeze more people in Stop The public is certainly digging in with enthusiasm and amazement at the seasons sensational picture Stop The results today show a peak load and transcend Transatlantic Tunnels fondest expectations and I hope will better even yours.

HOWARD S. CULLMAN
Trustee, Roxy Theatre

GB's Eight Star Special

RICHARD DIX · LESLIE BANKS
MADGE EVANS · HELEN VINSON
C. AUBREY SMITH · BASIL SYDNEY

Special Portrayals by
GEORGE ARLISS · WALTER HUSTON

Directed by Maurice Elvey

Based on the novel "The Tunnel" by B. Kellermann



Physical Distribution · Fox Exchanges · Canada, Regal Films, Ltd.

British Seek Agreement on Quota Policy

(*Continued from page* 1)

itors than for distributors, in exchange for C.E.A. acceptance of the £10,000 minimum cost clause.

* * *

The Corporation of Truro, Cornwall, has made common cause with local theatre owners in opposing a license for a new theatre in the town. Many of the existing amusement places are leased out by the corporation to exhibitors and the municipal body has asked the C.E.A. to recommend a counsel who will state the case before the licensing justices.

* * *

General Theatres Corp. report and accounts to March 31 last, include an item of £1,485,246 (over $7,425,000) "amount of capital lost or unrepresented by available assets." The reconstruction scheme, recently sanctioned by the court, will offset £1,450,833 of this by capital reductions and the balance is scheduled to be made by profits. Last year's net profit was £214,976, an increase of £21,042 over the previous year.

Preference shareholders recently withdrew their appeal against the sanction of the reconstruction, under Gaumont British management, of G.T.C., but an echo of this controversy is to be found in the statement in the report that "directors will oppose the election as directors of the three candidates put forward by the opposing shareholders."

One of the allegations of these dissenting preference shareholders was that an offer from Associated British Pictures, in competition with G. B., had not been fairly considered.

Kuykendall Insists On 41c. Tax Margin

(*Continued from page* 1)

throughout the country and would force many houses to close.

Kuykendall also hit at the present method of percentage selling. "It is unfair," he said, "to take seven or eight pictures out of a year's production output and sell them on a uniformly higher basis." Deals should be worked out, he said, on a percentage partnership basis whereby an entire program, including shorts and trailers as well as features, could be contracted for on a blanket percentage arrangement. He leaves tonight for Salt Lake, Denver and other cities.

Waxman Shows Film Beneath the Hudson

A. P. Waxman was host to a big crowd of "sand hogs," engineers, science editors and others, including Col. Charles S. Gleim, engineer in charge of construction in the 38th St. Midtown Tunnel Monday afternoon at a screening of "Transatlantic Tunnel."

It is claimed to be the first time that a picture has ever been screened under a river. In this case realism was added to the scene by the fact that the tunnel, still far from finished, is pretty sloppy.

Purely Personal

JACK KERNESS of the G. B. advertising department will be married to MIRIAM GOODMAN of Brooklyn on Nov. 27. MISS GOODMAN is a sister of BERNIE GOODMAN, head of Warners' still department.

•

JAMES MELTON, on account of he appears in "Stars Over Broadway," will be guest of honor at a supper party to be given by Warners at Jack Dempsey's 11:30 P.M. next Monday night.

•

ROBERT YOUNG, borrowed from M-G-M by G. B. to play in "Secret Agent," leaves New York for Quebec tomorrow night to sail on the *Empress of Britain* for England.

•

PETE CLARK, sound recording technician for the RCA Camden Laboratories, will leave soon for Hollywood to record "Little Lord Fauntleroy" for DAVID O. SELZNICK.

•

BARRY and WHITLEDGE, vaudeville team, have been signed by Educational and have begun work in their first short at Astoria.

•

CLARK GABLE and MRS. GABLE and LUPE VELEZ will arrive from South America on the *Pan America* Thursday.

•

PRINCESS NATALIE PALEY, who recently completed a role in "Sylvia Scarlett," leaves for Europe on the *Aquitania* Thursday.

•

IRVING BERLIN arrives on the Century this morning from the coast, where he completed the score of "Follow the Fleet."

•

JAMES MELTON will be guest star on SAM TAYLOR'S "Screen Revue" program over WMCA at 7:30 o'clock tonight.

•

JOHN W. HICKS, vice-president of Paramount International Corp., will sail on the *Manhattan* today.

•

BILL HOWARD arrives from the coast next week.

•

MARK OSTRER and MICHAEL BALCON reached these shores last night from London.

•

HOWARD ESTABROOK is coming east for a vacation and some Dickensian research.

•

HARRY BRANDT has been discharged from the Beth Israel Hospital and is at home recuperating.

•

FRANK LYLE GOLDMAN, formerly with Audio Prod., has joined the JAM HANDY staff.

Holt in New G.B. Post

PORTLAND, Nov. 5.—Archie Holt, for many years manager of F.W.C. houses in the Northwest, has been named by Walter Wessling, division manager, as special representative for G.B. in Oregon and Washington.

William Henry, recently with Universal, is now special territory representative for Republic-Sheffield.

Chance Games Sweep Around Loew Circuit

(*Continued from page* 1)

drawn entirely when city police warned exhibitors that it might be in violation of the lottery laws, and several court actions were brought against theatres. The dismissal of these suits, however, induced Loew's to resume the game during October and the results obtained led to its rapid spread throughout the circuit and now includes houses whose competition was not using chance games.

Loew's also reports excellent initial results from its recent return to a single feature policy at 12 key houses in the metropolitan area. The 12 had been running double features as an experimental policy which proved a failure, the circuit officials say, and brought about a return to the standard program. Business at these houses now indicates that the single feature will continue as the permanent billing, it was said.

"Barbary" Big in 3rd Portland Week

PORTLAND, Nov. 5. — "Barbary Coast" went into a third week at the United Artists and garnered $6,000, over par by $1,000.

"The Last Outpost" at the Orpheum rolled up a gross of $6,000, over the usual take by $1,000.

Near zero weather cut heavily into grosses.

Total first run business was $27,700. Average is $24,700.

Estimated takings for the week ending Nov. 2:

"ALIAS BULLDOG DRUMMOND" (U.A.)
"CASE OF THE LUCKY LEGS" (W.B.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,600)

"IN CALIENTE" (F.N.)
"GOING HIGHBROW" (W.B.)
(2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"I LIVE FOR LOVE" (W.B.)
"MANHATTAN LOVE"
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,600. (Average, $3,600)

"LAST OUTPOST" (Para.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"TRANSATLANTIC TUNNEL" (G.B.)
"PERSONAL MAID'S SECRET" (W.B.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BARBARY COAST" (U.A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 3rd week. **Gross:** $6,000. (Average, $5,000)

Mayors Giving Help To Vaude Campaign

(*Continued from page* 1)

its sponsors say, and vaudeville is also again being shown in Pittsburgh and Minneapolis. Petitions are being circulated in a number of places.

New talent lined up for the A.F.A. benefit Nov. 10 includes Rudy Vallee, Joe Laurie, Jr., Pat Rooney, Ben Bernie, Eddie Dowling, Eddie Garr and Gus Van.

Goldwyn Holds Shields

HOLLYWOOD, Nov. 4.—Francis X. Shields, tennis player, has been signed to a new long term contract by Samuel Goldwyn.

Phila. Leads Way, Voting Sunday Films

(*Continued from page* 1)

vor were: Warren, Meadville, Linesville, Fort Marion, Fort Allegheny Dubois, Cambridge Springs and Hawley.

The 276 municipal subdivisions, each of which decided for itself the issue in today's balloting, included one first class city, Philadelphia; one second class city, Pittsburgh; one second class "A" city, Scranton; 40 of the state's 44 third class cities; 204 boroughs and 29 townships. The municipalities are distributed through 57 of the state's 67 counties, and represent a total population of 5,850,000.

The question requiring a "yes" or "no" answer, as it appeared on the ballots, was: "Do you favor the conducting, staging, operating and exhibiting of motion pictures, regardless of whether an admission charge is made or incidental thereto or whether labor or business is necessary to conduct, stage, operate or exhibit the same after two o'clock post-meridian, on Sunday in the city (or borough or township) of ———."

In each municipal subdivision voting, a majority vote decided the issue for that locality. A second referendum cannot be held before 1940 in any district that voted the question today. To get the question on the ballot in any district it was necessary to obtain a petition signed by at least five per cent of the number of persons who voted with the dominant party in the last preceding election, or through an order from the municipal authorities.

Vigorous Campaign Waged

The law, authorizing the holding of referenda, was adopted in the last Legislature by a House controlled by the Democrats and a Senate controlled by the Republicans.

The law includes a mandatory penalty of $50 and costs for violation in municipalities where the old Sunday blue law was retained, and a fine of $100 for conducting any other form of amusement in connection with motion pictures on Sunday where the vote was for films.

Church organizations throughout the state put up a vigorous campaign against Sunday films, and were arrayed against circuits which conducted their battle chiefly on the screen. The screen interests, for the most part, however, had declared themselves willing to abide "cheerfully" by the decisions of the majority of the voters.

The campaign of the church interests took many forms, including pulpit appeals, circulation of printed pleas "to keep the Sabbath Holy," house-to-house canvasses by members of church and reform organizations, mass meetings and even parades in many communities.

MPTO for Sunday Shows

PITTSBURGH, Nov. 5.—In a last minute pre-election move yesterday the M.P.T.O. of Western Pennsylvania came out in a large full page daily advertisement over the signature of William Davis, president, urging a "yes" vote on the Sunday opening referendum.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 109 NEW YORK, THURSDAY, NOVEMBER 7, 1935 TEN CENTS

Rogers' Move To "U" Waits Upon Option

Report Denied Standard Has Already Acted

Charles R. Rogers may have no part in Universal production activities at the company's studio unless and until Standard Capital Co. exercises its option to acquire Universal, officials of the latter company said yesterday.

It was pointed out that the contract entered into between Universal and Standard Capital makes no provision for Rogers' entry into the Universal studio in advance of exercise of the purchase option. It was stated that until that happens any part that Rogers may assume at the studio would be solely through the courtesy of Carl Laemmle. Rogers has two more pictures to make for Paramount on his contract with that company and

(*Continued on page 4*)

Ostrer Pleased by G.B. Business Here

G. B's. entrance into the American market has proved successful on the basis of its first year's results, which have placed the company's product in 4,000 theatres to date, Mark Ostrer, chairman of the board of G. B., who is here from London on a six weeks' visit, said yesterday.

Ostrer will leave early next week for a two weeks' inspection visit to the company's leading exchanges in the east, middle west and south, returning here for another two weeks before leaving for England Dec. 14.

"Reports on our business in this country have been so good," Ostrer said, "I had to come over to see for myself just what is being accomplished. Despite the doubts of many, both here and in London, I was con-

(*Continued on page 4*)

Deny Government to Abandon Ascap Suit

Definite denials that the Government contemplates abandoning the trial of its monopoly suit against the American Society of Composers, Authors & Publishers, as represented by the organized music industry, have been made by the Department of Justice at Washington, *Motion Picture Herald* says in its current issue. Every effort will be made to resume the trial

(*Continued on page 4*)

Pennsylvania Key Cities Vote for Sunday Pictures

Voters in Pittsburgh, Philadelphia and Scranton have voted overwhelmingly for Sunday pictures, while in the other of the 276 municipal subdivisions of Pennsylvania the result on the question was about equally divided. The referenda were held in accordance with legislative order, passed at the last session. The general result was found satisfactory to film interests.

PITTSBURGH, Nov. 6.—Voters here decided almost two to one in favor of Sunday films, 309 districts out of 410 giving the measure 72,980 for and 35,556 against. Practically all of Allegheny County, with the exception of Wilkinsburg and Bellevue, approved the showings with comfortable majorities. The surprise in this section was the defeat of the measure in Johnstown and Altoona, according to unofficial returns. Both had been expected to vote in favor.

Among the communities approving were: Tarentum, Meadville, Warren, Clearfield, Punxsutawney, Donora, Ridgeway, Kane, Braddock, Etna, Pitcairn, Ambridge, McKeesport, Reynoldsville, Titusville, Franklin, Sharon, Dubois, Duquesne, Mt. Oliver, Jeannette, St. Marys, New Castle, Dormont, Brockway, Coraopolis, Bradford, Mt. Jewett, Springdale, Washington, New Kensington and Erie.

It was approved also in California, Charleroi, Youngville, Sheffield, Oil City, Masontown, Point Marion, Fayette City, Union City, Girard, Albion, Corry, Johnsonburg, Linesville, Cambridge Springs, Ford City, Stowe.

Those against include: Uniontown,

(*Continued on page 4*)

K-A-O, B. F. Keith Report Heavy Gain

Striking improvement in business for both Keith-Albee-Orpheum and the B. F. Keith Corp. is shown in the financial reports for the 39 weeks ending Sept. 28.

K-A-O reports a net profit of $172,114.33, in contrast with a net loss of $168,546.35 for the same period last year, and Keith's reports a net profit of $176,753.45. For the same period last year the loss was $173,603.75.

The net for both companies is after depreciation, income taxes and other charges.

Depreciation for K-A-O was $607,940.41 and the provision for income taxes was $38,775. Depreciation for Keith's was $486,557.66 and provision for income taxes was $25,125.

B. & K. Reopening; Business Gaining

ST. LOUIS, Nov. 6.—B. & K. has no closed theatres in Chicago and of 110 in the circuit only seven or eight are closed in Illinois, Barney Balaban stated today. He said business was good and the tendency is to reopen all the circuit's dark theatres, three of which will be relighted shortly.

With his brother, John, Barney will leave tonight for an inspection tour of southern Illinois houses.

The pool with E. E. Alger in Peru and LaSalle is working well after the first 10 days, he said.

U. S. Is Checking Up on Ticket Tax

By BERTRAM F. LINZ

WASHINGTON, Nov. 6.—Film theatres in 22 internal revenue collection districts, including 20 metropolitan areas, are being called upon to submit to examinations of their books as part of the drive being made by the Treasury Department to collect delinquent taxes from industries subject to special levies.

The study is being made under an allotment of $2,448,290 of public works funds and during the first 10 weeks more than that amount has been collected, it was said at the department today.

Included in the investigation are theatres in New York, Chicago, Philadelphia, Boston, San Francisco, Los Angeles, New Orleans, Baltimore, Washington, Detroit and other cities.

Mayor Takes Stage Job to Get Money

PITTSBURGH, Nov. 6.—Mayor William McNair has accepted a week's stage engagement at the Harris-Alvin here, beginning Friday, at $1,500 a week. The mayor needs that much money to hire counsel to fight against county water pollution, the council having refused to appropriate the money.

McNair will act as master of ceremonies, playing four shows daily, five on Armistice Day, and a Sunday midnight show. The mayor asked for the date, indicating the salary and reason.

Testimony All In; Attorneys Sum Up Today

Defense Is Again Denied Directed Acquittal

By BILL ORNSTEIN

ST. LOUIS, Nov. 6.—All testimony in the anti-trust trials against major companies and their officers was completed today, and both sides will begin summing up tomorrow. Each side will be allowed four hours for closing argument.

Developments came swiftly in today's session. The Government's rebuttal consisted of calling seven witnesses, which required an hour.

When the prosecution rested the defendants moved for the second time for a directed verdict of acquittal, which was immediately overruled by Judge George H. Moore.

Two of the Government witnesses today were not permitted to answer questions put to them by Special Assistant Attorney General Russell H. Hardy when objections were sustained.

When Judge Moore said that he

(*Continued on page 6*)

Loew, Momand Told To Get Court Help

E. M. Loew of Boston and A. B. Momand of Oklahoma have been instructed by Federal Judge Alfred C. Coxe here to liquidate claims against Paramount Publix aggregating $10,000,000 by obtaining court rulings on the validity of their anti-trust actions for triple damages on which the claims are based.

The Loew and Momand claims will have to be liquidated in Federal court at Boston and Oklahoma City, respectively, under Judge Coxe's order. If the two exhibitor litigants are suc-

(*Continued on page 4*)

Pathe's RKO Notes Sale to Be Probed

The purchose by *Time* of Pathe's $1,696,000 of RKO notes for $340,000 last spring will be explored in the examination of Pathe officers and directors now being conducted before trial of Pat Casey's stockholder action alleging mismanagement and dissipation of assets of the old Pathe company, it was indicated yesterday by Martin King, attorney for Casey.

The examination of Frank F. Kolbe,

(*Continued on page 4*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 7, 1935 No. 109

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Honor Sidney, Morros

Louis K. Sidney and Boris Morros, who arranged the "Night of Stars" show at Madison Square Garden on Oct. 2 for the benefit of the Greater New York United Jewish Appeal, will be honor guests at a luncheon at the Harmonie Club today.

Among those expected to attend are: Mayor LaGuardia, Felix M. Warburg, Grover Whalen, Nathan Straus, Adolph Zukor, Nathan Burkan, Mrs. Richard Percy Limburg, Morris Rothenberg, Louis Lipsky, Mrs. Daniel Guggenheim, and Michael Schaap.

TWA Asks Suit Details

A request for a bill of particulars will be made in City Court this morning by counsel for the Transcontinental & Western Air Line, Inc., in connection with a suit brought by the Biograph Studios, Inc., for $2,027. This is an action brought by Biograph for damages alleged to have been due to failure to transport seven parcels of costumes from Newark to Los Angeles with three of Biograph's representatives.

The air line contends delays were caused by "acts of God."

Start at East Hampton

EAST HAMPTON, CONN., Nov. 6.—Nathan Lampert has broken ground for a new 400-seat house. The only theatre in the town was burned several years ago.

Lampert also operates the Colt Chester and the Windsor.

Purely Personal

GEORGE W. WEEKS, general sales manager for G.B., is back from a trip through St. Louis, Dallas, Oklahoma City, Kansas City, Omaha, Des Moines, Minneapolis, Chicago and Detroit. Business is in a healthy state, he says.

•

JACK HULBERT and his wife, CICELY COURTNEIDGE, return to New York from Hollywood tomorrow on their way to the G.B. studios in England.

•

JEAN PARKER, who returned from abroad on the *Aquitania* leaves tomorrow for the coast to resume work at the M-G-M studios.

•

J. R. McDONOUGH plans to leave for the coast tomorrow. BOB SISK planed west on Tuesday after a 10-day visit here.

•

WILLARD McKAY, Universal legal head, and J. CHEEVER COWDIN, head of Standard Capital Co., returned yesterday from the coast.

•

LARRY BACHMANN and MILTON KRIMS' original story, "Speed," has been purchased by M-G-M.

•

HOWARD LE SIEUR of the U. A. advertising and publicity force is the father of an eight pound boy.

•

. . . Denver

BUZZ BRIGGS, manager of the State, is back at work, following an appendicitis operation at the Mayo clinic in Rochester, Minn.

EMMETT THURMON, attorney for Bank Night interests, says he visited almost every city of importance in the United States in 16 weeks.

JOHN DEKKER, Civic theatres purchasing agent, and CHARLOTTE RAINOUS, cashier at one of the Civic houses, have just been married.

•

. . . Oklahoma City

C. A. BLAKELEY, RKO assistant booker, has joined the Oklahoma Theatre Supply Co. as office manager. FRANK L. PLUMLEE of the shipping department has been given his job, and LEO CRAIKER of the ad sales department takes PLUMLEE's post.

JOHN SCHOEPPEL, Standard Theatres' midwest manager, is on a month's leave because of illness. PAUL TOWNSEND, Liberty manager, is substituting for him.

•

. . . Pittsburgh

JOE HILLER is establishing a theatrical agency here to book theatres and night clubs.

GEORGE SEIBEL, *Sun-Telegraph* stage and screen critic, has been in New York catching up on the new shows.

SAM HONIGBERG has resigned as press agent at the Pitt.

HAROLD W. COHEN, *Post-Gazette* reviewer, will deliver two addresses on the films this winter before the cultural group of the Council of Jewish Women.

MARSHALL GOLDBERG, son of an Elkins, W. Va., exhibitor, is starring at halfback on the Pitt freshman eleven this season.

Ontario Exhibitors Win a Cut in Taxes

TORONTO, Nov. 6.—Exhibitors of Ontario have gained a victory in the tax dispute that has been raging here since last June when heavy increases were made by the Premier. The Ontario Government has decided to revise the schedule.

The cuts are from two to one cent on 15-cent admissions and under, from five to two cents on 25-cent tickets, and from five to three cents on tickets from 26 to 35 cents.

In an organized campaign under the direction of W. M. Gladish exhibitors have asked tax exemptions on all admissions of 25 cents and below. The cuts are a compromise.

Some time ago the Government granted exemptions on tickets of 25 cents and under sold to children.

During the five months the tax was in effect it measured the difference between profit and loss. Exhibitors now feel they will have a reasonable break.

Charlotte's Jesters Get New Committees

CHARLOTTE, Nov. 6.—Committee assignments to carry on the organization's work for the coming year have been made by Roger Mitchell, president of the Jesters' Club.

They are: Entertainment, J. F. Kirby, chairman, George Roscoe and M. E. Wiman; installation, B. B. Bishop, chairman, J. H. Dillon and Jack London; attendance, Wiman, chairman, R. D. Stallings, F. H. Heddingfield, F. E. Dyer and J. C. White; house, Walter Griffith, chairman, M. H. Brandon and R. C. Price; sick, Ralph Jackson, chairman, Sam Hinson, Gordon Bradley and Roy Bradley; local publicity, Brandon; employment, W. P. White; welfare, H. H. Everett.

Gambling Fight May Hit K. C. Giveaways

KANSAS CITY, Nov. 6.—A crusade against gambling in Kansas City, aroused by protests of Mrs. A. J. Dahlby, wife of the minister of the Broadway Baptist Church, and taken up by a number of church and women's organizations, will, exhibitors feel, reverberate eventually against cash giveaways at theatres.

The crusade already has swept to the city manager's office, and gambling devices have "disappeared."

The I.T.O. has passed a resolution opposing all cash giveaway schemes, drawings, etc., at theatres. A copy is being sent Mrs. Dahlby and Judge Henry F. McElroy, city manager.

Ampa to Talk Over Advertising Awards

The possibility of making a series of awards for the best advertising created by producers will be discussed today by Ampa at the weekly luncheon at Jack Dempsey's.

Guests scheduled to attend are: the Marquis Henri De La Falaise, producer and director of "Legong," Cameron King of NBC, who broadcast the description of the America Cup races and will spin some sea stories, and Colvin Brown of Quigley Publications.

Warner Funeral to Be Held Tomorrow

LOS ANGELES, Nov. 6.—Funeral services for Benjamin Warner, father of the Warner brothers, will be held Friday morning at 10 o'clock in the chapel of the Home of Peace, Whittier Boulevard. Rabbi S. M. Neches will conduct the services.

The body arrived on the Chief today and was taken to the funeral parlors of Malinow and Simons, where it rested in state from 6 P.M. to 9:30 P.M. Burial will be in the family mausoleum at the Home of Peace.

The entire Warner family is here.

Friends of the Warner family and Warner employes will hold a memorial service at 2 o'clock Friday in the Warner Clubrooms, 321 West 44th St.

Objections Heard On Hoblitzelle Claims

Exceptions to Special Master Thomas D. Thacher's report allowing claims of the Karl Hoblitzelle Texas enterprises against RKO at approximately $7,500,000, subject to specified reductions, were heard by Federal Judge William Bondy yesterday and additional time for the exchange of briefs was allotted to attorneys for Hoblitzelle and the RKO trustee. A decision will be made after the new briefs have been filed with the court.

Exceptions to the Criterion Advertising Co's. claim of approximately $300,000 are scheduled for hearing today.

IEPA Will Discuss Advertising Plans

Furtherance of an intensive advertising campaign in behalf of member dealers of the Independent Theatre Supply Dealers Ass'n., Inc., which is already under way, will be the principal topic at the second regular 1935 meeting of the association's directors to be held here Nov. 21-23.

Officers and directors attending will be: B. F. Shearer, Seattle, president; J. R. Douglass, Boston, vice-president; J. E. Robin, New York, executive secretary; Clem Rizzo, Philadelphia, treasurer; J. M. Graham, Denver; J. C. Hornstein, New York; George McArthur, Detroit, and A. F. Morrone, Pittsburgh.

Over 50 of Silent Hits to Be Remade

Aware of the potential box-office value of silent hits, major producers have added a proportionate number to their current production schedule, according to *Motion Picture Herald,* out today, and there will be made this season over 50 productions which in years gone by have been outstanding.

Hays Aids Rogers Fund

INDIANAPOLIS, Nov. 6.—Will H. Hays led Indiana contributors to the Will Rogers Memorial Fund with a contribution of $1,000.

Dedicate Stage Nov. 14

HOLLYWOOD, Nov. 6.—The Will Rogers memorial stage at the Twentieth Century-Fox studio will be dedicated on Nov. 14.



THE PICTURE OF THE WEEK

"THE PAYOFF", cheered by *Daily Variety's* preview critic as 'an exceptionally absorbing yarn', presents **JAMES DUNN** in his first Warner Bros. role, turning in 'one of his best characterizations'. As his fickle wife Claire Dodd does 'a swell job'; as the other woman Patricia Ellis is 'topnotch'; and Robert Florey's direction is rated 'an excellent piece of craftsmanship'. A First National Picture. Released November 9th.

Rogers' Move To "U" Waits Upon Option

(Continued from page 1)

no release from the contract has been given.

Reports that Standard Capital already had exercised its option were denied by officials of both that company and Universal yesterday. The latter company said that before the option can be exercised Standard must deposit "a very substantial amount" in a specified bank and this has not been done. It is believed that the deposit referred to is a down payment of $1,500,000 on the $5,500,000 purchase price. The balance would be paid over a period of eight years at $500,000 per year.

Standard officials indicated that the company had several weeks additional study of the Universal books to complete before making its decision for or against exercise of the option. This work is proceeding under the direction of Lawrence W. Fox of Standard's Los Angeles office, where the ultimate recommendation on the option will be made, it was said. The option extends to Feb. 1.

It was also stated that no provision is made in the contract between Universal and Standard which affects the former's reported $1,300,000 indebtedness to Consolidated Film Industries. This indebtedness would be an obligation which would be assumed by Standard in the event of a purchase of Universal and would be met by the new owners as they saw fit. Involved in this obligation is Consolidated's laboratory contract with Universal.

K. C. Theatres Join Charity Show Moves

KANSAS CITY, Nov. 6. — Details have been practically completed by independent theatre owners for a charity show the afternoon of Dec. 14. Admission will be by toys and canned goods, which will be turned over to the Salvation Army.

All independent theatres will participate, according to E. Rolsky, I.T.O. president, who has charge of arrangements.

Harland Holmden, third vice-president of the IATSE, in charge of Local 170, is in favor of the idea.

Arthur Cole of Paramount is contacting distributors and it is expected exchanges will donate film.

With labor and film, the independents will furnish the theatres.

Operate on O. K. Mason

KANSAS CITY, Nov. 6.—O. K. Mason, Commonwealth Amusement Corp. executive, underwent the first of two major operations at Mayo Brothers clinic, Rochester, Minn., last week and is reported recuperating nicely. He will undergo the second in about three weeks.

Form M. & R. Theatres

ST. LOUIS, Nov. 6.—M. & R. Theatres, Inc., has been formed at Sikeston, Mo., by H. B. Proctor, Duree Medley, L. S. Dark, O. W. McCutchen and May McCutchen.

Ostrer Pleased by G. B. Business Here

(Continued from page 1)

fident from the outset that a successful penetration of this market through an organization of our own was possible. The results to date, however, are exceeding my expectations. Pictures, of course, are the answer."

Ostrer expressed optimism over G. B's. coming product, declaring that the next six releases would be a succession of box-office attractions and naming "Trans-Atlantic Tunnel," now at the Roxy; the new Jessie Mathews musical; "The Hobo," with George Arliss, and a new Conrad Veidt starring vehicle.

The increasing American business, he said, makes increased production for this market desirable, and the company's current American schedule will be augmented, therefore, by six to 10 additional features to be made in Hollywood annually. Negotiations for the production of these pictures are now under way with an independent producer who will probably work at one of the major company studios, Ostrer said. He added that he expects to complete the negotiations before returning to London. The pictures will be moderately budgeted and, while aimed especially for the American market, will also be distributed abroad.

Hollywood production, in many instances, will reduce overhead by eliminating costs of transporting American stars and directors to and from London.

Michael Balcon, G. B. production head, who accompanied Ostrer here, leaves for Hollywood Sunday to complete arrangements for an exchange of stars with studios there and to make a periodical inspection of studio activities.

Deny Government To Abandon Ascap Trial

(Continued from page 1)

when the case is called in January, it was said, and the current postponement of the action is attributed by the Department to crowded Federal court calendars here, according to the *Herald*.

Washington advices also stated, the publication says, that while Andrew Bennett, in charge of the Government's case when the trial opened last spring, would not be in that position when the trial resumed, he would continue to be associated with the case and is devoting much of his attention to its preparation.

Army Given a Print Of "Ethiopia" Film

WASHINGTON, Nov. 6.—At the request of the War Department a print of "Wings Over Ethiopia" has been furnished the Army War College here to permit study of the terrain of the country.

The interest of the Army is not predicated upon any fears that this country will be involved, but is directed toward a study of Italian operations.

Harry Bugie a Colonel

CINCINNATI, Nov. 6.—Harry Bugie, Warner salesman, is the latest local addition to Governor Laffoon's staff of Kentucky colonels.

Wall Street

Small Gains Spot Big Board

	High	Low	Close	Net Change
Columbia	69½	66	68¾	+3¾
Consolidated	5⅞	5¾	5⅞	+ ¼
Consolidated, pfd.	19½	19¼	19½	+ ⅜
Eastman Kodak	167	166½	167	+1
Loew's, Inc.	49⅛	48¼	48½	— ¼
Loew's, Inc., pfd.	106	106	106	.....
Paramount	10⅛	9½	9⅝	+ ¼
Paramount, 1 pfd	82¼	80	81⅜	+2⅜
Paramount, 2 pfd	11⅞	11¼	11½	+ ¼
Pathe Film	6⅞	6	6⅛	+ ⅛
RKO	5½	5⅛	5¼	+ ⅛
20th Century-Fox	19⅛	18¾	18¾	— ¼
20th Century, pfd	28½	28⅜	28½	+ ⅛
Universal, pfd	43¾	42	43¾	+1¼
Warner Bros.	8⅞	8¼	8¾	+ ½
Warner, pfd	49½	47¼	49¼	+1¾

No Change on Curb

	High	Low	Close	Net Change
Sentry Safety	½	½	½	.....
Sonotone	2¾	2¾	2¾	.....
Technicolor	19¾	19⅛	19⅛	.....
Trans-Lux	3⅞	3¾	3⅞	.....

Paramount Pict. Bonds Rise 2 Points

	High	Low	Close	Net Change
General Theatre 6s '40	15⅞	15¼	15½	+ ⅝
Keith B. F. 6s '46	92	91⅞	92	+ ⅞
Loew's 6s '41 ww deb rights	104¾	104⅝	104¾	+ ⅝
Paramount B'way 3s '55	56	55½	55½	—1¾
Paramount Pict. 6s '55	92½	91	92½	+2
Warner Bros. 6s '39 wd	85¾	84¼	85¾	+2

(Quotations at close of Nov. 6)

Pathe's RKO Notes Sale to Be Probed

(Continued from page 1)

Pathe president, proceeded yesterday with questioning concerning Kolbe's Pathe activities prior to his becoming an officer of the company. Robert W. Atkins, executive vice-president of Pathe, is scheduled to be the next officer to be questioned. The examination will be resumed on Tuesday.

King said that with a reorganization of RKO pending under the financial direction of Atlas Corp. and Lehman Bros. the RKO notes which were given in exchange for Pathe assets purchased in 1931 soon might be worth "100 cents on the dollar." He said that Pathe officers would be questioned concerning a report that Henry R. Luce, publisher of *Time* and a director of Paramount, purchased the RKO notes from Pathe on the recommendation of Atlas Corp.

Jensen Gets U.A. List

SEATTLE, Nov. 6.—U.A. product for 1935-1936 will be shown in Seattle and Tacoma by Jensen-vonHerberg's Liberty and Roxy, according to Leroy V. Johnson, general manager.

The U.A. product for several years has been contracted for in these cities by John Hamrick's circuit. The recent Hamrick-Evergreen merger apparently resulted in United Artists' preference for the independent lineup.

The Liberty is a dual feature house operating at 35 cents top, but it is understood the U.A. product will be used on single feature bills at a slight price boost.

ITO to Have K.C. Club

KANSAS CITY, Nov. 6.—The I.T.O. has authorized its president, E. Rolsky, to proceed with negotiations for club rooms on Film Row.

Pennsylvania Key Spots for Sunday Shows

(Continued from page 1)

where exhibitors themselves campaigned against the measure; Brookville, Butler, Grove City, Greensburg, Crafton, Latrobe, Irwin, Youngwood, Rochester, Waynesburg, Greencastle, Ellwood City, Hanover, Beaver Falls, Scottdale, Mt. Pleasant, Greenville, Brownsville, Connellsville, Tyrone, Bellwood, Bedford, Leechburg, McDonald.

Communities voting down Sunday shows cannot again vote on the issue until 1940. It is expected Sunday films will start here on Nov. 17, since exhibitors must wait until the count is official and the vote certified.

PHILADELPHIA, Nov. 6.—Sunday films passed here by a large majority, carrying all 50 wards by a three to one vote, 352,955 against 135,344. Sunday shows are expected to start Nov. 17 after the vote is certified. A proclamation by Mayor Moore forbids any showings until the vote is certified.

The measure passed in Chester, Clifton Heights, Darby, Haverford, Marcus Hook, Bristol and Langhorne. It lost in York, Pottstown, Allentown, Bethlehem, West Chester, Phoenixville, Norristown, Royersford, Ambler, Quakertown and Sunbury.

HARRISBURG, Nov. 6.—The Sunday show measure was turned down here by a vote of 19,564 to 9,150.

SCRANTON, Nov. 6.—Sunday films won here by 21,063 to 10,721. Other Lackawanna County municipalities favoring the measure were: Carbondale City, Archbald, Dickson City, Olyphant, Old Forge, Throop, Dunmore and Mayfield. It was rejected in Clark Summit, Taylor and Blekely. In Luzerne County, 11 municipalities including Wilkes-Barre favored the measure.

Loew, Momand Told To Get Court Help

(Continued from page 1)

cessful in obtaining judgments in these courts for sums in excess of what they seek as actual damages, they have been directed by Judge Coxe to return to him for a ruling as to the amount of the claim which will be allowed them against Paramount as a result. This procedure follows from a ruling made by Special Master John E. Joyce and confirmed by Judge Coxe that while actual damages might be collected of a bankrupt, triple damages may not be.

Miss Maney Wins Prize

BOSTON, Nov. 6. — Angeline A. Maney, assistant publicity manager at the Metropolitan, won first prize for the most unusual costume at the annual party of employees of the theatre. The affair was held at the Waterfront Club. Gene S. Fox, publicity manager, and Jack O'Brien, assistant house manager, were in charge of arrangements. Guy Lombardo and other notables were present.

Turn over a new box-office leaf because Charles Laughton, Clark Gable and Franchot Tone are coming this week in "Mutiny on the Bounty!"



Also please watch that exotic South Seas maiden who captivates Clark Gable. She's one of the most exciting screen heroines he's ever held in his arms! In addition, the Cast features Herbert Mundin, Eddie Quillan, Dudley Digges, Donald Crisp and thousands of others, including lovely girls from Tahiti. Frank Lloyd directed this $2,000,000 Irving Thalberg production. Al Lewin, Associate Producer. Need we add, it's METRO - GOLDWYN - MAYER!

Testimony All In; Attorneys Sum Up Today

(*Continued from page* 1)

would allow four hours for summation by each side former U. S. Senator James A. Reed argued that this was not sufficient and asked for an additional half hour.

George S. Leisure held that because of the complexity of the issues and the numerous defendants involved six hours should be allowed. William R. Gentry said all he needed was an hour "and if I can't convince the jury in that time I can't convince them at all." He added Paramount would be happy to turn over whatever extra time it is allowed to other defense counsel.

No Time Limit Change

Judge Moore then asked how much time would be required by each of the lawyers. RKO requested an hour each for Leisure and Jacob M. Lashly. Reed stated he would require at least an hour and a half for his speech and a like amount of time to Frederick H. Wood. The ex-Senator explained he was not in the habit of making short speeches, to which the judge replied:

"I know a Missouri senator who took longer than you."

"But," Reed rejoined, "He wasn't as interesting."

Hardy then advised the court that if four hours were given the defense it would be "over-generous. The Government only needs three hours and the defense arguments will be taking shots at us."

"They have more brains than we have," the prosecutor continued. "They have about 25 lawyers or a total of 400 years in brains." Gentry came to the rescue and stated, "We will not argue that." Reed then suggested that the Government be allowed four hours, consume three and give the defense the remaining 60 minutes.

Judge Moore refused to change the time limit and Reed declared, "We've been here six weeks and surely we can be here two hours longer. If we are limited to four hours this means that 17 minutes wil be allowed each defendant."

Wood to Start

Hardy pointed out that Wood ably argued summation in the Jacob Schechter case in two hours. Wood came to bat and replied that in the poultry-NRA case the only issue involved was the law.

All arguments were in vain, and the attorneys then repaired to the Judge's chamber for instructions. Tomorrow morning Wood will start summations before the jury, which will return after a half-holiday. He will be followed by Gentry and then Jacob M. Lashly. Hardy will begin his closing arguments after RKO gets through. After Hardy will come Reed, whose speech will undoubtedly highlight the summations.

As soon as both sides conclude Friday, the judge will direct the jury. Present indications are the 12 men will hand down a decision late Friday.

The Government today experienced considerable difficulty in getting over its rebuttal. Many questions were objected to by defense attorneys as not being new testimony, not proper re-direct and as having already been answered. Not one of the seven witnesses occupied the stand longer than 10 minutes.

Directing his attack on the mention of Harry Koplar's name at conferences attended by some of the witnesses and defendants in March, April and June of 1934, the prosecutor interrogated Thomas N. Dysart, Frederick H. Kreismann and Joseph Grand as to their version of the story. Each denied the name was brought up.

Leahy, Koeln Questioned

John S. Leahy and Edmond T. Koeln were queried about the meeting with Ned Depinet at the Park Plaza in New York on April 7. Both testified Harry C. Arthur had been present. When Depinet was on the stand he said he did not recall seeing the first Government witness there. In addition, Leahy testified Depinet never told him "he had a dissatisfied customer in St. Louis."

Arthur was put on the stand to testify whether or not Starr, Sears or Abel Carey Thomas made a statement at the March 6, 1934, meeting at the Warner home office to the effect, "you and the bondholders' committee are to be slaughtered." When Arthur originally testified he stated this was said, while Sears denied it, declaring the expression was Arthur's and not made by anyone in Warners. An objection by defense counsel was sustained and Arthur left the stand.

Gordon New Witness

B. D. Gordon, partner of J. M. Ulmer, Cleveland lawyer, who testified for the Government, was a new witness. He was asked if the purpose of his visit to the Warner home office in 1933 was in connection with a lease on the Capitol, Wheeling, W. Va. The question remained unanswered when an objection was made and sustained. The defense argued Gordon should have been put on after Ulmer to corroborate the latter's testimony. He was in court then and this was not done, it was stated.

Grand was the last witness and the only one to be cross examined. He was asked about Koplar's name being mentioned at a June 6, 1934, conference and before an objection could be made he answered "No." Reed then wanted to know if Koplar's name had been mentioned at many meetings up and down the line. Hardy took an exception to "up and down the line." Grand wanted to answer, anxious to get in a word, but was discharged without achieving his purpose.

After completing the Government's rebuttal, Hardy read to the jury Cresson E. Smith's testimony before the grand jury last January. This had to do with Arthur's offer of $80,000 to RKO for second runs.

On the Lighter Side

St. Louis, Nov. 6.—On the Glen Echo golf links Sunday were Ned Depinet, Gradwell Sears, Cresson E. Smith and Col. William Mallard. The way this foursome plays is nobody's business. Each impersonated the mannerisms of prominent attorneys in the anti-trust trial during the various plays.

Mallard tried to nip a point off the score and Sears immediately put in a call for a Ross checker. Sears with his euphonious "I object, please," was a riot. Smith took "exception, please" on every tee-off and Depinet cleaned up $9 from Smith.

Sears proved to be the best man in the quartet, chalking up a 91 score. Depinet was second with 96, Mallard next with 99, the first time he has ever broken 100, and Smith bowed his head in shame with 106. He blamed it on the borrowed clubs.

✚

Jimmy Coston and Jack Miller flew in from Chicago to spend the week-end duck hunting. Someone said it was fowl play.

✚

Jack Goldhar and William Feldstein were in Memphis the other day visiting M. A. Lightman.

✚

Al Friedlander the other night showed "Mimi" and "Dance Band" to Harry Arthur.

✚

Claud Morris, M-G-M exploiteer with headquarters in Kansas City, spent several days on the campaign for "A Night at the Opera," which is doing a cleanup business at Loew's State.

✚

Lou Ellman, Denver RKO branch manager, who was subpoenaed by the Government for the anti-trust trial and wasn't put on, is back in town at the request of RKO attorneys but it is doubtful that he will be called to testify.

Expects No Warner Appeal

St. Louis, Nov. 6.—Samuel B. Jeffries, local Warner attorney, said today that he did not believe Warners would appeal the decision of the U. S. Circuit Court of Appeals last week upholding the foreclosure sale of the Ambassador, Missouri and New Grand Central to a bondholders' committee for $2,000,000.

Sam Dembow to Chicago

St. Louis, Nov. 6.—Sam Dembow, who arrived here this morning from New York, plans to leave for Chicago tonight. Cresson E. Smith and Walter Branson are going to Des Moines and Moe Silver and Clayton Bond leave for New York this afternoon.

Bowes Unit Seattle Hit

Seattle, Nov. 6.—Major Bowes' amateur unit No. 5, appearing here for four days at the Metropolitan, legitimate house, is recording an exceptionally strong business.

The amateurs are playing four shows daily at 60 cents top.

Portland appearances were at a Hamrick-Evergreen film house, and in Tacoma under the Hamrick banner, but a difference of opinion regarding price in this city caused the booking at the Metropolitan instead of at an Evergreen film theatre.

Czechoslovak Film Showings Increase

Washington, Nov. 6. — The Czechoslovakian Board of Censors passed 68 pictures with a length of approximately 226,900 feet during August, according to a report received by the U. S. Department of Commerce from Commercial Attache Sam E. Woods in Prague. This is an increase of 78,900 feet over August, 1934.

Twenty-two dramas and comedies were censored, of which 10 were American, five German, two Czechoslovak, and one each from England, France, Italy, Hungary and Switzerland.

Most of the larger houses began their season in mid-August. Twenty-seven features opened in 14 theatres during that month, of which 13 were American, six German, three Czechoslovak, three Austrian, and one each Hungarian and Danish.

New Tax Moves Stir Worry in Nebraska

Lincoln, Neb., Nov. 6.—The special legislative session here has film men worried, since some $5,000,000 has to be raised through new tax channels. Latest proposal is the two per cent sales tax which was defeated in the last session.

Theatre box-offices have not been included yet, but they may be. A proposed raise in the gas tax, already carrying five cents per gallon Federal and state, was lost, so the legislators are looking for new fields to harass.

Charter Four Companies

Dover, Nov. 6.—Lincoln Pictures Corp., Individual Picture Corp. and Lincoln Distributing Corp. have been formed here.

The incorporaters are L. H. Herman, Walter Lenz and W. T. Hobson of Wilmington.

Cambridge Amusement Enterprises, Inc., has been incorporated by Julian T. Ables, Leopold Bleich and William Lieber of New York.

Form Two Companies

Albany, Nov. 6.—Two new incorporations here are: Hampton Star Theatres, Inc., Westhampton, incorporated by Harri E. Nugent, Jessie A. Nugent and Adelaide A. Nugent, and Security Pictures, Inc., New York City, by Melvin M. Hirsh, Bert Kulick and Harry Kulick.

Charter Two in Iowa

Des Moines, Nov. 6.—Two new Iowa theatre incorporations are: Alton Theatre Co., Alton, by W. S. Slagle and G. W. Henrich, and March Brothers Theatre Co., Le Mars, by George March and S. Dak.

Appeal Milwaukee Fine

Milwaukee, Nov. 6. — Charles Washicheck, operator of the Grace, will appeal a lottery fine of $15.01 to the municipal court. The charge was based on the holding of a Grocery Night.

Griffith Talks "U" Deal

Hollywood, Nov. 6.—Edward H. Griffith may remain at Universal to direct another picture following completion of "Next Time We Live," starring Margaret Sullavan.

Short Subjects

"Amateur Theatre of The Air, No. 3"

(*Biograph-Radio*)

This effort is marked by skillful arranging and bears the mark of a sincere attempt to be genuinely entertaining. Expertly cut and edited, there are to be seen an opera piece by a Bronx barber, Latin American numbers by a string quartet, some clever dancing by children, Hope Iris with castanets, barnyard imitations, colored youngsters, tap dancing, a Southern girl's trio harmonizing on "Got the Jitters," and the piece finishes with a minstrel show made up of local youngsters with an interlocutor and all the trimmings. Production Code Seal, No. 0642. Running time, 20 mins. "G."

"Hillbilly Love"

(*Educational*)

One of the Song and Comedy Hit series, this is more or less routine entertainment of the kind that has been done often enough before. The two supposedly southern families, the feud, the gun-toting, and shooting, and the hill billy musical numbers make up the subject. Frank Luther, of the fairly effective voice, renders a number or two accompanied by the usual group on banjos and an accordion. Fair entertainment. Production Code Seal No. 0535. Running time, 11 mins. "G."

"Hollywood Capers"

(*Vitaphone*)

Beans, the cartoon character, has some amusing and scary adventures when he tries to crash the studios. He sneaks past the watchman disguised as Oliver Hardy, upsets studio routine and winds up being pursued by and outsmarting a mechanical version of Frankenstein. It is a good, appealing cartoon and should be liked by most audiences. Production Code Seal No. 1408. Running time, 7 mins. "G."

"Where There's a Will"

(*Radio*)

Spencer Charters plays the rich uncle who is supposed to be dying, and, as expected, he fools 'em. When his relatives come trooping in they do their best to shock him to death by making all sorts of noise and commotion, hoping for the worst. They even go so far as to gather up his furniture, for possession is nine points of the law. Finally in desperation and aware of the cause of the trouble he drives them from his house. The humor in this is dragged out and audiences may find it morbidly funny, in a macabre way. Production Code Seal, No. 1,028. Running time, 18 mins. "G."

"Molly Moo-Cow and The Indians"

(*Van Beuren-Radio*)

A bright color cartoon with a pioneer background, this makes for general, appealing entertainment. The cow of the title is a protector of two mischievous ducks who wander away from the covered wagon for a swim. They come on an Indian camp and proceed to have great fun with the drums and feathers they find there. The cow comes looking after them and arrives in time to save a papoose from drowning. Meanwhile an Indian makes off with the two ducks for his supper. Excitement follows as the squaw, grateful to the cow for rescuing her child, saves her from the wrath of the Indian as she attempts to rescue her duck friends and so back to the covered wagon. Production Code Seal, No. 0711. Running time, 7½ mins. "G."

"Way Out West"

(*Educational*)

The Cabin Kids, five Negro youngsters, with an unusual sense of harmony, entertain in this subject, rendering several numbers with real, and occasionally amusing effect. The Range Ramblers, vocal group, also provide musical entertainment, the whole set in the atmosphere of a cafe of the old west. The subject rates as entertaining diversion. Production Code Seal No. 0518. Running time, 10 mins. "G."

"Voice of Experience, No. 4"

(*Columbia*)

Another in the series which will appeal to the morbidly minded. Certainly, due to the tear-jerking and saccharine quality of these shorts, although they are well edited and prepared, they can be hardly classed as entertainment. This one has The Voice saving a man from hanging for the self-defense murder of his father-in-law and accidental killing of his wife. The Voice gets the governor to intervene and there are some mock histrionics as fellow prisoners rejoice and the man is given renewed hope. Production Code Seal No. 0607. Running time 11 mins. "A."

"Ladies Love Hats"

(*Educational*)

Ernest Truex, diminutive comedian of the stage and screen, has the lead in this comedy, in which he finds himself in difficulty over his wife's desire for a new hat. The local society "leader," disliked by the other women of the community, provides the villain of the piece, which all-in-all is reasonably entertaining comedy of the usual Truex variety. For once, Truex does not come out the loser. Production Code Seal No. 0668. Running time, 19 mins. "G."

M. H. Books Pons Film

Radio's "I Dream Too Much," with Lily Pons, has been booked to open at the Music Hall Thanksgiving Day.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Nevada"

(*Paramount*)

HOLLYWOOD, Nov. 6.—An outdoor action drama adapted from Zane Grey's novel, this fast moving feature combines all the dramatic, comedy, menace, wild riding and conflict essentials that are appealing to western fans and juveniles.

Well mounted and set in typical western country, the yarn deals with a pair of bad men who are anxious to go straight. Saving his ranch for an old cow man, hero Larry Crabbe and his comedy contrast partner, Sid Saylor, come into its possession when the owner commits suicide. Joining a stockman's marketing combine, rustlers led by Monte Blue start getting in their dirty work. Cowboys are being picked off during the roundups and the villainy is so shaded that Crabbe and Saylor are made to appear as the responsible parties. The pair are ostracized by the honest ranchers, and despite their knowledge of their previous records set about upsetting the rustlers' plans.

As love interest there is a vein concerning Crabbe and Kathleen Burke woven in and the picture builds to a climax with Crabbe and Saylor reinstated in the cowmens' graces heading their forces in a wild-riding, gun-roaring battle during a cattle stampede to wipe out the rustlers and bring a happy conclusion to the boy and girl romance.

Though the cast is large the interest is mainly concentrated in Crabbe, Saylor, Miss Burke and Monte Blue. While saving its big punch for the finale, the picture moves with speed and dash with plenty of action counterbalancing the dialogue and Saylor's comedy being effective in holding the story's thread.

Directed by Charles Barton with an eye to embellishing the entertainment and commercial values common to Grey's stories, Garnett Weston's and Stuart Anthony's screenplay assures sufficient romantic interest to balance the thrill, action drama. The photography by Archie Stout of the beautiful natural backgrounds and the riding sequences are a distinct asset to the picture.

Production Code Seal No. 1660. Running time, 60 minutes. "G."

"Mutiny on the Bounty," which will open tomorrow morning at the Capitol, was previewed by wire from Hollywood on Oct. 29.

"The Melody Lingers On," yesterday's opener at the Rivoli, was reviewed from Hollywood on Oct. 14 by wire.

"Peter Ibbetson," which was previewed by wire from Hollywood on Oct. 26, opens at the Radio City Music Hall this morning.

"It's in the Air," previewed last night at the Astor, was reviewed by wire from Hollywood on Oct. 7.

"Three Kids and a Queen," which will be previewed this evening at the Roxy, was reviewed from Hollywood on Oct. 15 by wire.

"Dream" Hits $16,000 Take In St. Louis

ST. LOUIS, Nov. 6.—The one-week roadshow engagement of "A Midsummer Night's Dream" at $1.50 top rolled up $16,000 at the Shubert-Rialto. Normal for the house at 55 cents top is $6,500.

The only other downtown spot to do anything that looked like good business was Loew's State with "Barbary Coast" and "Here Comes the Band" on a dual. The $13,750 take was over par by $4,750.

Total first run business was $52,725. Average is $46,000.

Estimated takings for the week ending Oct. 31:

"TRANSATLANTIC TUNNEL" (G. B.)
"STORMY" (Univ.)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. **Gross:** $8,250. (Average, $10,000)

"A FEATHER IN HER HAT" (Col.)
"MUSIC IS MAGIC" (Fox)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $7,300. (Average, $12,000)

"BARBARY COAST" (U. A.)
"HERE COMES THE BAND" (M-G-M)
LOEW'S STATE—(3,162), 25c-35c-55c, 7 days. **Gross:** $13,750. (Average, $9,000)

"HANDS ACROSS THE TABLE" (Para.)
"FRECKLES" (Radio)
ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $8,425. (Average, $8,500)

"MIDSUMMER NIGHT'S DREAM" (W. B.)
SHUBERT-RIALTO — (1,725), 50c-75c-$1.50, 7 days. **Gross:** $16,000. (Average, $6,500)

"Pursuit" $3,200 High in Oklahoma

OKLAHOMA CITY, Nov. 6.—A combination of "Pursuit" with a vaudeville bill at the Liberty proved outstanding in four days. The $3,200 take was $700 over normal for a week. "Woman Wanted" filled out the remaining three days, but grossed only $600.

"O'Shaughnessy's Boy" went into the profit column with $2,300 at the Capitol. "Rendezvous" reached $4,000 in six days at the Midwest, but "Case of the Lucky Legs" failed to make an impression.

Total first run business was $12,600. Average is $13,500.

Estimated takings for the week ending Nov. 2:

"CASE OF THE LUCKY LEGS" (F. N.)
CRITERION — (1,700), 10c-26c-36c-55c, 7 days. **Gross:** $2,500. (Average, $5,000)

"RENDEZVOUS" (M-G-M)
MIDWEST — (1,500), 10c-26c-36c-56c, 6 days. **Gross:** $4,000. (Average, $4,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,300. (Average, $2,000)

"PURSUIT" (M-G-M)
LIBERTY—(1,500), 10c-26c-40c, 4 days. Stage, Browne and Lavelle, American Indian Acrobats, Clarence and Dolores, Jack and Jean, Carl Wayne, Hollywood Boulivardiers. **Gross:** $3,200. (Average week, $2,500)

"WOMAN WANTED" (M-G-M)
LIBERTY—(1,500), 10c-26c-36c, 3 days. **Gross:** $600. (Average week, $2,500)

Zeidman Signs Stevens

B. F. Zeidman has signed Louis Stevens, novelist and playwright, to prepare the screen version of Charles Sheldon's best-seller, "In His Steps." This will be the first of 16 on Zeidman's list.

Seals Given 111 Features During Month

HOLLYWOOD, Nov. 6.—The past month saw 111 features and 49 shorts come under the approving eye of the Hollywood branch of the Production Code Administration. Included in the list were current issues and re-issues, which heretofore had not been subjected to Hays office scrutiny.

With the survey of last month ending Oct. 26, the total of pictures approved since the certificate system was established July 15, 1934, was 951 features and 599 shorts.

Titles and releasing companies for the pictures passed during the month are as follows:

AMBASSADOR
(Feature)
"His Fighting Blood."

WILLIAM BERKE
(Features)
"Toll of the Desert," "Mesquite and Sagebrush."

CELEBRITY
(Short)
"Balloon Land."

CHESTERFIELD
(Feature)
"Murder at Glen Athol," "Lady in Scarlet."

COLUMBIA
(Features)
"Case of the Missing Man," "Rich Girls' Folly," "Grand Exit," "Feather in Her Hat," "Western Courage," "Song of the Damned," "One Way Ticket," "Too Tough to Kill."
(Shorts)
"Screen Snapshots" Nos. 2 and 3, "Honeymoon Bridge," "Tetched in the Head," "Let's Ring Doorbells," "Oh, My Nerves," "Yoo Hoo Hollywood," "His Marriage Mix-Up," "It Always Happens."

FOX
(Features)
(New pictures) "Metropolitan," "Thanks a Million," "Charlie Chan's Secret," "Show Them No Mercy," "The Man Who Broke the Bank at Monte Carlo," "Paddy O'Day." (Re-issues) "Murder in Trinidad," "Heart Song," "Ever Since Eve," "Such Women Are Dangerous," "Call It Luck," "Young America," "Fair Warning," "Holy Terror," "Rainbow Trail," "Down to Earth," "Tess of the Storm Country," "Robber's Roost," "F.P. 1," "Handle With Care," "Under Suspicion," "Surrender," "Business and Pleasure," "Riders of the Purple Sage," "Amateur Daddy," "Good Companions."
(Shorts)
"The Timid Young Man," "Way Up Thar," "Knockout Drops."

IMPERIAL
(Feature)
"Murder By Television."

M-G-M
(Features)
"A Night at the Opera," "It's in the Air," "The Perfect Gentleman," "Rendezvous," "Mutiny on the Bounty," "O'Shaughnessy's Boy."
(Shorts)
"Manhattan Monkey Business," "Our Gang Follies of 1936," "Water Sports," "The Old Plantation," "Death in the Desert," "Dogs Will be Dogs," "Etiquette," "Top Flat," "Brats," "La Fiesta en Santa Barbara," "Public Ghost No. 1," "Audioscopics," "Honeyland," "The Great American Pie Co.," "Starlit Days at the Lido."

PARAMOUNT
(Features)
(New Pictures) "So Red the Rose," "Make Me a Star," "The Eagle's Brood," "Wings Over Ethiopia," "Hands Across the Table," "Mary Burns, Fugitive," "Peter Ibbetson," "Ship Cafe." (Re-issues) "Girls About Town," "Once a Lady," "Silence," "No More Women," "Wharf Angel," "Come On Marines," "Bolero," "Four Frightened People," "Sign of the Cross," "Sitting Pretty," "Murder at the Vanities," "Here Comes the Groom," "Million Dollar Legs," "Reserved for Ladies," "Crime of the Century," "Murder at the Zoo," "Thunder Below," "This is the Night," "This Day and Age." "Only Saps Work," "Under Cover Man," "King of the Jungle," "Broken Wing." "Strangers in Love," "Midnight Club," "Evenings for Sale," "Horse Feathers," "Sea God," "Phantom President."
(Short)
"Popular Science" No. 2.

REPUBLIC
(Features)
"Cappy Ricks Returns," "Spanish Cape Mystery," "Waterfront Lady," "Thousand Dollars a Minute."

RADIO
(Features)
"Rainmakers," "To Beat the Band," "Annie Oakley," "In Person."
(Shorts)
"The Worm Turns," "Down the Ribber," "Gasaloons," "Too Many Surprises," "Foolish Hearts," "Uppercutlets," "Counselitis."

STATE RIGHT
(Features)
"No Man's Range," "Scream in the Dark," "Valley of Wanted Men," "Judgment Book," "Between Men," "Law of the '45's."

UNITED ARTISTS
(Feature)
"The Melody Lingers On."
(Short)
"Three Orphan Kittens."

UNIVERSAL
(Features)
"Remember Last Night," "Three Kids and a Queen," "His Night Out," "The Ivory Handled Gun," "The Great Impersonation."
(Shorts)
"Tailspin Tommy" serial—Episodes Nos. 3, 4, 5, 6, 7, 8, 9, "Quail Hunt," "Monkey Wretches."

WARNERS
(Features)
"Frisco Kid," "Stars Over Broadway," "Case of the Lucky Legs," "I Found Stella Parish," "Life of Louis Pasteur," "Dangerous," "Man of Iron."
(Shorts)
"The Lucky Swede," "Hollywood Cappers," "Billboard Frolics."

Assign Balderston

LONDON, Nov. 4.—John L. Balderston, screen author of "Bengal Lancer," will do the script of "The Amazing Quest of Mr. Ernest Bliss," in which Cary Grant is to star for Garrett, Klement.

Out Hollywood Way

HOLLYWOOD, Nov. 6.—With DAVID O. SELZNICK, EDWARD SMALL and SOL LESSER at the Pathe Studio, the lot is devoted exclusively to major productions. . . . NUNNALLY JOHNSON will be associate producer on "Shark Island," Twentieth Century-Fox. . . . CARY GRANT, now on his way to England, will be back in two months to resume for Paramount.

BETTE DAVIS laid up with flu. . . . Warners shooting around her in "Petrified Forest". . . . Radio puts new EDGAR KENNEDY short in work. . . . Called "Average Man," with FLORENCE LAKE. . . . OLIVIA DE HAVILAND gets lead in "Anthony Adverse," Warners.

✤

Casting — MAXINE JENNINGS in "The Green Shadow," Radio. . . . Warners borrow DAVID HOLT from Paramount for "Backfire" . . . GEORGE CLEVELAND signed by Academy for "Thrill of the Century" . . . LEON ERROL signed for JIMMY SAVO's "Alone, Alas!" at HAL ROACH studio. . . . RICHARD ARLEN, ANN LORING, CHARLES BUTTERWORTH, MAY ROBSON and DUDLEY DIGGES in "Three Live Ghosts," M-G-M . . . FRED KOEHLER, JR., DOUGLAS WOOD, PAUL FIX and FRANCIS MACDONALD in "Shark Island," Twentieth Century-Fox.

SOL LESSER signs LEO CARRILLO for lead in "We Sing Again". . . GEORGE JESSEL to be associate producer. . . . DICK ALEXANDER added to "Follow the Fleet." . . . GRANVILLE BATES in "Chatterbox" and DOROTHY COLBURN in "Mother Lode," Radio. . . . EDWARD EVERETT HORTON and ALLEN JENKINS in "The Singing Kid," Warners.

PAULA STONE, GEORGE E. STONE, MARY TREEN, AL SHEEHAN, HERMAN BING and the champion soft-ball players of Los Angeles signed for Warners' "Slide, Nelli, Slide."

✤

Writers—MORRIE RYSKIND signed to adapt first PICKFORD-LASKY production, a French play. . . . RUTH ROSE to Pioneer to work on script of next Technicolor release. . . . LOUIS STEVENS adapting "Fugitive Gold" for Radio. . . . Warners sign E. Y. HARBURG and HAROLD ARLEN, songwriters . . . ALLEE WRUBEL and MORT DIXON doing songs for Warners' "Lucky Me," next for RUDY VALLEE.

✤

Directors—RAY K. JOHNSON to direct "Suicide Fleet" for C. C. BURR. . . . LEW SEILER on "The Black Gang," Twentieth Century-Fox. . . . ELLIOTT NUGENT signed by WALTER WANGER for "Palm Springs."

✤

Title Changes — Warners switch "Meet the Duchess" to "The Widow of Monte Carlo". . . Twentieth Century-Fox makes "Buccaneer" into "My Marriage."

✤

Cameraman — CHARLES ROSHER signed by DAVID O. SELZNICK for "Little Lord Fauntleroy."

Start "Good Earth" Soon

HOLLYWOOD, Nov. 6.—M-G-M will start "The Good Earth" before Dec. 1. At present, plans call for Caucasian leads with the supporting cast of Orientals. Background shots already have been made in China. While in China, Victor Fleming made tests of Mei Lang Fang, and there is a possibility that the famous Chinese star and his troupe will have parts.

Sherman Plans Three

HOLLYWOOD, Nov. 6.—With "Bar 20 Rides Again" finished, Harry Sherman has three more to make on his Clarence Mulford series for Paramount. They will be "Hopalong Cassidy's Protege," "Mesquite Jenkins" and "Cottonwood Gulch." The first will go into production soon, and the last two are scheduled for early in 1936.

Berler Books Two More

BOSTON, Nov. 6.—Phil Berler, chief booker for the E. M. Loew Circuit, is now doing the booking for two additional Worcester theatres, the Levenson Brothers' Regent and Charles Cabellero's Princess. This is the result of a pooling agreement. Loew combine is the largest independent circuit in New England.

Goodwins Made Director

HOLLYWOOD, Nov. 6.—Les Goodwins, writer, who has been playing a role in Radio's "Husk," has been made a director. He will start on an untitled two-reeler.

"Dream" Gets Big $13,800 On the Coast

LOS ANGELES, Nov. 6.—"A Midsummer Night's Dream" was away out front in its third week at Warners' Beverly with a take of $13,800. Normal for the house at regular admission prices is $3,500.

The weather was cool, but grosses generally were unsatisfactory, except in a few spots. "Metropolitan" at the 4-Star was 100 per cent over normal on a take of $6,250. "The Last Days of Pompeii" was a flop at the Hillstreet at $4,600, but pulled $4,300, to the good by $1,000, at the Pantages.

Total first run business was $91,000. Average is $89,650.

Estimated takings for the week ending Nov. 6:

"O'SHAUGHNESSY'S BOY" (M-G-M)
"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $7,800. (Average, $12,500)

"METROPOLITAN" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $6,250. (Average, $3,250)

"IT HAPPENED IN COPENHAGEN" (Foreign)
GRANT INTN'L THEATRE—(750), 35c-40c, 4 days. **Gross:** $1,050. (Average, $1,200)

"LAST DAYS OF POMPEII" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $4,600. (Average, $8,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $11,400. (Average, $14,000)

"CRUSADES" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. **Gross:** $18,600. (Average, $18,000)

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
WARNER BROS. (BEVERLY)—(1,612), 50c-$1.50, 7 days, 3rd week. **Gross:** $13,800. (Average, $3,500)

"DR. SOCRATES" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $11,700. (Average, $14,000)

"DR. SOCRATES" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $11,500. (Average, $12,000)

"LAST DAYS OF POMPEII" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,300. (Average, $3,200)

Seek Blumenthal Data

A motion to examine A. C. Blumenthal before trial will be made this morning by counsel for Ralph Taylor in the Supreme Court. Taylor claims that on Oct. 29, 1930, he sold and delivered to Blumenthal 30 shares of Class A common stock of Fox at $150 a share. Blumenthal accepted this stock, according to Taylor, but did not pay him. Taylor is asking for $4,500.

Blumenthal's answer is a general denial.

Chicago Men Aid Drive

CHICAGO, Nov. 6.—John Balaban, Aaron Sapperstein and Jack Miller are in charge of the amusement division of the Community Chest drive. A meeting was held the first of the week at the Stevens Hotel.

"Crime" Showing Set

Lenauer International Films, Inc., has closed a deal for the opening of "Crime et Chatiment" (Crime and Punishment) on Nov. 12 at the Cinema de Paris.



"GEE, I'LL SAY 'HOPALONG'S' A GOOD WESTERN!"

Young Arnold D., 12 years old and ace picture critic of Seth Low Junior High School in Brooklyn, N. Y., gives a rave review of "Hopalong Cassidy." "It's got more action stuff than most Westerns", Arnold tells us,"It isn't all cluttered up with a lot of silly love stuff. And the shooting is swell. That Bill Boyd sure can shoot like nobody's business. And can he rope? Boy, I could see 'Hopalong' all over again."

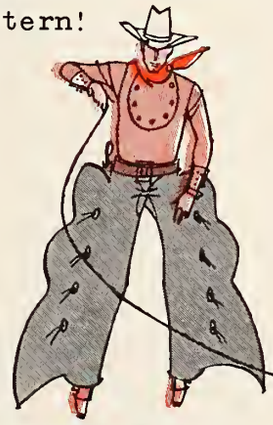


Arnold gets his first look at 'Hopalong'

And so, they tell us, could Arnold's father and mother. Why? Because everybody is at heart a kid about Arnold's age. And when a real Western comes along mothers and fathers and sisters and cousins and maiden aunts all go for it... which means, as far as you're concerned...a packed house and a busy box-office! "Hopalong Cassidy" and "The Eagle's Brood" are that kind of Western!



Will Cassidy get there in time?





Boy, did you see that horse fall?

Clarence E. Mulford's **"HOPALONG CASSIDY"**
with WILLIAM BOYD • JIMMY ELLISON • Paula Stone • George Hayes

Clarence E. Mulford's **"THE EAGLE'S BROOD"**
with WILLIAM BOYD • JIMMY ELLISON • William Farnum • Dorothy Revier
Produced by Harry Sherman • Directed by Howard Bretherton

It Pays to Play a Paramount Picture!

"Barbary" Is Frisco's Top In 2nd Week

San Francisco, Nov. 6.—This town takes its history seriously. "Barbary Coast," in its second week at the United Artists, was still an outstanding draw, the take going to $13,000, over a first week's normal by $4,000.

The only other attraction to make any impression at all in a general lull was "The Crusades," which garnered $8,000, up by $1,000, at the Fox. "Broadway Melody of 1936" fell off to $19,000 in its second week at the Warfield.

Total first run business was $78,900. Average is $77,100.

Estimated takings:

Week Ending Oct. 29:

"SPANISH CAPE MYSTERY" (Republic)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,800. (Average, $14,500)

Week Ending Oct. 30:

"SHE COULDN'T TAKE IT" (Col.)
"STORMY" (Univ.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $5,600. (Average, $6,800)
"LAST DAYS OF POMPEII" (Radio)
EMBASSY—(1,400), 25c-35c-40c, 7 days. **Gross:** $3,600. (Average, $3,600)
"HERE'S TO ROMANCE" (Fox)
"VIRGINIA JUDGE" (Para.)
PARAMOUNT — (2,740), 25c-35c-40c, 7 days. **Gross:** $10,000. (Average, $11,500)
"BARBARY COAST" (U.A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $9,000)

Week Ending Oct. 31:

"HIS NIGHT OUT" (Univ.)
"BAD BOY" (Fox)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $6,000)
"THE CRUSADES" (Para.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)
"BROADWAY MELODY OF 1936" (M-G-M)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days, 2nd week. Stage, band. **Gross:** $19,000. (Average, $21,000)

Week Ending Nov. 1:

"WALTZ TIME IN VIENNA" (Vienna Films)
CLAY—(400), 25c-35c, 7 days, 4th week. **Gross:** $900. (Average, $700)

"Socrates" $5,500 High In Charlotte

Charlotte, Nov. 6.—"Dr. Socrates" took the lead with $5,500, breaking par by $1,500 in a six-day run at the Broadway. "I Live My Life" grossed $2,500 in three days at the Carolina, $500 better than average.

"King Solomon of Broadway," combined with "Southern Aristocrats" on the stage, had a good three days' run at the Carolina with $2,500.

Total first run business was $13,000. Average is $11,000.

Estimated taking for the week ending Nov. 2:

"DR. SOCRATES" (W.B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $5,500. (Average, $4,000)
"I LIVE MY LIFE" (M-G-M)
CAROLINA — (1,400), 25c-40c, 3 days. **Gross:** $2,500. (Average, $2,000)
"KING SOLOMON OF BROADWAY" (Univ.)
CAROLINA—(1,400), 25c-40c, 3 days. Stage: "Southern Aristocrats." **Gross:** $2,500. (Average, $2,000)
"THE LAST OUTPOST" (Para.)
IMPERIAL—(949), 25c-40c, 3 days. **Gross:** $1,250. (Average, $1,500)
"O'SHAUGHNESSY'S BOY" (M-G-M)
IMPERIAL—(949), 25c-40c, 3 days. **Gross:** $1,250. (Average, $1,250)

"Dream" Gets $12,000 3rd Phila. Week

Philadelphia, Nov. 6. — Adverse weather, Hallowe'en functions and pre-election activity made inroads on grosses.

"Midsummer Night's Dream" stood the gaff well in its third and final week at the Chestnut, grossing $12,000, only slightly under the mark of its first fortnight.

"The Crusades" only got fair business at the Stanley with $11,000. "Rendezvous" took the same mark at the Boyd. The stage show houses, with only fair draws, were hard put.

Total first run business was $75,600. Average, excluding mark for Chestnut, where "Dream" is playing, is $71,300.

Estimated takings for the week ending Oct. 31:

"BARBARY COAST" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 6 days, 3rd week. **Gross:** $5,500. (Average, $7,000)
"I LIVE MY LIFE" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,400. (Average, 6 days, $2,400)
"RENDEZVOUS" (M-G-M)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $11,000. (Average, $12,000)
"MIDSUMMER NIGHT'S DREAM" (W.B.)
CHESTNUT—(1,400), 55c-85c-$1.10-$1.65, 6 days, 3rd week. **Gross:** $12,000.
"CASE OF THE LUCKY LEGS" (F.N.)
EARLE — (2,000), 25c-40c-50c, 6 days. Stage: Benny Meroff show with Sylvia Froos. **Gross:** $12,000. (Average, $12,000)
"CHARLIE CHAN IN SHANGHAI" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Henry Armetta and "Sunkist" Revue. **Gross:** $11,500. (Average, $12,000)
"JAVA HEAD" (F.D.)
KARLTON—(3,000), 25c-35c-40c, 6 days. **Gross:** $2,200. (Average, $3,500)
"SHIPMATES FOREVER" (W.B.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $4,000)
"THE CRUSADES" (Para.)
STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $11,000. (Average, $12,000)
"DR. SOCRATES" (W.B.)
STANTON—(1,700), 30c-40c-50c, 6 days, 2nd week. **Gross:** $5,100. (Average, $6,000)

Two Set for Ann Harding

Hollywood, Nov. 6. — With the purchase of "The Witness Chair" by Rita Weiman, Radio has lined up the two pictures with which Ann Harding will complete her contract. The other, which will go into production first, is "The Indestructible Mrs. Talbot." Anthony Veillier is now working on the screen play, but no starting date has been set.

Grand Central to Open

St. Louis, Nov. 6.—The Grand Central, which had been closed for some time, will be reopened by Fanchon & Marco Christmas Day. A second run policy will prevail as long as Harry C. Arthur can get product.

Form Roxy Theatre Co.

Tallauassee, Fla., Nov. 6.—A charter has been granted to the Roxy Theatre Co. for operation of a theatre at Lakeland. Directors are M. C. Talley, B. Hyde and J. W. Savage.

McEwan Gets New Stunt

Kansas City, Nov. 6.—Sho-Keno, new promotion stunt, is being handled in Kansas and Western Missouri by R. W. McEwan, Bank Night distributor.

"In Air," Revue Cincinnati Smash

Cincinnati, Nov. 6.—"It's in the Air," aided by Ted Weems' "Variety Musical Revue" on the stage, was the only offering to reach the higher brackets last week, the combination pulling 15,500 at the RKO Shubert, a plus sign of $3,500.

"Barbary Coast" broke even at $12,000 at the RKO Shubert, which also was the case with "She Couldn't Take It," on a $10,000 gross at the RKO Palace. The Strand, independent, tried a split week with "The Clairvoyant" and "The Bowery," plus an amateur night, but only went over the top by $300 on a $1,800 take for the week.

Total first run business was $57,400. Average is $60,200.

Estimated takings:

Week Ending Oct. 29:

"THE CLAIRVOYANT" (G.B.)
STRAND—(1,300), 15c-25c, 4 days. **Gross:** $1,000. (Average, $950)
"THE BOWERY" (U.A.)
STRAND—(1,300), 15c-25c, 3 days. **Gross:** $800. (Average, $550)

Week Ending Oct. 30:

"BARBARY COAST" (U.A.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $12,000. (Average, $12,000)
"SHE COULDN'T TAKE IT" (Col.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $10,000. (Average, $10,000)
"IT'S IN THE AIR" (M-G-M)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Ted Weems' "Variety Musical Revue." **Gross:** $15,500. (Average, $12,000)
"BIG BROADCAST OF 1936" (Para.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $4,250. (Average, $6,500)
"THE VIRGINIA JUDGE" (Para.)
"WINGS OVER ETHIOPIA" (Para.)
RKO LYRIC—(1,400), 30c-35c-40c, 7 days. **Gross:** $4,350. (Average, $6,500)
"I LIVE MY LIFE" M-G-M)
RKO GRAND — (1,200), 25c-30c-40c, 7 days, 3rd downtown week. **Gross:** $2,850. (Average, $2,750)
"BAD BOY" (Fox)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,250. (Average, $1,250)
"POWDER SMOKE RANGE" (Radio)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,200)
"DR. SOCRATES" (W.B.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $4,300. (Average, $6,500)

Carne Joins Selznick

Hollywood, Nov. 6.—David Selznick has signed Sturges Carne as art director for Selznick International Pictures. Carne has been at Radio for several years, and recently assisted Robert Edmund Jones on the sets for "Becky Sharp." He is working now on sets for "Little Lord Fauntleroy," which is expected to go before the cameras about Nov. 25.

Hospital Holds Callier

Detroit, Nov. 6.—Harvey Callier, Belding and Lowell, Mich., exhibitor, who was injured in an auto crash several weeks ago, will have to remain in a Grand Rapids hospital for three weeks. His wife and daughter, both of whom were more seriously hurt than Callier, are not expected to be released from the hospital until early in December.

Lansinger to Coast

Chicago, Nov. 6.—J. M. Lansinger, formerly publisher of *College Humor*, and his associate, Dorothy Ann Blank, have left for Hollywood, where Lansinger will open an agency representing literary agents and writers. Lansinger recently returned from New York, where he closed a number of deals with authors.

"Rendezvous" Detroit Top, Gets $23,400

Detroit, Nov. 6.—Big money for the week went to "Rendezvous" at the Michigan where the take ran up to $23,400, above average by $3,400. There were five acts of vaudeville on the program.

"Barbary Coast" also was in the money in its second week at the United Artists with a take of $11,400. "The Last Days of Pompeii" was $800 to the good on a take of $10,800.

Total first run business was $72,400. Average is $67,500.

Estimated takings for the week ending Oct. 31:

"FIGHTING YOUTH" (Univ.)
"FRECKLES" (Radio)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)
"SHE COULDN'T TAKE IT" (Col.)
FOX—(5,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross:** $17,300. (Average, $15,000)
"RENDEZVOUS" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross:** $23,400. (Average, $20,600)
"I LIVE FOR LOVE" (Warners)
"STREAMLINE EXPRESS" (Mascot)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)
"BARBARY COAST" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 2nd week. **Gross:** $11,400. (Average, $10,000)
"MAN OF ARAN" (G. B.)
"ALIAS BULLDOG DRUMMOND" (G.B.)
LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $1,600. (Average, $2,500)
"LAST DAYS OF POMPEII" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $10,800. (Average, $10,000)

"Dream" Is $8,500 Draw in Montreal

Montreal, Nov. 6.—Much money flowed into the coffers of Montreal theatres during the week ending November 2, a substantial chunk being added by "A Midsummer Night's Dream" at His Majesty's as a roadshow. The take was $8,500. It was held over for a second week.

Loew's led the regular parade with $12,000 on a combination bill, the screen attractions being "The Gay Deception" and "Charlie Chan in Shanghai." "The Crusades" had a good week at the Palace, $11,500.

Total first run business was $51,000. Average is $50,000.

Estimated takings for the week ending Nov. 2:

"HERE'S TO ROMANCE" (Fox)
"THIS IS THE LIFE" (Fox)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)
"A MIDSUMMER NIGHT'S DREAM" (W.B.)
HIS MAJESTY'S — (1,700), 50c-75c-$1-$1.50, 7 days. **Gross:** $8,500. (Average, $8,500) Held over.
"GANGSTER MALGRE LUI" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "The World on Parade." **Gross:** $3,500. (Average, $3,500)
"THE GAY DECEPTION" (Fox)
"CHARLIE CHAN IN SHANGHAI" (Fox)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: Johnny Perkins and "Broadway Night Club" Revue. **Gross:** $12,000. (Average, $10,500)
"THE CRUSADES" (Para.)
PALACE—(2,660), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,500. (Average, $11,000)
"THE 39 STEPS" (G.B.)
"ALIAS BULLDOG DRUMMOND" (G.B.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $6,500. (Average, $7,000) First week: $11,500.

QUALITY PLUS

OF ALL the reasons for adopting a new raw film, photographic quality... what the audience sees on the screen... ultimately stands supreme. That explains why the great majority of today's motion pictures are being made on Eastman Super X Panchromatic Negative. Speed, fine grain, versatility... all of these are overshadowed by the fact that Super X gives to the world's screens *quality plus*. Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Candid Camera Catches "THE MELODY LINGERS ON" Opening at Rivoli, NEW YORK



8:45 A. M. The first hardy customers camp in front of box-office. They must have read our newspaper ads which started off, "Be among the first to see..."



9:45 A. M. Ticket sale progressing at fast pace. More than 400 admissions sold since doors opened.



12:45 P. M. 15 minutes before the price change... from subways, street cars and around the corner customers race to get in line for "THE MELODY LINGERS ON"



5:30 P. M. And still the crowds come. Already word-of-mouth comment establishes the success of Broadway's newest hit . . .

P. S. Don't forget the story these pictures tell. You can duplicate these scenes at your own box-office

HARRY M GOETZ presents

the MELODY LINGERS ON

with

JOSEPHINE HUTCHINSON
GEORGE HOUSTON

An EDWARD SMALL *prod.*

•

Released thru

UNITED ARTISTS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 38. NO. 110 NEW YORK, FRIDAY, NOVEMBER 8, 1935 TEN CENTS

Testimony Is Counsel Target In Summations

Jury Expected to Have Case Tomorrow

By BILL ORNSTEIN

ST. LOUIS, Nov. 7.—Charges that defense counsel used "an old trick to confuse the real issue," that "every threat made by Warners was carried out," that "Harry Koplar was an arch enemy of Warners," and that "his associates were crooked," that Harry Arthur was a "falsifier and perjurer" and "the oiliest, slickest and smoothest witness put on the stand," that John S. Leahy was "a man of pomp, oratorical power and as fine a bluffer as ever seen" highlighted today's closing arguments by Government and defense counsel. The veracity of opposition witnesses was attacked by each side as they tried to build up the character of their own witnesses.

Summations will be continued all day tomorrow with Saturday set as the day when Federal Judge George H. Moore will charge the jury. The

(*Continued on page* 12)

Look for 1,000 at Variety Club Party

PITTSBURGH, Nov. 7.—About 1,000 industry figures from all parts of the country are expected here Sunday night for the seventh annual Variety Club banquet. Visitors will attend the Army-Pitt football game Saturday.

Three governors will be among the guests—George H. Earle of Pennsylvania, Martin L. Davey of Ohio and Herman J. Kump of West Virginia. William G. Conley, former governor of West Virginia, also has promised to be present.

Among others expected are: L. Howell Davis, chairman of the state censor board; Joseph Bernhard, general manager of Warner Theatres; "Rip" Collins and Joe Whitehead of the St. Louis Cardinals; T. W. Carrol,

(*Continuel on page* 7)

Quigley to Attend Carolina Sessions

PINEHURST, N. C., Nov. 7.—Theatre Owners of North & South Carolina, Inc., will hold their annual convention Dec. 9-10, but the meeting place has not been definitely determined. It will either be Charlotte or Pinehurst. Martin Quigley, editor-in-chief of *Motion Picture Herald* and MOTION PICTURE DAILY, will attend.

Defeat Seen For New Code Legislation

Report Berry Conference Called Over Protests

By CLARENCE LINZ

WASHINGTON, Nov. 7.—The defeat of any effort to secure the enactment of new industrial control legislation was predicted here today, with responsibility saddled upon George L. Berry, President Roosevelt's coordinator for industrial cooperation.

Asserting that Berry called his Dec. 9 conference over the objections of other Administration officials, observers pointed out that his switching of the conference from consideration of voluntary codes to discussion of new legislation will turn the proposed rally into a huge protest meeting. Berry's switch came after the volun-

(*Continued on page* 7)

Ohio Cuts Only 34 Of 682 Reels Seen

COLUMBUS, Nov. 7.—Of a total of 682 reels reviewed by the Ohio censor board in October, 648 were passed, or, in other words, deletions were ordered in only 34 reels.

During the week ending Oct. 31, no eliminations were made in 71 reels.

Aylesworth to Stay

M. H. Aylesworth will not resign the presidency of NBC now or following the reorganization of RKO, because of his impending elevation to the chairmanship of the RKO board, succeeding David Sarnoff, it was stated yesterday by a source close to Aylesworth.

The new RKO chairman was reported ill at his home yesterday, but is expected back at his office today.

W. & W. Houses Quit Detroit's Combine

DETROIT, Nov. 7.—In one of the biggest surprises local film circles have had for some time Carl Buermele of Cooperative Theatres of Michigan, Inc., revealed that the eight theatres controlled by Frank A. Wetsman and Lou Wisper had resigned from the booking combine at a meeting of the board of directors last night.

The W. & W. houses out of the combine are among the most important situations in the city and include the Avalon, Tower, Eastown, Mack Uptown, Linwood-LaSalle, Piccadilly and Tuxedo in Detroit and the Calvin in Dearborn.

This resignation is regard a severe blow to the booking combine. No reason was given for the resignation.

Award Talk, Celebrities, Sea Stories Enliven Ampa

What with talk on a proposal for an industry advertising award, some songs and piano playing by Imogene Carpenter, vivid sea stories by Cameron King, and the introduction by Jack Dempsey of Ernest Hemingway, Gene Tunney and Grantland Rice, Ampa members got an eyeful and an earful yesterday.

The Marquis Henri de la Falaise told of love in Bali and the problems of filming "Legong." Ward Wing, producer of "Samarang" and "Jungle Love," had a few words to say. Lori Barry, writer, who is a sister of Theda Bara, took a bow. Colvin Brown was one of the guests.

King was the dramatic highlight of the day. His descriptions of waves washing sailors off sailing ships and washing them back again, of captains who drank a quart of rum before breakfast, another quart before lunch and a quart for an appetizer before dinner were exciting. When he told of whales as big as ships lolling in the rollers, with birds swooping down on them to pick shells off their backs he had his audience going in a big way.

Gordon White broached the advertising award idea. He said that a letter from Milton Silver to the Quigley Publications had suggested the idea. Some criticism was offered by Martin Starr and Tom Hamlin, so White closed the discussion by asking members to submit suggestions as to whether it should be an annual award, and whether it should be for the best ad and the best copy and for publicity angles. He said that it would not conflict with the monthly Quigley Awards which are confined to exploitation campaigns in theatres.

Dempsey walked in trailed by his group of celebrities in the middle of the discussion and White sidetracked the awards temporarily. Tunney, Hemingway and Rice received a big hand.

Spitz to Make Study of RKO As First Step

Will Get Company Ready For Reorganization

A complete study of RKO operations and corporate setup to ascertain the company's needs and to have in readiness for its emergence from court supervision a unified, smoothly operating organization, will be the first task to be undertaken by Leo Spitz in his newly designated post of president of RKO, he stated yesterday.

The Chicago lawyer, widely known in the industry, said that a reorganization of RKO would follow upon the completion of this task and advanced the opinion that the actual completion and presentation to court of a reorganization plan was still some months away.

"My first job, as I see it at this stage," Spitz said, "is to go over the ground, familiarize myself with the organization, determine in what ways the business can be aided and then

(*Continued on page* 7)

Kohn Quits Columbia Schulberg to Follow

HOLLYWOOD, Nov. 7.—Ralph Kohn's executive producer contract with Columbia, which had six months to run, was canceled today at his own request. B. P. Schulberg indicated he will leave Columbia when his contract expires, May 1. Kohn immediately will assume the vice-presidency of Schulberg Prod., Ltd., formed several months ago.

"At the expiration of my contract, Schulberg Prod. will expand operations for an increased number of pictures," said Schulberg. The program will include a series starring Edward Arnold. The action corroborates reports current here for some time that the two were dissatisfied with their Columbia deal.

Griffiths Is Added To Paramount Board

Stanton Griffiths of Hemphill, Noyes & Co. was elected a member of the board of directors of Paramount Pictures, Inc., yesterday, and Frank Freeman, in charge of Paramount theatre operations, was made a vice-president.

Since the resignations of Frank A. Vanderlip and William S. Grey, Jr., there have been four vacancies on the Paramount board. Two of these have existed since the reorganization.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 8, 1935 No. 110

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

No "Top Hat" Suits Follow Ohio Ruling

ST. LOUIS, Nov. 7.—No other exhibitor suits have been filed against RKO in connection with "Top Hat," it has been learned here on good authority.

Four separate test cases to compel the distributor to deliver the Astaire-Rogers picture as one of last season's group were thrown out by Common Pleas Judge Lee C. Skeel in Cleveland on Oct. 30. There will be no appeal.

RKO attorneys considered these cases the toughest of all complaints made, in that four were tried individually. It is admitted numerous complaints have been lodged with the company, but no court cases have been filed, it is stated.

Clubs to Aid Benefit

Night club talent will be featured at the benefit of the American Federation of Actors at the Majestic Sunday night. Latest talent additions are Abe Lyman and his orchestra, the Hollywood Restaurant revue, Nils T. Granlund and his Paradise revue, with Jerry Freeman's orchestra, and Eddie Garr.

Chest Drive Gaining

HOLLYWOOD, Nov. 7.—The Motion Picture Division of the Community Chest Drive has subscribed $141,737 toward a quota of $200,000. This is approximately 70 per cent of the quota. A total of $64,784 was raised last week.

Insiders' Outlook

By RED KANN

NOTES from a bedside rest: The selection of Leo Spitz ultimately to head RKO emphasizes the influence in that direction which John Hertz may be expected to wield. For Spitz and Hertz, their friendship tracing back to an earlier day in Chicago, have maintained the association through paths which have met in the world of business as well. There was the time when Sam Katz had moved his base of operations from New York to the Paramount studio in Hollywood. Originally asked here by Katz for whom, as well as for the Balabans, Spitz had been attorney, the latter's sphere of influence in Paramount administration grew until it filled the Number 1 spot in that company's affairs. . . .

▼

They spoke well, very well indeed, of Spitz at Paramount during that era. It was told of him that he was an executive of keen perception and of sharp and thorough analytical power; that, through a long and intimate contact as a lawyer for important interests in this industry, he had acquired an appreciative knowledge of its sensitivity and a familiarity with its essential manpower. If he possessed these attributes as an administrator then, it is logical enough to assume he continues to retain them and will bring to his new post at RKO a background in experience which will eliminate halts in reorganization while the chief reorganizer learns what has to be reorganized. His appointment further indicates that the Atlas-Lehman group, now dominant in RKO affairs, is displaying judgment by sidestepping the usual decision of bankers, which is to name an outsider to run a type of business which has never been successfully operated except by an insider. . . .

▼

Conclusions will be jumped at again. Hertz, as Spitz's sponsor, is a factor in Paramount, tied in with the Atlas-Lehman-Fortington group. The impress on RKO's future which the Spitz appointment indicates is Hertz's, plus the joint participation in RKO of his firm (Lehman Brothers) and Atlas, might be interpreted as tying the two film companies together in a working agreement or a merger. As many judge matters in this business, such a construction is almost certain to be forthcoming and at once, too. An intriguing possibility to bounce around conversationally and speculatively, we remind once again of the fallacies in forecasts and the uncertainties which are often inherent in them. . . .

▼

Spitz's first task, by his own word, will be one of general inspection. His formal elevation to the presidency will come with a reorganized RKO. Elsewhere in this edition today you may read how it all came about. Offered the post once or twice before, Spitz finally succumbed. The deal must be a pretty one to persuade resumption of a New York residence when Chicago is his home. . . .

▼ ▼

With a deal finally struck between New York's major circuits, which are Loew's and RKO, of course, and Local 306, attention can now be directed toward further accord in labor union ranks. Some see an elimination of competitive cross-currents by a consolidation of Allied and Empire with 306, although such a three-cornered deal carries no assurance another union will not spring up. Some also see a less complex situation locally if the city, through its Department of Electricity, Gas and Inspection, checked into operator licenses already issued. There is one, at least, in the hands of a barber who has never seen the interior of a projection booth. . . .

Jewish Film to Open

"Land of Promise," a sound film with music and narrative, which has been shown in a number of spots in Europe and also before the League of Nations Mandates Commission, will open at the Astor, Nov. 20. It was made in Palestine and shows the modern developments and the return of refugees from Germany. Boris Morros did the music score and the narrative is by David Ross.

Hoffberg Sets a Title

"An Old Spanish Custom" is the title finally decided upon by the J. H. Hoffberg Co. for it's third release this season.

Marxes St. Louis Hit

ST. LOUIS, Nov. 7.—With $25,000 in the till for the week, "A Night at the Opera" hit the best gross for Loew's State in the last three years, beating "China Seas," its nearest competitor. The Marx Bros. comedy is being held six extra days, following which "Thanks a Million" will run a week. "Mutiny of the Bounty" will succeed the Fox picture and run for two weeks.

Hearst Arrives Here

William Randolph Hearst arrived in New York yesterday from California.

Long Reel Details Changed by Council

HOLLYWOOD, Nov. 7.—Recommendations for changes in the 2,000-foot reel specifications, as submitted by distributing companies in New York, were approved by the Academy's Research Council at a meeting last night. The changes include reel diameter reduction from 15½ inches to 15 inches, with a minimum reel length of 1,750 feet. With the exception of unusual cases, all reels are to be cut at the studio to reach the theatre between 1,750 feet and 2,000 feet.

Studios are to continue to indicate the projection changeovers at the end of the first 1,000 feet of each reel to provide for theatres not yet equipped with 2,000-foot projection apparatus. The council approved the method recommended by the reel length subcommittee, whereby studios will provide these auxiliary changeovers.

Bondholders to Get New Beecroft Plan

MADISON, Wis., Nov. 7.—With the conclusion of hearings in the Beecroft Building Co. reorganization case, Paul Grubb, special master, accepted a tentative plan, which he indicated will be submitted later to a vote of bondholders.

The plan, which would be effective Jan. 1, 1936, calls for borrowing $80,000 to place with an existing reserve of $60,000 and retire the present first mortgage bonds, and provides for bondholder control of the Orpheum, Strand and Parkway until all obligations are satisfied.

It was declared that as soon as the reorganization takes effect under the proposed plan, the present lease of the Ashley Theatre Corp. could be discontinued and a lease more favorable to the bondholders prepared.

Educational Films Discussed by SMPE

Educational films will be one of the principal topics to be discussed next Wednesday at a meeting of the Atlantic Coast Section of the S.M.P.E. at Public School No. 11, 320 West 21st Street.

Speakers will be: Dr. Joseph M. Sheehan, associate superintendent of schools; Mrs. Joseph H. Kohen, vice-president of the United Parents' Ass'n., and Albert R. Brand, Cornell University. Several teachers will demonstrate methods of using educational films.

City Takes Theatre For Show on Sunday

CORDELE, Ga., Nov. 7.—The City of Cordele is operating the Woods Theatre on Sundays, turning over all the profits to charity, following conviction of Frank J. Woods, owner, for violating the Sunday laws.

Woods was given a probation sentence of 12 months and was ordered to pay a fine of $200.

Danubia Gets Two More

Two Hungarian features "Edes Mostoha" (Kind Stepmother) and "Budai Cukrascda" (Queen of Roses) have been acquired by Danubia for American distribution. Twentieth Century-Fox has purchased the story rights of the latter to remake it in an English version.

Spitz to Make Study of RKO As First Step

(Continued from page 1)

proceed from there. From what I know of the company's affairs its present management has done a good job during the past two years. The company is in good shape and morale is good. I don't know who deserves the credit—maybe it belongs to all—but the fact remains, a good job has been done."

Spitz said that while RKO manpower might require "organizing," he made it clear that he did not mean by this that any "shake-up" was in prospect or that he contemplated bringing any new names into the company.

"I have no one in mind," he said, "to replace anyone. I certainly would not pre-judge a situation with which I am wholly unfamiliar. I know only a few of the RKO men and those are fine, capable executives."

Called from Chicago

Spitz related that although Atlas and Lehman officials, whom he did not name, had spoken to him "once or twice" in recent weeks about the RKO presidency, he "had no idea" of accepting it. He was called here from Chicago for a meeting on Wednesday and at its close discovered that he was the designated head of the company. He said he had not yet been inside the RKO offices.

Spitz will go to Chicago today to wind up his business affairs there and plans to return here about the middle of next week to begin his new duties. He pointed out that the actual emergence of RKO from court supervision is at least more than two months away, as reorganization proceedings require that creditors be given 60 days notice of the intention of presenting a plan to the court, which has not been done.

The Atlas-Lehman Bros. interests which recently acquired one-half of the RCA interest in RKO and an option to purchase the remainder completed the arrangements for the designation of Spitz as RKO president succeeding M. H. Aylesworth. Aylesworth becomes chairman of the board, replacing David Sarnoff, RCA head, who is withdrawing from the company.

No Formal Election Held

No formal election has been held and one may not occur for some time, as the board of directors, which elects the officers, has not been reconstituted yet to include the members representative of Atlas and Lehman Bros. When this has been done, probably shortly in advance of the RKO reorganization, the formal elections of Spitz and Aylesworth to their new posts will occur. For the time being, an authoritative RKO official said yesterday, "titles will not mean much."

"The idea," he added, "is to get the company in line for normal operating procedure as quickly and directly as possible."

While RKO remains under court supervision its board and officers are restricted from taking important action of any kind without court authorization. Active, solvent subsidiaries are not subjected to this direct supervision, but the injunction over the parent body while it is in process of reorganization explains why "titles do not mean much" at this time, it was pointed out.

Spitz has been attorney for Balaban & Katz, Paramount theatre subsidiary in Chicago, for many years. In 1932, when Paramount was nearing its financial crisis, Sam Katz brought John Hertz, then a B. & K. director and now a partner in Lehman Bros., into Paramount to aid in the financial reorganization of the company. Hertz became chairman of the Paramount finance committee and brought Spitz with him into the organization. The latter rapidly added to his duties and authority in the organization as Katz became increasingly interested in production. With Katz's resignation, Spitz assumed most of his duties. Hertz resigned from Paramount early in 1933 and Spitz a few months later. It is generally believed that Spitz was sponsored by Hertz for the new RKO post.

Option Not Exercised

Hertz is a member of the Paramount board, as is Floyd B. Odlum, head of Atlas. Charles McCulloch, Chicago banker and a director of Paramount and B. & K., is also a close friend of Spitz's. Odlum and Hertz, or their associates, are destined for places on the board of reorganized RKO.

The Atlas-Lehman combination has not yet exercised its option to purchase the remaining half of RCA's interest in RKO. This option, however, extends for two years and it is accepted as a foregone conclusion that it will be taken up in the near future. RCA's holdings were comprised of 1,259,463 shares of RKO common, or 48.6 per cent of the total outstanding, and $9,786,655 of the 10-year RKO debentures, or 84 per cent of the amount outstanding. The Atlas-Lehman half interest in these holdings was acquired for $5,000,000.

Schwalm Reelected

Hamilton, O., Nov. 7.—John A. Schwalm, manager of the Rialto, local unit of Southio Theatres, Inc., was reelected to the City Council Tuesday. He was the only Democrat to make the grade.

Shutdown for Warner

HOLLYWOOD, Nov. 7.—The Warner studio, theatre and executive offices here will close until 1 P. M. tomorrow in reverence for Benjamin Warner, for whom funeral services will be conducted in the morning. The Downtown will not open until the afternoon.

Combines Duties

HOLLYWOOD, Nov. 7.—Elmer Raguse, Roach sound department chief, will combine cutting department supervision with his regular work. He succeeds William Terhune, who left the cutting department for a Roach directorship.

Loew's Takes "Harmony"

Herman Gluckman, head of the Republic exchange, has closed a deal for a run of the Mascot feature, "Harmony Lane," over the entire Loew circuit. The picture ran eight days at the Astor.

Defeat Seen For New Code Legislation

(Continued from page 1)

tary code plan was seen to be doomed to failure because of labor's objection to the inclusion of wage and hour provision on the ground that no means of enforcement had been provided.

A regular meeting on Dec. 4 of Secretary of Commerce Roper's advisory business council, is expected to bring forth a pronouncement of the views of industrial leaders on further business control which may profoundly affect the deliberations of Berry's conference, although it is denied that the subject has been scheduled for consideration. Berry's effort to revive codification is viewed in Washington as a bid for prominence in the Roosevelt administration. Undertaking the task after others had declared it hopeless, his success in getting support for new legislation would make him the logical man to administer any new law passed.

Failure will result in his passing out of the picture, as have Johnson, Richberg et al.

It is asserted, however, that a majority of those who will come to the conference next month will voice loud objections to further control, setting the stage for the rejection by Congress of any such legislation proposed by the President. By adopting labor union massmeeting methods when other officials were trying to build up support by working quietly, it is charged, Berry has tacitly accepted responsibility for success or failure of the effort.

Paramount Pep Club To Resume Activity

Activities of the Paramount Pep Club, Inc., will be resumed. A decision to this effect was reached yesterday at a meeting of the board of governors at the Astor Hotel.

Edward A. Brown, chairman of the board, named a committee to nominate a new president and vice-president to fill the unexpired terms caused by the resignations of Dr. Emanuel Stern and Chris Boute. The elections will be held in two weeks.

Loew's Votes Extra 50c

Directors of Loew's, Inc., have voted an extra dividend of 50 cents a share on the common in addition to the quarterly dividend of 50 cents. Both are payable Dec. 31 to stockholders of record Dec. 13. In March of this year the regular dividend rate was raised from $1 annually to $2.

Boston "Dream" Opening

BOSTON, Nov. 7.—"A Midsummer Night's Dream" opens here tomorrow night at the Majestic. Society leaders and civic notables are to attend the opening, which is completely sold out under the sponsorship of the Esplanade Concerts Funds group.

Opens Exchanges

PORTLAND, ORE., Nov. 7.—Joe Merrick has opened Far West Exchanges branches here and in Seattle. George Jackson is sales manager, and Ernest Erickson is booker here.

Look for 1,000 at Variety Club Party

(Continued from page 1)

general manager of Western Union; Herman Robbins, president of National Screen; Sam Dembow and George Dembow; Mayor William N. McNair; William F. Rodgers, eastern division sales manager for MGM; Charles Margiotti, attorney general of the state; David Lawrence, secretary of state; George Skouras, Mayor Frank Couzens of Detroit, Jules Levy and Eddie Lowry.

The entertainment will have six or seven bands and between 40 and 50 acts. The affair will be held on the 17th floor of the William Penn Hotel.

As in the past, the retiring chief barker will be honored. This year he is Mike Cullen. Other officers are: Frank Smith, first assistant chief barker; Art Levy, second assistant chief barker; Dr. L. G. Beinhauer, dough guy; James G. Balmer, property master; C. J. Latta, Joe Blowitz, Steve Cox, Al Barnett and George D. Tyson, canvassmen, and Harold Lund and Dr. A. Wise, delegates to the national convention.

Auten Is Named To New Australia Job

Capt. Harold Auten has been appointed foreign manager here of the Australian Greater Union Group of Companies. He will work under Stuart F. Doyle, managing director, representing Greater Union Theatres, Ltd., Cinesound Prod. Ltd., British Empire Films, Ltd., and Associated Distributors, Ltd. Auten will leave soon for Australia to confer with officials on the recently imposed quota and survey the situation in general.

Bay State Betting Hits $34,597,878

BOSTON, Nov. 7.—In the few months of pari-mutuel betting in this state a total of $34,597,878 has been wagered, according to official report.

Horses, although not running at night, as did dogs, led with four meets which took a total of $19,028,793. The total for dog tracks was $15,569,085.

Richardson's Mother Dies

ST. LOUIS, Nov. 7.—The mother of Edward Richardson, assistant manager of Loew's State here, died in Akron this morning after a long illness. Richardson left to attend the funeral.

Inquiry on Film School

Assistant District Attorney Unger yesterday ordered an inquiry into a film school, operated by Harry Pettit, following information received from women and children with Hollywood aspirations.

Open Zeidman Offices

HOLLYWOOD, Nov. 7.—J. L. Schlaifer, distribution head of Zeidman Pictures, is personally establishing company exchanges and making franchise deals throughout the New England, New York and Illinois territories.

Tennessee House Opens

ERWIN, Tenn., Nov. 7.—Erwin's new $10,000 Capitol has opened under the management of Fred Gorman.



. . . And Warren and Dubin have done it again!

'Where Am I'

'At Your Service, Madame'

'You Let Me Down'

A few comments after a 'first-cut' flash in Hollywood:

"James Melton is a wow!"
—Jack Smalley, Fawcett Publications

"One of the big finds of the year!"
—Ted Magee, Hollywood Magazine

Sound your AH-H-H-H, boys! We've found a fourth for

THE WORLD'S GREATEST QUARTET



Biggest vocal value in history are the singing stars under Warner Bros.' banner! Where else can you match such an aggregation as Vallee, *and* Jolson, *and* Powell... *and now*–radio's famous JAMES MELTON, flashing a million-dollar personality to match that million-dollar voice, in his first screen role. He's a genuine find, gentlemen–as you'll find out for yourself the day you open

"STARS OVER BROADWAY"

And What Stars!

PAT O'BRIEN • JANE FROMAN • JAMES MELTON
JEAN MUIR • FRANK McHUGH • MARIE WILSON

Numbers staged by Bobby Connolly and Busby Berkeley • Directed by William ('G-Men') Keighley

"Melton's voice is sensational!"
—Sam Morris, Chicago American

Coming from WARNER BROS.
as soon as Kay Francis in 'I Found Stella Parish' finishes its extended first-run engagements which have just started at the most sensational pace since 'G-Men'!

GARY COOPER
ANN HARDING
in
"Peter Ibbetson"

A PARAMOUNT PICTURE



"PETER IBBETSON" presents an unusually attractive box-office star combination. GARY COOPER at top of his fame with ANN HARDING, who has never looked more beautiful or had so fine a role.

"PETER IBBETSON" presents latest offering of strong producer-director combination. Louis D. Lighton, as producer, and Henry Hathaway, as director, have already turned in two successes with Gary Cooper in "Lives of a Bengal Lancer" and "Now and Forever."

"PETER IBBETSON" presents a love story with strong emotional appeal. Has the same quality of appeal that made "Smilin' Thru" a woman's picture and a popular success.

"PETER IBBETSON" presents theatres with ready-made audience. Over 6000 women's clubs in 48 states are now discussing the picture as part of their club work. Literally an audience of thousands waiting to see "Peter Ibbetson" and ready to cooperate with theatres in every community.

This is a love story . . . of the love of Peter and Mary . . . it tells with sincerity, with glowing intensity, how their love was born when they were children drawn together by sorrow . . . how this love lived through the years, though they were torn apart by a jealous world . . . how this love became immortal . . . a love that lived forever!



with Ida Lupino, John Halliday, Douglass Dumbrille, Virginia Weidler and Dickie Moore • Directed by Henry Hathaway.

Paramount Pictures

Testimony Is Counsel Target In Summations

(Continued from page 1)

long-awaited verdict is expected to be handed down shortly after the jurors are given to understand the law. Following a conference in his chambers yesterday, Judge Moore extended by 60 minutes the four-hour limit for final arguments. During the short court session yesterday, the judge twice refused to grant additional time despite exhortations by defense counsel.

Because of the Missouri law, the only one of its kind, the Government was given the right to open and close. Frederick H. Wood had been expected to start the ball rolling this morning, but instead was second.

Hardy Speaks 3 Hours

Russell Hardy, prosecuting attorney in the anti-trust trial, spoke for three hours; Wood, one, and William R. Gentry, one. George S. Leisure wound up today's session after a 20-minute talk, but will resume tomorrow when he will be followed by Jacob M. Lashly, co-counsel for RKO. Former Senator James A. Reed will finish for the defense.

Hardy talked in a calm and deliberate manner, reading from notes scribbled on small pieces of paper. Several times Wood and Leisure objected to declarations made that were not in the record, following which Judge Moore cautioned the Government counsel to confine himself to the testimony in the case.

Wood, in his forceful and characteristic style, was considered the best speaker of the day. He was stopped once when Hardy objected to the use of the word "crooked." The Warner attorney replied, "I call anyone crooked who sends in false statements."

In contrast to the seriousness of the two lawyers who preceded him, Gentry delighted in levity, relating two humorous stories and explaining, "the name of Schaefer in German means shepherd and this is a case of 'a wolf in sheep's clothing.'"

"Marco's real name is Marco Wolff, so there you are," Gentry explained.

Leisure Is Brief

Leisure talked in a serene and direct manner, taking his time despite the lateness of the hour. He concentrated his brief summary on "the unfair inferences Hardy drew from a letter Ned E. Depinet wrote to Warners," declaring if "Depinet has been charged with an improper act I'm still trying to find out what it is."

The RKO counsel said Depinet had three choices: one, to stay out of St. Louis; two, sell to F. & M.; three, sell to a nationally known circuit such as Warners. "When Warners were sold," the counsel stated, "Depinet did what any man in this jury would have done." He had just reached the topic of Arthur's alleged telephone conversation with Depinet when the session was adjourned.

Reviewing his case, Hardy covered all of the ground encompassed in his opening statement and in his arguments for denying the demurrers and dismissal motions filed at the close of his presentation. He stated the Dept. of Justice is not required to bring about conviction of innocent persons.

"The defense has met every issue but those in the case," the prosecutor held, and "sometimes they put me, Koplar and Arthur on trial." He then talked about "gigantic corporate clusters" and said that "Warners, Paramount and RKO represented 50 per cent of the production of the fourth largest industry."

Comparing the chances of F. & M., which he described as a small concern, fighting against Warners, which he said had great size and power, was like "Ethiopia against Italy." "Because of the limited supply of films and agencies controlling them, the restraint of trade could very easily be made possible," Hardy added. He asserted that the early activities of Warners were shown by a conference between J. M. Ulmer of Cleveland and Warners in connection with a lease on the Capitol, Wheeling, W. Va.

Describes "Technique"

"What has Herman Starr to lose? He has the strongest reason for diluting and denying the testimony," the prosecutor said. "Miles Alben," he added, "is a subordinate of Starr's and what would happen if he contradicted his superiors?" He then described the so-called "technique," which he held was "to purchase defaulted bonds, control the pictures and use great size and power." In purchasing the bonds, Warners created one of the strongest weapons for trying to get the Ambassador, Missouri and New Grand Central, Hardy declared.

When Warners in 1933 started to bid for the reorganization of the properties with the bondholders, they had no competition, the prosecuting attorney said, but later Wood contradicted this, stating Skouras Bros. were bidders at the same time, according to Thomas N. Dysart's own testimony.

Cites Testimony

"I think the facts in this case will show the defendants did not act fairly," the Government attorney declared. He then pointed out certain portions of the testimony given by his witnesses in connection with phrases allegedly used by Starr and Sam B. Jeffries, developing the issue that most of the men were not interested in the case and had no reason to testify to anything but the truth. He pointed out Dysart was a reluctant witness and "he leaned backward to assist Warners, he knows in the end he may have to deal with them. He had to propitiate them and had nothing to gain by testimony prejudicial to them."

Hardy characterized Starr's leasing of the Shubert-Rialto, after making a threat the day before, as a short lease. "They never intended using the theatre for pictures, but wanted it to use as a menace against the bondholders." Wood refuted this statement later, bringing out the fact that in Charles Cella's testimony, the latter said, "Starr laid the cards on the table," admitting Warners were negotiating for the other three theatres and if they did not get them they would continue as tenants for five years. Wood said yearly options were included and in the Orpheum lease Warners did not include the two-month provision.

Describing what had presumably occurred at a meeting in Starr's office on March 6, 1934, Hardy said, "They're not even satisfied from day to day as to what they testified."

"How Abel Carey Thomas loved the Skourases? Yet they didn't know which one he loved. Starr said it was George, Sears said Spyros. I leave it to you to decide," he said to the jury.

Meetings Brought Up

Other meetings and alleged conversations were then brought up, following which Hardy read to the 12 men Thomas' letter to Schaefer, dated March 27, 1934.

"They haven't been open, frank and candid about telling you the truth and facts in the matter," the prosecutor stated. "Certainly Schaefer knew what was going on when he said in the letter no one else could bid or get the pictures, and it's written in every line of the letter," he said.

"This is the only purchase of pictures ever made by Starr on March 21. Starr said he closed the deal because Clayton Bond went on a vacation, yet Depinet saw Bond between March 19 and March 29," Hardy said.

Leahy's telephone conversation was then discussed. Hardy said Schaefer testified he didn't consult a lawyer on the Warner contract although he told Leahy he did. "Do you remember Schaefer's incredible lack of memory?" he inquired of the jury. "Why didn't he tell you what happened with Starr on March 21?"

Bernhard Letter Read

Joseph Bernhard's letter to Depinet was then read and Hardy emphasized the sentence beginning, "I am confident you will pledge your wholehearted support." The letter shows, the prosecutor stated, "Depinet had not been open, frank and truthful. He hasn't told you what occurred up to the time of the letter, but it is evident in every line," Hardy said. "No one knows what these men did and no one told you what they did or said."

When Hardy reached the so-called conversation Depinet is said to have had with Arthur, he asked, "Is the motion picture business a racket?" He referred to Arthur's testimony wherein he said Depinet told the first Government witness he had been in the racket long enough and knew what to do. The prosecutor also stressed the testimony of Leahy and Edmond T. Koeln, who said they saw Arthur at the Park Plaza meeting with Depinet. The RKO president denied this, stating he couldn't recall Arthur's presence.

"Is Depinet reliable? Did he tell you everything?" the prosecuting attorney asked. "He hasn't told all about the Bernhard conference." Hardy described the various letters as "promises among conspirators," which didn't provide terms, but gave wholehearted support to sustain them in this situation. He said Jeffries' testimony reminded him of forcing a horse over a jump. Hardy held that all the witnesses testified Koplar's name had been brought up at different meetings, but three Government witnesses emphatically denied this.

He also contended Warners had been offered the Allen Snyder lease twice and turned it down, "yet they claim they were being driven out of St. Louis and someone had a monopoly."

Wood's contention was the indictment is not evidence and that it is the duty of the Government to establish beyond a reasonable doubt the existence of conspiracy. He stated, "Hardy has carefully refrained from enlightening you what the case is all about. The indictment does not charge a combination in restraint of trade. The only charge being tried is that the defendants entered into a conspiracy in restraint of trade. During the period starting in August when we opened the Shubert-Rialto to the time of the indictment, Jan. 11, 1935, 167 pictures were exhibited here in contrast to 146 in the previous corresponding period. That's how we restrained trade," Wood said.

Points to Evidence Conflict

"The Government relies on circumstantial evidence, not direct," the Warner counsel declared. "RKO and Paramount individually negotiated and made deals without concert," he stated. "The law of circumstantial evidence is that every man is innocent until proved guilty and this excludes every supposition and inference but that of guilt."

Wood drew attention to a conflict in the evidence, stating frequently a man leaves a conference with the impression of what happened and not what actually was said.

"It was not until Harry M. Warner got on the stand that a connected story of what we did and why was related," Wood asserted. He then detailed Warners' $3,000,000 to $4,000,000 investment in the local properties and the unsuccessful attempts to negotiate with the bondholders' committee, whom he declared "sat in the driver's seat" and could drive Warners out if they wanted to, and which the company tried to prevent.

Notes Theatre Changes

Wood pictured the change in the local theatre situation in February, 1934, when Koplar assertedly gained control of five first runs, shutting out Warners, whom he claimed would have to deal with a monopoly at their own terms. He went on to relate how Gradwell L. Sears suggested to Warner the opening of a company show window as a self-protective measure and how deals with Paramount and RKO were made.

He said Warners wanted to reclaim their former position when they operated an uptown and downtown house by taking over the Orpheum. He added RKO had been having trouble with Koplar and protected themselves by signing with Warners. He described Koplar as "an arch enemy of Warners," who didn't pay his bills, and added his associates submitted false box office reports, which he called "crooked."

Gentry brought out that the testimony of most of the witnesses did not apply to Paramount and Schaefer.

Koplar Curious

St. Louis, Nov. 7.—When Harry Koplar appeared in the court for the first time, he asked a *Motion Picture Daily* reporter:

"Are those guys surprised to see me here?"

Few realized that the much publicized Koplar had been subpoenaed by RKO, which didn't put him on the stand after all.

Short Subjects

"Bugles from the Blue Grass"

(*Van Beuren-Radio*)

Bill Corum is the guide on this tour of the thoroughbred horse camps that raise and train the horses for the Kentucky Derby and other great races. Every shot is interesting. There are scenes at the Vanderbilt, Sagamore Farm in Maryland, Joseph E. Widener's, Elmendorf and finally the Derby. Of especial interest is a shot of Man O' War, now 18 years old in retirement. With horse lovers and the general public this should go over. Production Code Seal, No. 0471. Running time, 10½ mins. "G."

"Pathe Topics, No. 1"

(*Pathe-Radio*)

The U. S. Coast and Geodetic Survey at work and Dr. Rockwell's humorous dissertation on Social Credit lead up to a series of shots made by a National Geographic Society expedition to Alaska in the St. Elias range which are described as the American Himalayas. The mountains and snowfields and glaciers are majestically photographed and provide a treat for the eye. This short should be found interesting and entertaining by most audiences. Recommended. No Production Code Seal. Running time, 11 mins. "G."

"Screen Snapshots, No. 2"

(*Columbia*)

Interesting spots in and around Hollywood as usual make the subject matter of this effort. Off the screen activities of the various satellites such as their hobbies and where they seek their entertainment are described by an off screen voice that appears to have a strange sense of humor. The subjects clown in a way for the camera's benefit. When the program has two good features this might be played for diversion. Production Code Seal No. 1202. Running time 10 mins. "G."

"A Returned Engagement"

(*Radio*)

Ford Sterling and Marjorie Gateson, when they set out to prevent their son, George Stuart, from marrying a manicurist run into all the usual complications that make standard comedy fare. Sterling meets an old flame, another manicurist, and has his troubles getting rid of her without arousing his wife's suspicion. Tom Kennedy, house detective, is about the hotel in the approved manner. There are some interspersed surefire laughs. It classes as reliable comedy fare. Production Code Seal, No. 949. Running time, 21 mins. "G."

"A Happy Family"

(*Columbia*)

When Krazy Kat's uncle and relatives come to visit him they come en masse and sing what a happy family they are while the children proceed to wreck the house and generally raise hell. Krazy gives the business up and looks for peace in the dog house but even there he is not welcome. Production Code Seal No. 879. Running time, 7 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Mary Burns, Fugitive"

(*Paramount*)

HOLLYWOOD, Nov. 7.—Stark drama, keyed to stir sympathetic emotion and enfolding a similarly grounded semi-comedy romance, this appears capable of handing audiences a real wallop. It is a picture that showmen can sell with enthusiasm. Based on a sound, topical headline news story, and written in a characteristic Gene Towne-Graham Baker style, with intelligent direction by William K. Howard, its plot is simple yet no production detail is lacking for the realization of its full power. The picture is paced by exceptional performances by Sylvia Sidney, Melvyn Douglas and Alan Baxter.

Miss Sidney's love for Baxter, who she does not know to be an ace public enemy, permits circumstantial evidence to jail her. G-men arrange for her escape, believing that she will lead them to Baxter's hideout. Hating her erstwhile lover and trailed by Federal operatives, she obtains a hospital job in which a comedy-romance with human interest twists involves her and Douglas.

Hounded by Douglas, gangsters and G-men, Miss Sidney eventually flees to Douglas's mountain retreat. Suspense common to all previous action pictures is intensified here as Baxter, attempting to escape from the Federal trap laid for him, is about to kill Douglas, only to have Miss Sidney exact her own revenge by slaying the public enemy. A pardon gained for her through Douglas's influence is her reward, assuring her happy future with him.

Meaty and grim in all but its romantic phases, the action, dialogue and situations are skilfully blended to create and maintain interest. If sold with sock and color matching that of its theme, and with efforts made to attract feminine attention, the picture should make a deep popular impression. With Miss Sidney, Douglas and Baxter carrying the main exploitation load, other featured names, especially those of Wallace Ford, Pert Kelton and Brian Donleavy, should not be overlooked. Walter Wanger produced.

Production Code Seal No. 1,664. Running time, 80 minutes. "G."

Looking 'em Over

"False Pretenses"

(*Chesterfield*)

ST. LOUIS, Nov. 7.—This one unquestionably is designed for neighborhood and twin bill houses. It has an illogical plot and, what's more, insincere acting by a cast headlined by Irene Ware. Sydney Blackmer, Betty Compson and Russell Hopton support her in a so-so manner.

The heroine is fired as a waitress because of her impetuous and obstreperous boy friend. At a chance meeting with Blackmer Miss Ware sells an ex-millionaire the idea of promoting her in a stock selling proposition. The gag is to get Blackmer's friends to put up a wad of money so that the heroine and Blackmer can swank it up with his friends. The heroine is supposed to fall in love with one of the rich associates of the co-schemer and after she becomes heir to a fortune she is to pay back the money with interest.

The plot doesn't work out that way. Instead, Miss Ware falls for Hopton, a racketeer, and when she gets into a jam over a missing tiara, Hopton comes to her aid. Later Blackmer convinces Hopton the heroine is on the level and said hero heads straight for his loved one, pays off the creditors and gets himself a cute bundle of Ware.

Blackmer, who all along couldn't make up his mind about marrying Miss Compson, finally consents.

Everything ends well when there's a scenario to guide you.

Production Code Seal No. 1,314. "G."

"His Marriage Mixup"

(*Columbia*)

Harry Langdon has his difficulties in this one with his bride who resembles an escaped axe murderess. On their wedding day they are annoyed by Langdon's uncle, Vernon Dent, who is out to warn Langdon. Production Code Seal No. 1512. Running time, 18 mins. "G."

"Aladdin's Lamp"

(*Educational*)

One of the Terry-Toons series of cartoons, this subject rather burlesques the old fairy tale. In this version, Aladdin finds his magic lamp producing Ed Wynn to save him. Rates as average cartoon material. No production code seal. Running time, 6 mins. "G."

Variety Club

Cincinnati

CINCINNATI, Nov. 7.—Work on cutting the opening to the third room to be occupied by Tent No. 3 is progressing, and the enlarged quarters are expected to be ready by the middle of November. Meanwhile, the membership is using one room, which was the original quarters of the club.

Ladies' Day on Wesdnesday afternoons when the club will be given over exclusively to women, will be resumed early next month, after suspension of several weeks.

MAX SEIN, film editor of the *Cincinnati Post*, has been assigned the city desk. He is succeeded by EDWARD H. CARBERRY of the reportorial staff.

BILL ONIE, sporting the latest color and style in shirts, was one of the recent visitors at the Columbus tent.

HAROLD HARRIS is one of the nightly visitors at the club. ESTELLE TAYLOR, playing an engagement at a nearby night club, also is a frequent visitor here.

DUKE CLARK, prexy of Columbus No. 2, informed ye scribe that his tent expects to have four special coaches on one of the Detroit trains to convey Columbus barkers to the Michigan-Ohio football game next month.

Kansas City

KANSAS CITY, Nov. 7.—Guests at the Variety Club lunch were: L. H. MOORE, branch manager of Travelers' Insurance Co.; FRANK GROSS, Fox Mildwest engineer, and RALPH LAWLER, new manager of the Newman.

The club made $859.73 net on the Carnival recently, L. J. M'CARTHY reported.

HARRY CAHNE entertained with an exhibition of mental gymnastics, largely in connection with numbers. MIKE ROTH presented him.

Wall Street

Universal Jumps 6⅛ Points

	High	Low	Close	Net Change
Columbia	69¼	68	68½	— ¼
Consolidated	5⅞	5⅝	5¾	— ⅛
Consolidated, pfd.	19⅞	19¼	19⅞	+ ⅜
Eastman Kodak	166½	165¼	165½	—1½
K-A-O, pfd	85	85	85	—5
Loew's, Inc	50¾	49¼	49¾	+1¼
Loew's, Inc., pfd.	105⅞	105⅞	105⅞	— ⅛
Paramount	9¾	9½	9½	— ⅛
Paramount 1, pfd	81½	81	81¼	— ⅛
Paramount 2, pfd	11⅞	11½	11½	....
Pathe Film	6⅛	5½	5⅝	— ½
RKO	5½	5⅛	5⅛	— ⅛
20th Century-Fox	18⅞	18¾	18⅞	+ ⅛
20th Century, pfd	28¾	28⅜	28⅝	+ ⅛
Universal, pfd	49⅞	44¾	49⅞	+6⅛
Warner Bros.	8⅞	8⅜	8½	— ¼
Warner, pfd	49¼	48½	48½	— ⅜

Trans-Lux Lone Curb Gain

	High	Low	Close	Net Change
Sentry Safety	½	7/16	7/16	—1/16
Sonotone	2¾	2½	2½	— ¼
Technicolor	19½	18¼	18½	— ⅝
Trans-Lux	4¼	3⅞	4⅛	+ ¼

RKO Bonds Drop 3 Points

	High	Low	Close	Net Change
General Theatre 6s '40	15¾	15⅜	15⅜	— ⅛
General Theatre 6s '40, ctf.	15½	15¼	15⅜	+ ¼
Loew's 6s '41 ww deb rights	104¾	104¾	104¾	.....
Paramount B'way 3s '55	57	56	57	+1½
Paramount Pict. 6s '55	93	92¼	92½	.....
RKO 6s '41 pp.	77⅛	75¾	75¾	—3
Warner Bros. 6s '39 wd	86	85	85¼	— ½

(Quotations at close of Nov. 7)

Purely Personal

J. B. PRIESTLY'S novel, "International Quartet," has been acquired by ALEXANDER KORDA as a vehicle for CHARLES LAUGHTON, ELSA LANCHESTER and SIR CEDRIC HARDWICKE.

•

WILLIAM K. HOWARD, who directed "Mary Burns, Fugitive," for Walter Wanger, will arrive in New York next Friday in time for the opening at the Paramount.

Quip of the Day

Goosie, Goosie Ga-ga
Is going to sue for Slan-da,
Because he's dumb and high up
He thinks we fear his fly-up.
Caring little for figures or facts,
Overlooking percentages and tax,
Avoiding playdates that annoy me,
Boosting first runs that destroy me,
Shoving the small business man
Like so much film, in the can.
If with complaints we persist,
He yells "cease and desist."
After he stirs up a hot-stew
From weakness, he weeps "I'll sue."
But his talk fast and screw-loose,
Will only get him a gander or a goose!
Choose your weapons, Ali Gaga,
Max Shobbus is on the quee-vee.

MOX SHOBBUS.

P.S.—This is the first poetry I ever wrote, but you can expect more.

NICHOLAS M. SCHENCK and FELIX F. FEIST, who planned to leave for the coast this week, are deferring the leave-taking until early next week.

•

CARY GRANT, CLAIRE LUCE, OTTO KRUGER and MAX FACTOR leave these shores on the *Aquitania* with the midnight tide tonight.

•

GENE and MRS. MARKEY (JOAN BENNETT) have booked passage on the Chief leaving for the coast over the week-end.

•

WALTER WANGER, who was planning a trip here from the coast this week, has called it off for the time being.

•

E. J. SPARKS is assisting MRS. SPARKS with the shopping for furnishings for their new Miami home.

•

ED ROWLEY of the Robb & Rowley circuit is in town to complete product buys for his southwest circuit.

•

TULLIO CARMINATI and W. SOMERSET MAUGHAM are arriving on the *Europa* today.

•

JOHNNY WEISSMULLER and MRS. WEISSMULLER (LUPE VELEZ) are at the Warwick.

•

RING LARDNER, JR., has joined the publicity staff of Selznick International.

•

E. V. RICHARDS is here for product deals for the Saenger circuit.

•

NATE BLUMBERG returned from the middle west yesterday.

Out Hollywood Way

HOLLYWOOD, Nov. 7.—"Anthony Adverse" is going to take as much space as a production as it did in book form. . . . Warners have reserved four sound stages for it. . . . 121 sets are scheduled. . . . CHARLEY GRIMM, six-year-old Chicago Cubs' mascot, signed by HAL ROACH for Our Gang. . . . JIMMY SAVO'S "Alone, Alas!" to start Nov. 11.

Republic starts "Hitch Hike Lady." . . . WALTER WANGER delays departure for New York. . . . HUGH WALPOLE and RICHARD SCHAYER start script of "Little Lord Fauntleroy." . . . ALVIN JANSEN, son of DANTE, the magician, to accompany TAY GARNETT around the world. . . . ABE MEYER at Arrowhead for a rest. . . . EDWARD LUDWIG recovering from an appendicitis operation.

E. M. SAUNDERS, western division manager for M-G-M, here looking over sales records. . . . WILLIAM M. PIZOR, president of Imperial Distributing Corp., here for a month. . . . JOHN HALLIDAY to leave for New Zealand fishing trip when he finishes in "Desire" at Paramount.

BORIS KARLOFF'S one picture for Warners to be "The Walking Dead." . . . FRANK MITCHELL and JACK DURANTE, comedy team, reunited for part in AL JOLSON'S "The Singing Kid," Warners. . . . MARION DAVIES' eastern trip leaves DICK POWELL free to play in "Colleen" for Warners. . . . GEORGE O'BRIEN helps his next door neighbor fight a fire.

✚

Casting—GINGER ROGERS attains solo stardom in Radio's "In Person." . . . LESLIE FENTON in "Two o'Clock Courage," Radio. . . . BETTY GRABLE and JOY HODGES in "Follow the Fleet," also Radio. . . . CLAIRE DODD, out of Warners' "Manhunt" because of illness, replaced by ANITA KERRY. . . . BERTON CHURCHILL and MARY TREEN in Warners' "Colleen." . . . ROBERT ARMSTRONG, CHARLES MURRAY, DIANA GIBSON and GRACE BRADLEY in JACK HOLT'S picture, "Captain Commanding," Universal.

MARY ALDEN, GRACE GOODALL, LANDERS STEVENS, JOHN DILSON in "Gentle Julia," Twentieth Century-Fox. . . . PAUL MCVEY in "Shark Island," same studio. . . . W. C. FIELDS, fully recovered, set for "Poppy," Paramount. . . . CHARLES TROWBRIDGE, WILLIAM DEMAREST and RAY WILBURN in "The Great Ziegfeld," M-G-M.

✚

Writers—ANTHONY VEILLER assigned to Radio's "The Indestructible Mrs. Talbor," ANN HARDING'S next. . . . LEWIS STEVENS adapting "Fugitive Gold," same lot. . . . JOE HOFFMAN and EARL FENTON doing screen play of their original, "The Wizard of St. Germaine," Warners. . . . PAUL GERARD SMITH and ANDY RICE on script of "Mediterranean Cruise," Twentieth Century-Fox. . . . COURTLAND FITZSIMMONS and COY COE adapting "The Arkansas Traveler," same studio.

✚

Director—JOE BOYLE to direct PETE SMITH short, "Gliding," M-G-M.

✚

Technical Advisor—Major G. O. T. BAGLEY, technical advisor on "David Copperfield," signed for same post on "Little Lord Fauntleroy" by DAVID O. SELZNICK.

Northwest Club Moves

SEATTLE, Nov. 7.—New quarters of the Northwest Film Club have just been opened at 2320 Second Ave. The headquarters were formerly in the New Washington Hotel.

The new location provides space for all of the club's facilities, including a reading room, recreation room, card rooms, dining service and refreshment bar. The quarters are within one block of all local exchanges.

Little Profit in Raise

TAMPA, Nov. 7.—Raising scales for the showing of "The Crusades" did not net the Tampa much money. Since the Federal admission tax went into effect the house has held its top at 40 cents. It raised to 50 cents for the DeMille spectacle, but half the increase went to the Government.

Litvag Plans Another

ST. LOUIS, Nov. 7.—Joseph Litvag, head of Apollo Theatre Co., has leased the site at DeBaliviere Ave. and will start construction in 10 days of a 700-seat theatre. Estimated cost is $50,000. It is expected to be ready by February. Litvag also has the Roxy and White Way.

Renovate at Roanoke

ROANOKE, Nov. 7.—The Park has been renovated and redecorated. Improvements include a new ventilating system, seats and a new screen.

Anniston Vote Is Set

ANNISTON, Ala., Nov. 7.—With an election on continuing Sunday shows set for Dec. 17, proponents and opponents are prepared for a spirited campaign.

The City Council called the election under provisions of a recent legislative act giving voters of a municipality the right to nullify ordinances permitting Sunday amusements.

Donate Frisco Theatre

SAN FRANCISCO, Nov. 7.—Cliff Work, in charge of RKO interests here, has donated the use of the Golden Gate for a midnight frolic Nov. 14, to be given by the Theatrical Mutual Ass'n to raise funds for sick and destitute show people. Many San Francisco theatremen are aiding the benefit.

Form Kokomo Company

KOROMO, Ind., Nov. 7.—Organization of the South Side Theatre Corp. has been announced here. John E. Starkey is resident agent. Incorporators are: Merrill Moore, Mae Starkey, John E. Starkey and Lester O. McVey. Capital stock consists of 1,000 shares at $10 par value.

Providence Has Art Spot

PROVIDENCE, Nov. 7.—The Fine Arts, housed in the Modern, erstwhile home of burlesque, has opened its season with "Wings Over Ethiopia." Unusual films will be shown.

Changes Continue In New England

BOSTON, Nov. 7.—New England theatre changes continue. In Maine Leo Gorman is remodeling the only house in South Portland, and the Pier, Casino and New at Old Orchard and the Pastime at Northeast Harbor have been closed.

In New Hampshire the Colonial, Nashua, has been opened by Moss & Rothenburg, and the Crown at Manchester has been closed by A. Couture.

Massachusetts moves include a decision to demolish the Elm at Attleboro, the opening of the Colonial, Lawrence, and repairs to the Warwick, Marblehead, recently damaged by fire.

Alabama Takes Two More

BIRMINGHAM, Nov. 7.—Alabama Theatres, Inc., has closed deals for the purchase of the Colonial in Jasper, Ala., and a lease on the New and will take possession Sunday.

R. B. Wilby heads Alabama Theatres. Fred Barton will manage the Jasper houses.

The Colonial will be closed about 30 days for renovation.

National Theatre to Move

BOSTON, Nov. 7. — The National Theatre Supply Co., which has been long situated some distance from the film district, will transfer its offices to the center of things locally about the middle of November. Quarters on Piedmont St. are being renovated for occupancy.

Start Goldsboro House

GOLDSBORO, Md., Nov. 7.—Construction of a new independent theatre to seat 350 has been begun. The house will be owned and operated by H. T. Green and Miss Sadie P. Cohee of Greensboro and will be opened about Dec. 1. Miss Cohee formerly managed the Victoria in Washington.

To Open at Hartford

HARTFORD, Nov. 7.—Loew's will reopen the Palace tomorrow, for the Marcus "Continental" Revue. It is expected that this week's engagement will be followed with a holdover from the Poli of "Mutiny on the Bounty," after which the house will again be temporarily darkened.

Lease McArthur Hall

MCARTHUR, O., Nov. 7. — Carl Brodie, Hebron, O., has leased Memorial Hall from the county commissioners, and will operate it as a theatre.

This will be the first time that Vinton County has had pictures permanently.

Shift Vancouver Policy

VANCOUVER, B. C., Nov. 7.—The Lyric, independent, which has been playing vaudeville and pictures for the past six months, reverts to straight pictures Friday. A 12-piece orchestra received a week's notice Nov. 1, but hopes to be able to hold out for two weeks. Duals will be used.

Danbury Empress to Open

DANBURY, Nov. 7.—Warners' Empress, dark for several years, will reopen Saturday with a straight film policy.

High Brow!

The other day an old school film salesman remarked to us: "Motion Picture Herald is a swell book, but it's too classy, too highbrow—they don't get it, etc."

That, we deem, is a great compliment and a great error—a compliment too to the 13,844 *showmen* readers who so cheerfully and promptly pay three dollars a year to get it.*

Motion Picture Herald's standards of the printed page represent the normal evolutions of a journalism which has kept abreast of the best in the attainments of the art and industry which it serves. The nickelodeon is a fossil and along with it the journalism that served it.

If "The Herald" does not go there, it isn't a theatre. For those who yearn for the sawdust on the floor and the carnival patois of the long ago there are fossiliferous journals to serve them.

Motion Picture Herald is edited for the showmen of today, with the knowledge that the intelligence of its audience is as high as that of any numerically equal audience in the world.



**The greatest motion picture circulation in the world and the only A.B.C. audited circulation in the field.*

MOTION PICTURE HERALD

FOX-Educational SHORT SUBJECTS win LONG FEATURE PRAISE FROM NEW YORK CRITIC

NEW YORK WORLD-TELEGRAM
TUESDAY, OCTOBER 29, 1935.

'Stepchildren' on the Bill Very Often Save Program

They Are the Short Subjects, Six of Which Soon To Be Released Are Herewith Reviewed.

By GERALD BREITIGAM.

IT is the custom of many people attending the movies to feast on the features and sleep through the short subjects. Did they but know it this is the sleep of indigestion which often follows a poorly cooked meal. Likewise, it might be much wiser to stay awake through the shorts and sleep through the feature, as was amply demonstrated yesterday at a preview of no less than six short subjects soon to be released through the metropolitan district.

Even the assorted collection of film executives, exhibitors and critics who watched the program in the Twentieth Century-Fox Little Theater seemed moved to general approval. And that's saying a lot, for they are all behind the counter.

It really seemed too bad that such charming travelogues as Ernest Truex's "West Indies Cruise," such sprightly comedies as "Ladies Love Hats" and such thrilling adventures of the newsreel camera as "Hazardous Occupations" should have to go out into the world as stepchildren of the program. However, as long as movie theaters are run for middle-aged ladies who like to hiss villains and crumple handkerchiefs over Dolly Dulcy in a he-man's arms, you'll have features, no matter how indifferent. And as long as you have lovers who like to sit in the smoke-filled darkness of the balcony lethal chamber and cuddle you won't have a program all of shorts.



Gerald Breitigam.

* * *

Off on Magic Carpet.

"WEST INDIES CRUISE" used a great new flying boat for its magic carpet on which to whisk the observer away to Nassau and the Bahamas, to Haiti and Emperor Christophe's mighty fortress in the clouds, to lazy tropic seas curling on white beaches, to Negroes cutting sugar cane and oxen turning the ancient stone wheels that grind it out, to coral isles and palm trees fronded against skies of galleon clouds, to mountains as high as the glory of God bulking up from the placid sea.

Then there was "Hazardous Occupations," in which the newsreel cameramen do their old stunt of thrilling you, but this time with the restraint is admirable. some details of the man who slipped left out. This particular film and builds a far greater thrill than gory details. This time with the gruesome ranges the world, showing workers on New York's newest bridges, skyscraper window cleaners, steeplejacks swinging around like monkeys, workers in the Saar steel mills, the man who rides every day above Niagara Falls in a basket suspended from the sky in order to paint and inspect the Suspension Bridge cables, fire in the forest and the asbestos-clad gnomes who combat an oil well fire in Oklahoma, and a host of others. Biggest thrill of all is seeing a cameraman climb with his bulky equipment to the top of a Chicago skyscraper in order to picture the town. You remember and like the diminutive Ernest Truex, and here in a snappy story from the pen of Ray McCardell entitled "Ladies Love Hats" is the same Broadway star in a real mirth maker. As a porch-climber he's only a volunteer, but he thinks fast.

* * *

Music, Mirth and Pickaninnies.

ANOTHER comedy, this one a musical, is "Moonlight and Melody," in which the jointless Lucille Page, as the star of a Broadway show, gracefully ties herself in pretzels; in which the brunette Rita Rio croons huskily, and sways sinuously; in which Buster West and Tom Patricola do wegman service to help the girls get through a light but engaging story, and in which Johnny Johnson and his Hotel Commodore Orchestra discourse catchy music.

Of the others, there is "Aladdin's Lamp," which is fun ..... It's a Paul Terry-Toons. And there is "Way Out West," with those five little Negro kids invading a frontier saloon in search of Alabama Sam, cook at the Bar Z Ranch, who is their daddy. They call them "The Cabin Kids." Like Little Tommy Tucker of the old nursery rhymes, they sing for their supper. The amusing thing to see yesterday, which, incidentally, you won't be able to observe when this one plays your neighborhood house, was the smallest of these five little darkies roaming the theater aisles in search of the little boys' room.

It was a good bill, and food for reflection upon the thought that the stepchildren of the program often save the show.

FOX PICTURES

Educational Pictures

Distributed in U.S.A. by
20th Century-Fox Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 111 NEW YORK, SATURDAY, NOVEMBER 9, 1935 TEN CENTS

Summations in Trust Action Are Finished

Charge to Jury, Verdict Due on Monday

By BILL ORNSTEIN

ST. LOUIS, Nov. 8.—Summations by George S. Leisure, Jacob M. Lashly and ex-Senator James A. Reed for the defense and Russell Hardy for the Government were concluded at 2:55 this afternoon, winding up all arguments in the anti-trust trial which has been before the court for six weeks.

Despite repeated efforts by defense counsel to have Federal Judge George H. Moore instruct the jury this afternoon or Saturday, the court ruled this would be done Monday when the session will be reconvened in the new court house at 12th and Market Sts. The jury will undoubtedly hand down a verdict on Armistice day. Counsel for Warners, Paramount and

(*Continued on page 3*)

While Pettijohn's in Rome Republicans Burn at Home

HARRISON, N. Y., Nov. 8.—It's getting so a statesman never knows what is going to happen next. With Councilman-elect Charles Clyde Pettijohn in Italy trying to convince Premier Mussolini that the Fascists need plenty of American films to keep their minds off meatless days and Addis Ababa, along comes a Republican here and tries to apply a sanction to C. C.'s election last Tuesday.

Pettijohn went off to Rome in the midst of the campaign, leaving a swell season's golf score and a sound film short intended to convince voters that what Harrison needed was a good Democratic councilman.

From the Biltmore Theatre and Westchester Country Club screens he said: "Don't let anyone think I've been run out of town. I have a previous business engagement in Italy. I shall come back on Thanksgiving Day. I shall return either as a town father or as the quietest little boy in Westchester County.

"I hope that the whispering campaign that has developed since I left will not influence anyone. Don't believe any of the lies told about me."

It wasn't argumentative in the usual campaign way. It was a simple exhortation done with the Kaw Indian —or is it Escrow?—poise for which Pettijohn is famous on and off the links.

Voters were convinced. On Tuesday they turned down two Republicans and elected Pettijohn and Raymond J. Funkhouser by heavy majorities.

Now County Register Arthur S. Maudlin says Pettijohn's election was illegal because he doesn't own property in Westchester. Maudlin is a Republican.

The county clerk says he received a telephone call on Election day to open his office so property deeds could be filed by Pettijohn and Funkhouser. His deputy opened the office and received the deeds, but Maudlin says the office wasn't open officially.

Pettijohn is so busy in Rome that his friends haven't heard yet whether he will take the case to Geneva or Yonkers. Mussolini is reported neutral.

U. A. Finishes Argument on City Sales Tax

Case Is Expected to Go To Court for Ruling

United Artists completed the presentation of its arguments against the taxability of local film rentals under the city sales tax ordinance at a hearing yesterday before a committee of the city finance department, which reserved decision on the validity of the proposed levy.

The assessment by the city against the U. A. rentals is being contested as a test case for all local distributors, whose rentals would be subject to an estimated aggregate tax of $700,000 if the city is successful in establishing the validity of its levy. An assessment was also made against Universal's local film rentals, but further action on this has been held in abey-

(*Continued on page 2*)

Wiseman Move Sets Back Para. Hearing

Sir William Wiseman, partner in Kuhn, Loeb & Co., and a former director of Paramount Publix, yesterday forestalled the beginning of examinations before trial of former officers and directors of Paramount who are defendants in an action brought by trustees of the company to recover large sums involved in the issuance and allotment to subscribers of Paramount stock in 1931.

Wiseman was the first of the defendants to be subpoenaed for examination yesterday before Special Master John E. Joyce. Prior to the hearing he moved for an order to have the subpoena vacated, and his motion was set for hearing next Wednesday in Federal district court. No other defendants have been subpoenaed yet.

Offer Hutchinson Fox Foreign Post

LONDON, Nov. 8.—It is revealed here that Walter Hutchinson, managing director, Twentieth Century-Fox Corp., England, has been offered the position of foreign manager of that company, succeeding Clayton Sheehan, resigned. Hutchinson has not as yet accepted the position, but is expected to sail for the United States the first week in December.

Hutchinson has been associated with Fox Film Corp. for 14 years and has represented Fox in many foreign countries, including the Far East. He has been managing director of British distribution for 10 years.

Three Conventions Set Within 10 Days

Three exhibitor organization conventions are scheduled for the southwest during the next 10 days. Theatre Owners of Oklahoma will meet at the Biltmore, Oklahoma City, Nov. 12 and 13; Texas Theatre Owners Protective Ass'n. will meet at the Baker, Dallas, Nov. 14 and 15, and M.P.T.O. of Arkansas will meet at the Marion, Little Rock, Nov. 17 and 18.

Ed Kuykendall, M.P.T.O.A. president, is scheduled to address the Oklahoma and Arkansas conventions.

Sabath Probers Go Into GTE Affairs

An investigation into charges of misrepresentation in the General Theatres Equipment Corp's. reorganization plan which have been made by security holders of the company was begun yesterday in a closed hearing called by a sub-committee of the Sabath Congressional committee for the investigation of real estate bond reorganizations. Former U. S. Senator Daniel O. Hastings of Delaware, receiver for G. T. E., was the first witness called.

Due to what Murray W. Garsson, attorney for the Sabath committee, described as "the importance of the testimony involved in the investigation," it was decided to make the subcommittee's proceedings exploratory in character and, if the preliminary

(*Continued on page 2*)

German Protests On "Time" Hitler Film

PORTLAND, Nov. 8.—Robert G. Closterman, German consul here, has taken exception to the Hitler sequence in the current issue of "March of Time" showing at the Paramount.

The theatre management has declined to eliminate any scenes.

Ohio censors recently barred this sequence in that state.

Court Fight Looms On Penn Film Vote

PHILADELPHIA, Nov. 8.—Sunday films in this state are being threatened by an injunction and a court test case by Blue Law leaders, it was revealed here last night by the Rev. William Forney, secretary of the Lord's Day Alliance, on the ground the measure didn't pass according to the terms of the Referendum Act which states that a majority of the voters must approve.

While the question received an overwhelming majority vote at the election, a total of 352,832 votes for Sunday shows was not half the total of the 715,569 votes that were cast for mayoralty candidates.

Exhibitors believe the courts will interpret this phase to mean that a majority of the voters voted favorably on the question.

25 in Battery

St. Louis, Nov. 8.—Warners legal representation assembled in connection with the anti-trust trial totals around 25. Most of the lawyers hail from New York, two from Chicago and several from local environs.

A number of them work all night in nine spacious offices Warners have rented in the Ambassador Theatre Bldg.

Earphones a Worry

Omaha, Nov. 8. — Installation of special equipment on theatre seats for deaf patrons has been delayed here by Will Singer, manager of the Brandeis, because he can't figure out a way to keep the "non-deaf" folks out of the deaf folks' seats. He is awaiting arrival of RCA engineers to unravel this problem.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 9, 1935 No. 111

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets. *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Milwaukee Council Opposes Dual Bills

MILWAUKEE, Nov. 8.—The Better Films Council has adopted a resolution protesting double features. The resolution points out that duals are "making a demand for quantity rather than quality" and make the "family night program" impossible.

The council has been endeavoring to induce exhibitors to have family night programs the end of the week. Programs need news reels and "refreshing shorts" to make them satisfactory, the resolution stated.

Despite an overwhelming preponderance voting in favor of single features during the poll conducted several months ago by the I. T. P. A. in Milwaukee county, duals are shown in practically all neighborhood spots as well as in several first runs.

Final Rites for Warner

HOLLYWOOD, Nov. 8.—Approximately 1,000 attended the final rites at the Home of Peace Cemetery here today for Benjamin Warner. Pallbearers were: Daniel Reichler, Dr. Herman Lieber, Samuel Mandel, Moss Mayers, Michael Sobol, Hyman Borisoff, Max Zaslove, Adolph Pivar, E. J. Piser, David Leviloff, Joseph A. Rosenkrantz and Max Goldstein.

Monogram Pays Dividend

Monogram has declared a dividend of 1¼ per cent on its stock payable Nov. 15.

Purely Personal

M. H. AYLESWORTH was prevented from returning to his office yesterday by orders from his doctor, which made it three days of confinement for the new RKO board chairman.

•

J. R. MCDONOUGH, Radio Pictures president, is scheduled to leave for Hollywood by plane today after four weeks in New York.

Quip of the Day

Erif Shobbus, son of Mox, Hollywood ticket-taker, came home from the studio where he's working as a cutter, with news that instead of his studio making "G-Men" pictures, that his boss is making something new, a "Q-Girl" film.

"What's a 'Q-Girl'"? asked Mox, the famous.

"A 'Q-Girl,' pop, is a girl who has one line to say in a film," explained Erif, "and when it comes her turn to say it, she misses her cue."

"So I'll book the picture on the title," said Mox. "I'm no fool, neither."

MARC CONNELLY leaves for the coast today where he will make a screen version of his "Green Pastures" for Warners.

•

PANDRO S. BERMAN, Radio Pictures producer, is due in from the coast today.

•

MURRAY KORMAN, the photographer, has been signed as art director for Celebrated Pictures.

•

JACK HULBERT and CICELY COURTNEIDGE sail for England on the *Europa* today.

•

. . . Denver

H. P. WOLFBERG, district manager for RKO, and E. M. SAUNDERS, western sales manager, conferred here with HENRY FREIDEL.

ABEL DAVIS was here for several days. He is manager of the Mercury exchange in Salt Lake City.

GERALD WHITNEY, Mayan manager, last week was elected president of the South Broadway Merchants Ass'n.

MARVIN COHEN, formerly with Universal, and recently in the jewelry business, has joined the Sheffield-Republic exchange as salesman.

Nathan Dax Killed

OMAHA, Nov. 8.—Nathan Dax, veteran Sioux City, Iowa, theatre man, and a member of the board of the M. P. T. O. of Nebraska and Western Iowa, was killed here today in an automobile accident. He had been in the business more than 20 years.

Goldwyn Policy Set

HOLLYWOOD, Nov. 8. — Samuel Goldwyn product will be sold away from F. W. C., it was decided following a meeting here today of Arthur Kelly, United Artists distribution chief, and J. J. Sullivan, chief film buyer of F. W. C.

He Lathered 'Em

Boston, Nov. 8.—Henry Armetta is in films because an Italian barber in East Boston rescued a 14-year-old stowaway from immigration authorities here 33 years ago. The stowaway was Armetta.

Armetta lathered customers for the barber, John Amato, to shave. Later he went to New York where he worked in Bowery barber shops, finally attaching himself to an Italian stock company.

Sabath Probers Go Into GTE Affairs

(*Continued from page* 1)

findings warrant, turn the probe of the G. T. E. plan over to the whole committee early in December. On the sub-committee are Representatives Martin J. Kennedy and Francis D. Culkin, both of New York.

As a result of the charges of misrepresentation, which Garsson said were received from "thousands of bondholders," Inspector Moore of the Postoffice Department, N. Y., put in an appearance at the hearing rooms yesterday and will observe the proceedings for possible evidence of misuse of the mails.

Similar complaints from security holders of Fox Metropolitan Playhouses figured in the Sabath committee's investigation of reorganization of that company, Garsson said. The commitee's report on its study of that reorganization has been turned over to the Federal district attorney here for study.

William Fox may be summoned by the committee in the course of its investigation of the G. T. E. plan, Garsson said.

St. Louis Patients To Have Free Films

ST. LOUIS, Nov. 8.—Free film shows are to be given in hospitals and charitable institutions as a result of the establishment of a fund by Arthur B. Baer, department store executive, on the 75th birthday of his father, Julius A. Baer. About 50 or 60 institutions will receive the service the first year.

The projectors will be handled by the operators' union through a cooperative arrangement made by the Film Board of Trade.

Para. Takes "Scrooge"

American distribution rights to "Scrooge," British production of Charles Dickens' Christmas story of the same name, have been acquired by Paramount from M. J. Kandell's Olympic Pictures Corp., Paramount officials said yesterday. The company plans to schedule the picture for holiday season release.

Bernies Gotham Bound

Ben Bernie and the new Mrs. Bernie, who, up to Thursday night, was Patricia Wesley of Miami, are due in town today on their honeymoon. The marriage took place Thursday night at Towson, a Baltimore suburb. Yesterday they attended the Pimlico races.

U. A. Finishes Argument on City Sales Tax

(*Continued from page* 1)

ance pending the outcome of the test case.

The U. A. defense was based upon the industry contention that films are licensed under Federal copyright laws and not sold, and hence are not subject to a local sales tax. Witnesses who testified yesterday for U. A. included Paul Lazarus, Edward Mullen, U. A. branch manager here, and Harry Muller, U. A. treasurer. Gabriel L. Hess, M.P.P.D.A. attorney, was an observer at the hearing.

Indications are, according to those close to the proceedings, that the city finance committee will hold film revenues to be taxable under the city ordinance in order to pave the way for a formal court opinion and precedent on the subject. The committee is empowered to pass upon the validity of the levy, but its findings are subject to review by the courts. In the event of the almost certain adverse ruling from the city committee, the industry, through U. A., will appeal the case to the Appellate Division of the N. Y. Supreme Court for a ruling.

Accountants for both the city and U. A. were given an indefinite period in which to agree on items of exchange income which would be taxable in the event the levy was held valid.

"U" Plans Weekly Meetings for Ideas

HOLLYWOOD, Nov. 8.—Universal has inaugurated a series of weekly executive meetings with exhibitors, exchange men, distributors and studio employes from each department for hearing ideas on improved cooperation between industry branches.

Each meeting is to be devoted to a selected speaker, and ideas presented by this particular branch of the industry are to be studied. The studio will call in representatives of other companies as well as hearing its own.

Warners to Open an Experimental Plant

HOLLYWOOD, Nov. 8.—United Research Corp., a Warner subsidiary, will establish a local branch experimental laboratory within the next few weeks. C. L. Foran, company president, is due here soon to organize a staff and supervise installation of equipment. A two-story laboratory building now under construction on recently purchased property adjoining the Warner studios will house the plant.

Pinanski to Head Allied

BOSTON, Nov. 8.—Samuel Pinanski is slated to become the next president of Allied Theatres of Massachusetts, Inc., as successor to the late George Giles.

Selznick in M-G-M Deal

HOLLYWOOD, Nov. 8.—David O. Selznick has arranged for M-G-M to do the developing and printing on his first, "Little Lord Fauntleroy." The deal may be extended to others.

Summations in Trust Action Are Finished

(*Continued from page* 1)

RKO anticipate a favorable decision within an hour after the 12 jurors leave the box.

Reed was the most effective talker of the day. He spoke for almost two hours, several times stamping his feet, waving contracts before the jury, pointing his finger and removing his horn-rimmed glasses at intervals. Leisure was calm, never raising his voice, while Lashly at different intervals pitched his voice as high as he could and bent his knees almost to the floor to emphasize certain points.

Hardy talked in low tones and directly to the jury. He was interrupted twice, once by Frederick H. Wood and another time by Reed, who were cautioned against the practice. When he completed his closing arguments, Hardy had 70 minutes of the five hours allotted to him unused. All statements by Arthur and a number of other Government witnesses were refuted by the defense.

Leisure Speaks First

Leisure, the first to take the floor, argued that Ned E. Depinet could never have made a statement about Warners bringing pressure because of a clause in the contract between the two companies which provides that in the event RKO re-enters exhibition here the pact would be canceled. He stated Arthur got John S. Leahy to the Park Plaza Hotel in New York on false pretenses as Depinet had never been Arthur's "friend of long standing."

Arthur's interest in the case, Leisure said, is that he expects to gain fame and wealth by collecting triple damages and sending the defendants to jail. F. & M. were in mischief in St. Louis and will be in more before they get through, the RKO attorney declared.

"I don't believe any man on the jury has any doubt Depinet is an honest man," Leisure stated after sketching the RKO head's history. He also said Hardy was inconsistent when the Government held a letter signed by both parties was not a binding contract. In reference to Cresson E. Smith testifying falsely, Leisure said, "I'd like to take Hardy 10 months from today and ask him what he said on the stand here and see if he remembers his testimony."

Case Groundless, Says Reed

Lashly described the issue as "just an ordinary business dispute between men over money and properties." He said that if the bondholders had gone through with the agreement reached with Warners on Sept. 18, 1933, "we wouldn't be here."

He stated, "It's strange the jury couldn't hear Harry Koplar's story," and asked, "why don't we hear from him?" He recited the alleged trouble RKO had with the Koplar-Arthur-F. & M.-Snyder group about so-called false box office reports, how Arthur had claimed he had lost $33,000 on RKO pictures, holding this was good enough reason for Depinet closing a deal with Warners.

"All these things are part of peculiar and sinister fights by Koplar who sets them into motion and then disappears," Lashly stated.

Reed reviewed the Warner situation thoroughly, going over the ground covered previously. He pointed out how the company had tried to salvage its $4,000,000 equity and work out a plan of reorganization with the bondholders for the Ambassador, Missouri and New Grand Central; the decision to take the Shubert-Rialto for its own pictures and later the Orpheum to give the company representation in the uptown and downtown districts, and the individual negotiations with Paramount and RKO for product.

The former Senator said he had never seen as groundless a case in all his life. "We are seriously handicapped by Abel Carey Thomas' absence," he added. "I never heard a speech to a jury so unfair as Hardy's." He declared that the Government tried to keep out the facts.

Calls Trial One-Sided

"Neither the Government, Congress nor President Roosevelt ordered this case," Reed stated. "It was just Hardy who did."

The ex-Senator held the grand jury investigation and trial were one-sided and "Hardy says with a sneer that there are so many lawyers here. When can you indict 15 parties and not have a lawyer for each?" he inquired.

Lambasting the prosecutor again, Reed said "he's had the grand jury notes for weeks. He's had sleuths all the time and it only came out when Samuel W. Fordyce put him on the stand and asked him about it."

Refuting Hardy's previous statement about certain of the Government witnesses not having an interest in the case, Reed pointed out that Thomas N. Dysart, chairman of the bondholders' committee, tried to secure his job for 16 years when he insisted on the committee getting control of the voting trustees instead of Warners.

Joseph Grand and Frederick H. Kreismann, he said, were on the bondholders' committee. Most everyone had an interest, Reed asserted, and "I can show some lied and have very treacherous memories."

Charges Distortion

Reed declared Hardy distorted everything that took place at the conferences, saying, "How willing he is to give a false impression." In answer to Hardy's query why Paramount and RKO did not commit their films to all three bidders for the houses, Reed said, "How in the world could they do it?" Referring to the Park Plaza meeting, the ex-Senator stated, "John Barleycorn was talking instead of John S. Leahy when the latter said in substance and effect that Depinet should break the contract with Warners."

The ex-Senator then lashed into a trenchant delineation of Government witnesses, calling J. M. Ulmer of Cleveland "as sharp as a rattlesnake, full of malice for Warners" because of a dispute over a lease of the Capitol, Wheeling, W. Va. He compared the character of Sam B. Jeffries, Arthur Simpson and Miles Alben with some of the Government lawyers who testified, adding, "if Hardy can write a better history for himself than Jeffries he's a better man than I think he is."

Reed asked why Harold Schilz, who had attended the Washington meeting and queried Herman Starr at the time on the purchase of the defaulted bonds, was not put on the stand. "He's the man who blasts on the bugle horn with a 1,000 toots and never lets one out." He then wanted to know why Will H. Hays, Charles C. Pettijohn and Gabriel Hess were not subpoenaed and interrogated. "What happened to Adolph and Eugene Zukor and Ralph Kohn about whom so many questions were asked of George J. Schaefer?" the Warner chief counsel queried.

"All we did was fight a conspiracy," Reed stated.

"Mosaic of Falsehood"

"The contradictions of Hardy's witnesses make a mosaic of falsehoods and are hardly worth while going over," the former Senator said. Reed reviewed Arthur's advent into the local theatre situation with acquisition of the St. Louis in November, 1933, the Fox in January, 1934 and the Ambassador, Missouri and New Grand Central in February of last year, all of which the Warner attorney declared happened in 60 days. "The Arthur group was violating the Sherman law by trying to take away pictures that didn't belong to them," Reed held. "We got about 100 pictures from Paramount and RKO. Are we to be punished because the other people with five theatres couldn't get enough product?"

"The only thing in this case is the charge we conspired to restrain interstate commerce by preventing the shipment of films to three theatres. It's a bottomless case, as inflated as a balloon," Reed concluded.

In concluding summations, Hardy again charged the defense counsel with the use of an old trick by their insistence F. & M. had a monopoly. "It's a lot of claptrap," the prosecutor said. "You don't have to decide," he informed the jury, "whether I'm a rascal or a saint."

Apologizes for Gentry

He said the reason for objecting to the introduction of many exhibits was because he only wanted "reliable evidence." He contended the reason Paramount brought in the minutes of the Campi session of Mar. 12, 1934, and the report on Schaefer's long distance calls from Miami was "to deceive the jury." He declared the men who were responsible for the records should have been brought to the stand to testify.

Hardy apologized for William R. Gentry describing Arthur as a "perjurer." Gentry objected, but the prosecutor insisted on entering the fact into the record whether the Paramount attorney liked it or not. He denied Arthur had lied on the stand. Hardy said the fact Wood called the Koplar group "crooked" is hearsay and had not been proved. He called it an unfounded accusation, holding if it were true RKO should have brought suit in the courts to collect monies due.

"Why should we bring Koplar in? Anything he knows or does is utterly irrelevant to the case," the prosecuting attorney stated. He also described as "perfectly ridiculous" the statement made by Reed that "Koplar tried to get Warners over a barrel."

"I don't know if you've ever seen Koplar, but he is the last man in the world to get a man over a barrel," Hardy said.

Interest High-Pitched

The Government representative explained the reason for not putting Schilz on the stand was because of independent evidence of the purchase of the bonds and the use made of them.

"If a monopoly existed the defendants should have taken recourse of the courts," Hardy insisted. "If they were fearful of the Dept. of Justice they could have obtained an injunction."

None of the defendants and principals in the case will go to New York for the week-end. Interest is at a high pitch here and everyone is on edge awaiting the decision on Monday of the 12 jurymen who have patiently sat through 29 days of the trial.

Ready for Dates

St. Louis, Nov. 8.—One of the Warner men figured out a unit show, composed entirely of Warner men, which can't be topped:

Five minutes of ball juggling and dumbbells by none other than the Adonis, Gradwell L. Sears.

Three minutes of a brief skit which would feature Herman Starr in a recitation from "Richard III."

One hour for Moe Silver to draw pictures of his new arrival.

Charter Two at Dover

DOVER, Nov. 8.—Picadilly Amusement Enterprises, Inc., has been formed here by Julian T. Abeles, Leopold Bleich and William Lieber of New York.

Carlton Laboratories, Inc., has been incorporated by James L. Carlton, Long Island City, Herbert F. Braithwaite, New York, and J. Hume MacDonald, Garden City.

Form Dramatic Club

SACRAMENTO, Nov. 8.—Incorporation papers have been filed here by the Cinema Dramatic Club. Francois de Broillette, Vina Haggarty, Laura Chase and Max Luttichow are the incorporators. They intend to produce, sell and exhibit pictures.

Terre Haute Gets Shows

TERRE HAUTE, Nov. 8. — Stage shows are again being presented here. At the Indiana recently Major Bowes' Amateurs were presented and last week six acts of vaudeville, featuring "International Follies," were staged. At the Hippodrome "Three Men on a Horse" will open soon.

Poole Quits in Oregon

KLAMATH FALLS, Ore., Nov. 8.—Harry Poole, for many years practically in control of exhibition here as the operator of three houses, has turned the houses over to George Mann, who operates a string of houses in northern California.

Arrange Cartoon Deal

The third series of ComiColor cartoons will be distributed in the United Kingdom by British Lion Film Corp., Ltd., through an arrangement concluded between Sam Smith of British Lion and C. J. Giegerich of Celebrity.

"Rendezvous" Takes Denver High, $7,000

DENVER, Nov. 8.—"Rendezvous" ran far out front here as a first run attraction by grossing $7,000 at the Denver, thereby leaving par $2,000 behind.

"Dr. Socrates" also was in the money with a take of $3,500, up by $1,000. "Hands Across the Table" and "The Three Musketeers" managed to get into the profit column, but not much. "Shipmates Forever" demonstrated its staying powers by getting $1,100 in four days at the Broadway after a week at the Denver. This is $100 over normal for a week.

Total first run business was $26,000. Average is $19,500.

Estimated takings for the week ending Nov. 7:

"SHE COULDN'T TAKE IT" (Col.)
ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $3,500. (Average, $2,000)
"SHE MARRIED HER BOSS" (Col.)
BROADWAY—(1,500), 25c-40c, 3 days. Played two days last week, also month ago played a week at Denver and four days at Broadway. **Gross:** $900.
"SHIPMATES FOREVER" (F.N.)
BROADWAY—(1,500), 25c-40c, 4 days, following a week at the Denver. **Gross:** $1,100. (Average for week, $1,000)
"HANDS ACROSS THE TABLE" (Para.)
DENHAM—(2,500), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $4,000)
"RENDEZVOUS (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $5,000)
"THE THREE MUSKETEERS" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $5,000)
"DR. SOCRATES" (W.B.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $2,500)

"Rendezvous" Tops Providence Takes

PROVIDENCE, Nov. 8.—"Rendezvous," at Loew's State, was the biggest money winner for the week, garnering $14,000, which is $2,000 over par.

Fay's was the only other house in town to turn in a better-than-average score, catching $7,200 with "The Payoff" and a revue.

"The Last Outpost" and "Cappy Ricks Returns" were fair at $6,100 at the Strand, but despite heavy ballyhoo in the case of "The Three Musketeers" the picture brought in only $5,200 at the RKO Albee, which is $1,800 under normal.

Total first run business was $39,500. Average is $40,500.

Estimated takings for the week ending Nov. 7:

"RENDEZVOUS" (M-G-M)
"GUARD THAT GIRL" (Col.)
LOEW'S STATE — (3,800), 15c-40c, 7 days. **Gross:** $14,000. (Average, $12,000)
"THE LAST OUTPOST" (W.B.)
"CAPPY RICKS RETURNS" (Republic)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,100. (Average, $6,500)
"SPECIAL AGENT" (W.B.)
"I LIVE FOR LOVE" (W.B.)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $5,800. (Average, $7,000)
"THE PAYOFF" (W.B.)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Cocktail Hour Revue." **Gross:** $7,200. (Average, $7,000)
"THE THREE MUSKETEERS" (Radio)
"THE OLD HOMESTEAD" (Liberty)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,200. (Average, $7,000)
"THE LITTLE COLONEL" (Fox)
"BROADWAY BILL" (Col.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

Looking 'em Over

"She Couldn't Take It"

(Schulberg-Columbia)

B. P. Schulberg has built a picture around the comedy angles of a reformed gangster placed in charge of the estate of an irresponsible family of aristocrats for the purpose of curbing their extravagances.

A good old fashioned automobile chase with the police coming to the rescue of the imprisoned maiden is depended upon for the outdoor action and thrills.

With an ordinary cast the picture would be entertainment for the type of patrons who crave action and not much credibility. With Joan Bennett, George Raft, Walter Connolly and Billie Burke, it is an hour and a quarter of moving celluloid that leaves one wondering why such high priced talent couldn't have something worthy of its efforts.

At the start Connolly goes to jail rather than fight an income tax charge because he wants a rest. He forms a cell friendship for Raft and makes him trustee of his estate on his death bed after exacting a promise to curb the family extravagances. Miss Bennett, as the daughter, rounds up Raft's former gang and suggests that they kidnap her so she can share the ransom money with them.

Raft tries paying ransom money, but runs into complications after Billie Burke has informed the police without his knowledge. The big police chase is hung on this. Raft eventually scares the gang out of the family estate, where they are holding Miss Bennett captive, and they run into the pursuing minions of the law. She falls into Raft's arms in tears.

An audience at the Center seemed to take it quite calmly.

Production Code Seal No. 1,461. Running time, 76 minutes. "G."

Construction Is Gaining in Ohio

AKRON, Nov. 8.—Construction is speeding up in this territory. Three new houses are planned.

One, at Wellsburg, West Va., is a 500-seater for the Alpine circuit, which has 30 houses. Another is at Crooksville. Work on the new Majestic has been started. A third is at Cuyahoga Falls, an 825-seater for the Akron-Falls Theatre Co.

A. G. Constant, president of Interstate Theatres, Inc., has taken a lease on the Garden at Portsmouth, O., and will have the place modernized.

Skirboll Houses Renovated

TOLEDO, Nov. 8.—W. N. Skirboll, head of Skirboll Brothers, who operate a circuit here, Massillon and in Mansfield, has just completed improvements in all of the company's theatres. The Savoy, Toledo, has a new lobby, with new shadow boxes and frames, new floor and interior decorating.

Lobbies of the Park and Granada have been repainted and equipped with new shadow boxes, frames and set pieces. The Grand, Massillon, 421-seat house, has installed a Carrier system of heating and cooling. This is said to be one of the smallest houses in the country so equipped.

Missouri Houses Improved

KANSAS CITY, Nov. 8.—Theatre improvements in this territory include reseating of the Rigney at Albany, Mo., by Lestern Robinson; installation of RCA High Fidelity sound at the Weston, Weston, Mo., by H. A. Parker and H. L. Frazer; installation of new seats at the Perkins, Harrisonville, Mo., by A. T. Perkins.

Sales of theatre supplies in this section are up 30 per cent over last year, according to C. H. Badger of the Stebbins Theatre Equipment Co.

Camera Noise Tests To Be Finished Soon

HOLLYWOOD, Nov. 8.—Camera noise tests started some weeks ago by the Silent Camera Sub-committee of the Academy Research Council will soon be completed. The experiments involve several cameras, some of new design and others of the blimped type now used. They are being tested with a noise analysis meter. From the data obtained it will be possible to determine the relative loudness of each of the various component frequencies that make up "camera noise."

From the research mentioned the sub-committee hopes to be able to make recommendations for the gradual elimination of a portion of the camera noise that is a source of trouble on the set.

Reshuffle Conn. Houses

NEW HAVEN, Nov. 8.—As a result of the dissolution of the Alhambra Theatre Corp. Nick Moscoli will operate the Carroll, Waterbury; Virginia Rossi, widow of L. Rossi, gets the Alhambra, Waterbury, and Rocco Longo takes the Community, Oakville.

The Rivoli at Bantam has been reopened as a one-night stand by Herman Foster.

Richmond House Delayed

RICHMOND, Nov. 8.—Protests have held up construction of a neighborhood theatre by H. T. Eubank at 4,005 Rappahannock St. in spite of the fact that a permit has been issued by City Building Inspector Henry P. Beck. Objectors insist the theatre site is in a residential neighborhood.

Takes Over Stonewall

NEW ORLEANS, Nov. 8.—The Stonewall at Stonewall, Miss., operated by C. R. Hatcher, has been taken over by Sam McNeil of Quitman, Miss., who also operates a house at Newton, Miss.

"Rendezvous" Only Seattle Draw, $7,150

SEATTLE, Nov. 8.—With practically all the other downtown houses in a slump, "Rendezvous" was outstanding at $7,150 in the Orpheum. This was $1,150 over average.

"Barbary Coast," in the second week of an extended run from the Orpheum held up to $3,500 in the Blue Mouse, and "Shipmates Forever" at the Music Box took $3,800 in the second week of an extended run from the Fifth Avenue.

Total first run business was $30,950. Average is $32,500.

Estimated takings for the week ending Nov. 8:

"BARBARY COAST" (U.A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $3,500. (Average, $4,000)
"LAST DAYS OF POMPEII" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,450. (Average, $7,000)
"THUNDER MOUNTAIN" (Fox)
"PUBLIC MENACE" (Col.)
LIBERTY—(1,800), 15c-25c-35c, 7 days. **Gross:** $3,700. (Average, $4,000)
"SHIPMATES FOREVER" (F.N.)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $3,800. (Average, $4,000)
"RENDEZVOUS" (M-G-M)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $7,150. (Average, $6,000)
"TRANSATLANTIC TUNNEL" (G.B.)
"FIGHTING YOUTH" (Univ.)
PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $4,150. (Average, $5,000)
"I LIVE FOR LOVE" (W.B.)
REX—(1,500), 15c-25c-35c, 7 days. Vaudeville and stage band. **Gross:** $2,200. (Average, $2,500)

Sunday Opening Lost

RIDGEWOOD, Nov. 8.—Sunday show advocates led by Frank Costa, Warner manager, lost here on Tuesday, a complete tabulation of the vote discloses. The Blue Sunday advocates had a lead of about 1,000 votes.

Wall Street

Universal Leads Stock Gains

	High	Low	Close	Net Change
Columbia	68½	66	66	—2½
Consolidated	5⅞	5¾	5¾	.....
Consolidated, pfd. 20	19½	19½	19½	— ⅜
Eastman Kodak	166½	166	166	+ ½
Loew's, Inc.	50	49½	49⅝	— ⅛
Paramount	9½	9⅜	9½	.....
Paramount 1 pfd.	80¾	78¼	79	—2¼
Paramount 2 pfd.	11⅝	11½	11½	.....
Pathe Film	5⅞	5½	5½	.....
RKO	5⅜	5⅛	5¼	+ ⅛
20th Century-Fox	19⅜	18⅝	18¾	— ⅜
20th Century, pfd	28⅝	28⅜	28½	— ⅛
Universal, pfd	52⅞	52⅞	52⅞	+3
Warner Bros.	8½	8	8⅜	— ⅜
Warner, pfd	48	48	48	— ½

Curb Issues Gain

	High	Low	Close	Net Change
Sentry Safety	½	½	½	+1/16
Sonotone	2⅝	2½	2⅝	+ ⅜
Technicolor	18¾	18½	18½	.....
Trans-Lux	4¼	4⅛	4¼	+ ⅛

RKO Bonds Regain 2½ Points

	High	Low	Close	Net Change
General Theatre 6s '40, ctf.	15⅛	15	15⅛	— ¼
Loew's 6s '41 ww deb rights	104⅝	104¼	104¼	— ½
Paramount B'way 3s '55	57¼	57¼	57¼	+ ¼
Paramount Pict. 6s '55	92¾	92¼	92½	.....
RKO 6s '41 pp.	78¼	78½	78¼	+2½
Warner Bros. 6s '39 wd	85	84½	85	— ¼

(Quotations at close of Nov. 8)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 112 NEW YORK, MONDAY, NOVEMBER 11, 1935 TEN CENTS

Court Denies Action Aimed At Fox Setup

G.T.E. Bondholders Lose In Kansas City Case

KANSAS CITY, Nov. 10.—Six bondholders of General Theatres Equipment, Inc., have been denied the right to review proceedings in bankruptcy of Fox Rocky Mountain and Fox Midland Theatre companies by Judge Albert L. Reeves of the Federal district court.

In the memorandum opinion Judge Reeves at the same time dismissed the bondholders' ancillary and dependent position.

The debenture bondholders had, in a legal move instituted just before the sale of the theatre properties to National Theatres Corp. here this spring, sought to impose, in their favor, a lien on the assets of the bankrupts. Judge Reeves based his opinion on the ancillary petition, filed originally on April

(*Continued on page 3*)

Predicts Missouri Sales Tax Will Stay

KANSAS CITY, Nov. 10.—The sales tax is in Missouri to stay, and the state cannot rely upon any other form of taxation to provide funds for old age pensions, Jerome Joffee, state senator and author of the Missouri old age pension law, said here.

While Joffee regards the "bottle cap" tokens as a successful collection method, he believes the legislature will provide for metal tokens at the next session.

Unemployment is increasing in the state, he said, and a large number of the unemployed will prove to be permanently unemployable. Senator Joffee advocates an unemployment insurance law in Missouri providing payment to unemployables of a specified sum over a specified period.

Study of Standards Started by Academy

HOLLYWOOD, Nov. 10.—The Academy Research Council has established a general studio standards sub-committee to facilitate establishment of various technical standards within the studios.

W. B. Slaughter has been appointed chairman of a sub-committee to investigate the merits of a new universal focus lens, which has been submitted to the Research Council for testing on behalf of the producing companies. Farciot Edouart of Paramount has

(*Continued on page 3*)

Standard Not To Build Film Interests Now

May Do So Later, Says J. Cheever Cowdin

While an extension of Standard Capital Co.'s financial interest in the industry is probable at some future date, there is little likelihood that new film investments will be undertaken by it in advance of a conclusion of its current dealings with Universal, J. Cheever Cowdin, head of Standard, said on Saturday.

The Universal deal is expected to occupy the company's attention for many weeks to come, Cowdin said. He added, however, that if good investment opportunities in the industry presented themselves they would be investigated.

Cowdin stated officially that Standard's option to purchase Universal for $5,500,000 in addition to the $750,000 loan recently made to the company had not been exercised yet and probably would not be for several weeks

(*Continued on page 3*)

McDonough, Depinet In Meet with Spitz

A meeting of RKO Radio executives with Leo Spitz, newly designated president, is set for today in Chicago. Spitz left here on Saturday by plane for Chicago, accompanied by J. R. McDonough, Radio Pictures president. The two expect Ned E. Depinet, head of RKO Distributing, to join them there today, St. Louis Federal court developments permitting.

Spitz met with Jules Levy, Phil Reisman, S. Barrett McCormick and other RKO home office officials in New York before leaving. He is due back by the end of the week to take up his RKO duties.

Levey, Rex Pictures Action Compromised

Papers filed in the Supreme Court in connection with a suit brought by Harry Levey against Rex Pictures Corp. disclose that the suit for an accounting and injunction had been settled out of court, after several days of actual trial. Also named as defendants in the suit were Rex Film Corp., M. Sayle Taylor, who is known on the radio as the Voice of Experience, Attorney Elmer A. Rogers, Benjamin K. Blake and Columbia Pictures Corp.

In his complaint Levey said he was

(*Continued on page 3*)

Wears Stamped Suit

Cincinnati, Nov. 10.—Arthur Hasselman, projectionist, one of the thousands participating in the special holiday celebration sponsored by the Cuvier Press Club at Crosley Field, distinguished himself by wearing a business suit completely covered with 1,500 canceled sales tax receipt stamps.

It required three weeks to sew the stamps on the suit.

Soskin to Do Half B. & D.'s List for U. A.

By BRUCE ALLAN

LONDON, Nov. 3.—Paul Soskin, who recently floated Soskin Prod. Ltd. as a successor to Transatlantic Film Prod., Ltd., has entered into a partnership deal with British & Dominions and will make half, or more, of the latter's scheduled production for United Artists release.

Six pictures planned at a cost of $2,000,000 will include "Romeo and Julia," with an American star, directed by Tim Whelan, two Sydney Howard features, a Jack Buchanan musical and a version of W. J. Locke's "The Mountebank."

Soskin's best known picture is "While Parents Sleep," which United released here.

* * *

The British Broadcasting Corp. is considering establishment of a small television theatre in Broadcasting

(*Continued on page 3*)

Big Crowd Attends Pittsburgh Banquet

PITTSBURGH, Nov. 10.—A capacity gathering of 1,000 attended the Variety Club's "Big Top" banquet at the William Penn Hotel tonight. More than half of those present were from out of town. They arrived Saturday morning to attend the Army-Pitt game in the afternoon.

Music and entertainment were plentiful. Robert Wildhack, Block and Sully, Norman Prescott and Ed Lowry were on the program, with the orchestras of Kay Kyser, Joel Candullo and Guy Lombardo.

Charles Francis Coe was the chief speaker, with Governor Nice of Maryland one of the guests of honor. John H. Harris, national chief barker, was chairman.

Jury to Get Trust Cases Early Today

Judge's Charge to Close Six Weeks' Trial

By BILL ORNSTEIN

ST. LOUIS, Nov. 10.—After six weeks of trial, the fate of Harry M. Warner, Ned E. Depinet, George J. Schaefer, Herman Starr and Gradwell Sears, five Warner companies, two Paramount corporations and RKO Distributing Corp., charged with conspiring to withhold films in restraint of trade from the Ambassador, Missouri and New Grand Central, will be decided tomorrow. Federal Judge George H. Moore at about 10:15 o'clock will instruct the jury as to the law. Following which the 12 men, one colored, will weigh the evidence presented by both sides during the 29 days of hearings.

Chief among defense counsel is for-

(*Continued on page 4*)

Paramount in Dark On Spanish Action

Paramount foreign department officials had not been advised on Saturday of an accord having been reached between Spain and the American Embassy at Madrid on Spain's objections to the Marlene Dietrich picture, "The Devil Is a Woman."

Spanish officials have issued notice that if the picture is not withdrawn from world distribution and negatives destroyed by today Paramount releases would be barred from Spain in the future. The State Department through the Embassy at Madrid has been acting for Paramount in the matter. Officials of the film company said they would abide by any commitment made by the State Department, even though it meant world withdrawal and destruction of the print.

Michigan Allied to Start Meet Tuesday

DETROIT, Nov. 10.—Allied of Michigan will open its sixteenth annual convention at the Hotel Statler here on Tuesday morning, following the annual meeting of the board of directors on Monday night. More than 200 local and state exhibitors are expected to attend the two-day sessions with a "Klondike Days" banquet on Wednesday night.

Many national Allied figures will be present, including Sidney Samuel-

(*Continued on page 3*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 11, 1935 No. 112

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets. *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Flint Exhibitors to Keep Dual Bill Pact

FLINT, Mich., Nov. 10.—Local exhibitors meeting here decided to continue in force indefinitely their agreement to use double bills on but one change weekly, which has been effective for the past year. The pact was not signed this time, the agreement being verbal. This decision came as a surprise, as several theatre owners had previously expressed themselves as dissatisfied with the pact and had said that they would not renew it when it expired this month.

Start Crooksville House

CROOKSVILLE, O., Nov. 10.—Construction has been started on a new house here to be known as the Majestic. It will be ready for Jan. 1.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

MORE notes from a bedside rest: S. A. Lynch, whose status as advisor on theatre reorganizations for Paramount during the past two years, has kept him in the forefront of the company's executive ranks while at the same time it created speculation concerning his future status there, is expected to wind up his duties with the completion of a reorganization plan for Olympia Theatres, the New England circuit. This is expected any time before the first of the year and perhaps within the next few weeks. . . .

▼

The election of Y. Frank Freeman to a vice-presidency offers the answer to the speculation concerning Lynch's future in Paramount. The inference to be drawn from Freeman's elevation, and the correct one, so say those in Paramount who should know, is that the vice-presidency will carry with it full authority over the company's theatre affairs. Additionally, with decentralized operation continuing as a company policy, there is no need of two top-flight theatre executives such as Freeman and Lynch in the organization, the same sources point out without qualifying statements. . . .

▼

Lynch, whose former Southern Enterprises brought him a tidy fortune when sold to Paramount in the late '20's, came into the home office at the request of the Paramount trustees to advise on theatre reorganizations. He was asked by John E. Otterson to continue in the same capacity following the launching of the new company. In that capacity, Lynch has been engaged primarily on the rehabilitation of Olympia, which is now nearing its conclusion. Freeman, former general manager of Southern Enterprises for Lynch, came in about the same time to direct actual theatre operations. His record in that capacity earned him the new and permanent label—so says a well-pleased Paramount management. . . .

▼

Robert K. Cassatt, Philadelphia broker, is mulling over the idea of resigning from the Paramount board. There is no haste about his inclination and the board, itself, while it knows of his attitude, has not been asked to consider a resignation yet. Press of business affairs which limits the time Cassatt is able to give to Paramount duties, makes an eventual resignation appear likely. This and other changes in the board are not unexpected. Neither should these various steps, as they develop, occasion any undue surprise. From the very beginnings of the revamped company, it was made clear, apparently to be forgotten by those who remember lightly, that the board would ultimately compress its numbers to a sort of handful total to permit of a more facile administration. This, exactly, is what is happening. . . .

▼

About George J. Schaefer and a Paramount theatre participation. It's simple to figure. Less limelight, less title—yes. Greater reward—also yes. For the Paramount partners generally are doing handsomely for themselves. Schaefer's shuttling between New York and St. Louis has slowed up arrangements, but the understanding seems quite set now that the spot proposed for him is with the old F. and R. circuit operating in and out of Minneapolis. If Schaefer steps down from his distribution post, indications are Neil F. Agnew will step up. . . .

▼ ▼

The blue laws of two centuries' standing now give way to modern thought in Pennsylvania's important cities where the public, furnished its inalienable right to express its viewpoint by the referendum, voted generously for Sunday shows. The step puts that state in the normal column by giving the masses on Sundays what they get the other six days of the week. Any other procedure would be like continuing to keep apart Astaire and Rogers, Goldwyn and anecdotes, Yates and handball, Aylesworth and "21," Laemmle and "Straight-from the Shoulder" talks, Breen and production codes, Joe Schenck and rhumba. . . .

To Repeat Balto. Revue

BALTIMORE, Nov. 10.—The fourth annual "Okay Baltimore" revue will be staged this year again at Loew's Century and William K. Saxton, Loew's city manager, assisted by Herbert Morgan, his publicist, are busy putting it across with the cooperation of the *Baltimore News-Post* and *Sunday American.*

Start Wellsville House

WELLSVILLE, O., Nov. 10.—C. J. Vogel and G. C. Davis of the Liberty Amusement Co., operating a circuit in Ohio and Pennsylvania, will start work next week on construction of a 400-seat house in Salineville. The only theatre in the town was burned down four years ago. The new house will be completed early in February.

Purely Personal

WILLIARD C. PATTERSON, former general manager of United Detroit Theatres, is beginning a three months' vacation at Desert Inn, Palm Springs, Cal., before reporting to Paramount here for a new assignment.

Quip of the Day

Eavesdropping:

Film Salesman: "Mox, I wish my company had 500 *accounts like you."*

Mox Shabbus: "Five hundred like me—why? I seldom buy your pictures and when I do I don't play them."

F. S.: "That's just the point—we would be satisfied with only 500 *like you. We have* 5,000."

BARTON KREUZER, RCA recording expert, is Europe-bound on the *Aquitania.* He will meet VAN NESS PHILIP in London and visit continental points to observe the sound recording situation.

•

JAMES MELTON will be on the receiving end of a party that will be thrown at him tonight at Jack Dempsey's restaurant by Warners.

•

OTTO KRUGER is at the Warwick prior to sailing for London.

Warners' Buildings Over Half Finished

HOLLYWOOD, Nov. 10.—Warners' big building program is well over half completed, and is expected to be finished by Dec. 15.

Seven of the nine new stages are finished and working, and foundations have been laid for the other two, which will bring the total of stages on the Burbank lot to 18. The new property building will be ready for occupancy Dec. 5.

The new crafts building will be the biggest single edifice on any lot. It covers five acres, and will house the mills, foundries and shops which were destroyed last year by fire.

The experimental laboratories for sound and camera research will be housed in a two-story building, 170 by 65 feet, which also will house a research library and museum.

The old stage No. 7 now is the only frame building left. It has been moved to the back lot. After being stuccoed, it will serve as a storage and labor department building.

Form Three New Firms

ALBANY, Nov. 10.—New amusement incorporations here are: Kalbir Amusement Co., Inc., Brooklyn, by Freda Jaret, Bertha Reich and Matty Cooke; Lenflar Amusement Co., Inc., Brooklyn, same incorporators; Lednar Amusement Co., Inc., Brooklyn, also by the same group.

Atlantic Closes Deal

Atlantic Pictures Corp. have closed a deal with William Berke for the release of six westerns to be produced for distribution bi-monthly to all of the Atlantic franchise holders. The first, to be ready in January, will be titled "Wildcat Saunders."

Court Denies Action Aimed At Fox Setup

(*Continued from page* 1)

22, but amended and filed again in June, because it contained all the points raised by the petitioners.

The petitioners—Jacob Smith, Lee H. Hamlin, William Snower, Ray D. Jones, Anna Kupper and Katherine K. Mosher—asked the court to prevent the sale; to stay the bankruptcy proceedings; to have the estates reappraised and the "actual value thereof determined and established;" to declare that the assets of Fox Rocky Mountain and Fox Midland part and parcel of "the assets wrongfully and illegally diverted" from General Theatres and that the petitioners were entitled to have a lien impressed upon the assets in their favor; that the lien "be foreclosed and said assets sold to pay off said bonds, principal and interest, and costs;" and asked for an accounting by Chase National, Fox Film and subsidiaries "as to the assets so wrongfully diverted."

Their chief contention was that the corporations in bankruptcy had been fraudulently formed.

Fox Film Stock Pledged

General Theatres, a Delaware holding company organized in 1929, owned, among other assets, the voting stock of Fox Film. Fox owned the capital stock of Wesco, which directly or indirectly owned the stock of Fox Rocky Mountain and Fox Midland.

Chase Securities Corporation, subsidiary of Chase National Bank, promoted the issuance and sale of $30,000,000 of six per cent 10-year debenture bonds for General in April, 1930. General executed an indenture to secure the bond issue and Chase National was named as trustee. Under the indenture, or mortgage, General contracted not to "create or suffer to be created or to exist any pledge, mortgage or other lien of or upon any of the shares of stock of subsidiaries or other assets owned by the corporation so long as any of the debentures remain outstanding."

Among assets pledged as security for the debentures was the stock of Fox Film.

Petitioners claimed this violated the indenture.

Bankruptcy proceedings were closed in July, this year, and the theatre properties involved proceeded to reorganize under National Theatre ownership.

The present decision clears up the bankruptcy proceedings. It has no bearing on the rights of petitioners to proceed against Chase National, General Theatres Equipment, or some other corporation, but it indicates Judge Reeves' opinion that they cannot proceed in this court, in this case, against the bankrupt corporations.

Quarberg Joins Carewe

HOLLYWOOD, Nov. 10. — Lincoln Quarberg, who recently resigned as publicity director for Jesse L. Lasky, has signed a three-year contract as publicity chief for Edwin Carewe Pictures Corp. Quarberg, prior to joining Lasky, was with Howard Hughes for six years, and before that he had served as Southern California manager of United Press.

Standard Not To Build Film Interests Now

(*Continued from page* 1)

to come. Examinations of Universal's books are still in progress on both coasts and Standard will make no decision in advance of their completion, Cowdin said. He estimated that the study would require "a few weeks."

The Standard head reiterated that no sweeping executive changes are contemplated for Universal in the event the option is exercised, adding that he wanted Carl Laemmle to remain with the company if a sale is consummated. He also confirmed the fact that no arrangements have been made for Charles R. Rogers to take over direction of the Universal studio in advance of a decision on the purchase option. If and when that occurs Rogers will immediately become studio head, Cowdin said.

He added that it was not his policy to participate directly in the management affairs of firms in which he was interested, inferring that full authority and active direction of Universal would be left to the executive appointees. All employees of the company, executive and otherwise, would be judged solely on their performances before replacements of any kind were made, he said.

Cowdin stated that Standard Capital is his own organization and has no association with other banking or investment firms. In reply to a question, he said that while he had known Dr. A. H. Giannini for 20 years neither he nor the Bank of America National Ass'n were in any way identified with the Universal deal or other Standard activities.

In the informal interview with Cowdin the banker evidenced a keen understanding of the industry and revealed indications of having made a penetrating analysis of the problems and needs of Universal. His attitude toward the company's future is definitely optimistic.

Levey, Rex Pictures Action Compromised

(*Continued from page* 1)

president, director and stockholder of the Voe Pictures Corp. when that company was formed shortly after December, 1934, when he met Rogers and became acquainted with Taylor. Later there followed a conference between Rogers, Taylor and Levey when it was proposed to have Taylor's book, "Stranger Than Fiction," adapted for the movies. After negotiations had been entered into with Columbia Pictures Corp. the defendants formed a new corporation, Rex Film Corp., it was charged, which eventually entered into an agreement with Columbia. He charged further that Voe Picture Corp. should have been the party to that agreement and that the contract entered between Rex and Columbia was the property of Voe Pictures Corp. Attorneys declined to state the amount of the settlement.

Relight Salisbury Spot

BALTIMORE, Nov. 7.—The former Hoppie at Salisbury, has been remodeled and reopened under the name of the Wicomaco.

Wall Street

Universal Continues Gain

	High	Low	Close	Net Change
Columbia	66	66	66	.....
Consolidated Film.	5⅝	5½	5⅝	— ⅛
Consolidated Film Ind., pfd.	19⅛	19	19	— ½
Eastman Kodak	166	166	166	.....
Eastman Kodak pfd.	159	159	159	—1
Loew's Inc.	49¾	49⅜	49⅜	— ¼
Paramount	9½	9⅜	9½	.....
Paramount 1 pfd..	78	78	78	—1
Paramount 2 pfd..	11⅝	11⅜	11⅜	— ⅛
Pathe Film	5¾	5⅝	5⅝	+ ⅛
RKO	5¼	5⅛	5⅛	— ⅛
20th Century-Fox.	18¾	18¾	18¾	.....
20th Century pfd..	28½	28⅜	28⅜	— ⅛
Universal Pictures pfd.	55	54¾	55	+2⅛
Warner Bros.	8½	8	8½	+ ⅜
Warner Bros., pfd.	48¾	47½	48⅜	+ ⅜

Curb Issues Hold Levels

	High	Low	Close	Net Change
Sentry Safety Control	½	½	½	.....
Sonotone	2⅝	2½	2½	— ⅛
Technicolor	18½	18⅜	18½	.....
Trans Lux	4¼	4¼	4¼	.....

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15⅛	15⅛	15⅛	.....
Paramount Pictures 6s '55	92½	92½	92½	.....
Warner Bros. 6s '39 wd	84⅞	84⅞	84⅞	— ⅛

(Quotations at close of Nov. 9.)

Michigan Allied to Start Meet Tuesday

(*Continued from page* 1)

son, president; Abram F. Myers, general counsel; Fred Herrington of Pittsburgh; Aaron Saperstein of Chicago; Col. H. A. Cole of Texas and others.

Tuesday's sessions will open with registration of delegates, starting at 10 A. M. with the first general meeting at 2 P. M., at which Mayor Frank Couzens will welcome the delegates. President Ray Branch of Hastings will reply. Following appointment of committees and annual reports of officers, Samuelson will address the meeting. There will be a special screening following dinner, with a reception for visiting delegates thereafter.

The Wednesday program includes a business session in the morning, followed by a buffet luncheon, after which Congressman Samuel B. Pettengill will speak on his anti-block-booking bill and Myers will talk. Election of officers will conclude the session.

Special entertainment will be provided for the wives of those attending the sessions, including a trip to Henry Ford's village in Dearborn and card parties.

Columbus Regional Set

COLUMBUS, Nov. 10.—In conjunction with the annual convention of the Independent Theatre Owners of Ohio, set for Nov. 19-20, there will also be held a regional meeting of the Allied States Ass'n.

Exhibitors of West Virginia and Kentucky have been invited to attend.

G. C. Warren on Vacation

SAN FRANCISCO, Nov. 10.—George C. Warren, for many years in charge of the dramatic department of the *Chronicle,* is on a six-month leave of absence. Katharine Hill, assistant, will be in charge during the veteran critic's vacation, with John Hobart assisting her.

Soskin to Do Half B.&D.'s List for U. A.

(*Continued from page* 1)

House, the official headquarters of British entertainment over the air.

This will be open to the public and will display the items to be televised next March when the B.B.C.'s daily three hours' transmission from the Alexander Palace will begin; Baird and E.M.I. systems will be used alternately for these broadcasts.

* * *

Gaumont British Theatre, Manchester, a 2,350-seater on the site of the old Hippodrome, has been opened. Sidney Bernstein initiated the rebuilding scheme but G.B. took over the theatre before completion in order to obtain a key house in the centre of Manchester.

* * *

"No statement," is still the official K.R.S. reply to all requests for details of the society's attitude on the Gaumont-H. & G. deal in its latest form. Since distributors refused to recognize the transfer of the Hyams theatres to Gaumont British Super Cinemas, Ltd., stating that they would book only to H. & G., the latter company has gone out of existence and the H. & G. theatres have become the property of the G. B. subsidiary, in which Major A. J. Gale and the Hyams brothers are associated. Major Gale is acting as booking manager, as he did for H. & G., but it is generally believed that the question of the closer association of these halls with the major G. B. circuit, for booking purposes, must arise in the near future.

Study of Standards Started by Academy

(*Continued from page* 1)

also been appointed to the sub-committee with three additional members to be selected by the chairman later.

The standards sub-committee consists of the following: J. M. Nicklaus, chairman; John Aalberg, Lawrence Aicholtz, John Cass, Harry Cohan, Ralph Dawson, O. L. Dupy, Arthur Edison, Farciot Edouart, Porter Evans (eastern member), Godfrey Fischer, Alan Freedman (eastern member), Lloyd Goldsmith, W. C. Harcus, Louis Kolb, Grover Laube, John Livadary, R. P. Miller, Wesley C. Miller, Thomas Moulton, William Rudolph, George Seid, J. H. Spray (eastern member), Ralph Townsend, S. J. Twining and Gordon S. Mitchell, manager of the Research Council.

Halt Film Destruction

Henry Pearlman, attorney for Eureka Prod., Inc., has obtained an injunction from Judge Martin G. Manton in the U. S. Circuit Court of Appeals to prevent the destruction of a print of "Ecstasy" by the Collector of Customs until the determination of an appeal pending before the circuit court.

Dunn to Open Sunday

DUNN, N. C., Nov. 10.—The city council has voted three to two to allow Sunday shows here.

Jury to Get Trust Cases Early Today

(Continued from page 1)

mer U. S. Senator James A. Reed, who Saturday celebrated his 74th birthday. Next is Frederick H. Wood of Cravath, De Gersdorff, Swaine & Wood, New York. Both have been representing the Warner group. William R. Gentry of Watts & Gentry, St. Louis, and Samuel W. Fordyce of Fordyce, White, Maine & Williams, St. Louis, have been representing Paramount and Schaefer, George S. Leisure, partner of Donovan, Leisure, Newton & Lombard, New York, and Jacob M. Lashly of Lashly, Lashly & Miller, St. Louis, have been presenting the case of Depinet and RKO. Russell Hardy, special assistant to the attorney general, has been prosecuting the indictments for the Government.

Attorney Was Fined

Many exhibitor leaders from all parts of the country have made special trips to attend the sessions, including James Coston, Ed Dubinsky, John and Barney Balaban, Harry A. Cole, Don Thornburg, Elmer C. Rhoden, Frank L. Newman, Sr., Harry Singer, David Idzal, Moe Silver, Clayton Bond, Jack Miller and former exhibitors L. K. Brin and Claude Ezell. Numerous theatre owners from surrounding cities have dropped in from time to time.

Two of the highlights in the last few weeks have included the presence of Harry Koplar, whose name has been flaunted as "the man behind the conspiracy" action, and the imposing of a $25 fine on Harold Schilz, one of Hardy's assistants, for shouting "That's a damn lie" to Leisure when the latter insisted that a copy of Cresson E. Smith's memorandum of Aug. 17, 1934, returned by the Government was a duplicate and not an original.

40 Witnesses Called

Of 40 witnesses subpoenaed. the Government put 23 on the stand, excluding Gordon E. Youngman, RKO attorney, who voluntarily testified in connection with the drafting of the RKO-Warner contract. The men called to the stand by Hardy were Harry C. Arthur, Jr., vice-president of F. & M.; Thomas M. Dysart, chairman of the bondholders' committee for the Ambassador, Missouri and New Grand Central, and head of the St. Louis Chamber of Commerce; M. A. Rosenthal of Securities Service Co., Chicago; David Levinson, Windy City attorney who drafted the reorganization plan for the three theatres; Frederick H. Kreismann, former St. Louis mayor and the president of a local insurance company; Jack Allen Partington, president of F. & M.; Jacob Chasnoff of the local legal firm of Taylor, Chasnoff & Wilson and a member of the bondholders' group; Frederick W. Strauss of Strauss Securities, Chicago, and a member of the bondholders' committee; Joseph Grand of Greensfeld & Grand, St. Louis legal firm, and member of the bondholders group; John S. Leahy, local attorney, counsel for Allen L. Snyder and the two trustees of the Fox Theatre here; Clarence M. Turley, real estate operator and co-guarantor with Spyros Skouras on the bonds of the three theatres involved; Cresson E. Smith, Southern and western sales manager for RKO; Hall Walsh, manager of the local Vitagraph exchange; J. M. Ulmer of Ulmer, Berne & Gordon, Cleveland legal firm; Maurice Schweitzer, St. Louis Paramount exchange head; Clarence D. Hill, local Columbia branch manager; Clayton D. Lynch, M-G-M manager here; Joseph Garrison, pilot of the Universal office; Ben B. Reingold, Fox exchange manager; William Feldstein, United Artists chief here; Jules Levy, RKO general sales manager; Allen L. Snyder, who had $25,000 invested in the lease for the three theatres, and Edmond T. Koeln, one of the two trustees for the Fox.

Hardy on Stand

Hardy himself was on the stand twice, first at the opening of the trial and secondly when Fordyce asked him to testify in the presentation of Paramount's case. Among Government witnesses not called were Milton B. Arthur, Irving Lesser, Spyros Skouras, Sam Dembow, Charles Kurtzman, Harry Greenman, Fred Wehrenberg and Dinty Moore. B. D. Gordon of Cleveland, who took the stand to testify, was not permitted to talk when an objection by defense counsel was sustained.

Warner witnesses who gave testimony included the president of the company, Starr, Sears, Sam B. Jeffries, local counsel for Warners; Charles and A. D. Cella, owners of the Shubert-Rialto and Orpheum; Arthur Simpson, Jeffries' partner; George L. Weigand, treasurer of St. Louis Amusement, Co., and Miles Alben of the Warner home office legal staff.

Schaefer, Neil Agnew and A. A. Tyson, auditor of the Roney Plaza, Miami, where Schaefer spent a three-week vacation last year, were the only Paramount witnesses. Depinet and Smith comprised the duo who testified on behalf of RKO. Jules Levy, Walter Branson and Lou Ellman were expected to be called but a last minute change in plans prevented their taking the stand.

Numerous exhibits had been subpoenaed by both sides and were not introduced. About 100 exhibits in all are in evidence for the jury to scan before it hands down the momentous verdict.

Counsel Bitter

Bitterness between defense and prosecuting counsel has been rife since the start. Hardy has charged his adversaries with "officious" interference in the Government's case and on numerous occasions has decried the number of lawyers opposing a single Government attorney. He has made other accusations from time to time and in return has been denounced by defense counsel for making the statements.

Reed has openly expressed his opinions of Hardy, calling him "unfair" in addition to "distorting everything that took place." The ex-senator struck a blow at the prosecutor when he said Friday: "This is the first time I ever heard of the Sherman law being used to defend a monopoly and assist it in carrying out its nefarious purpose." Defense counsel several times has maintained Hardy's objections to introduction of certain conversations and exhibits were not in good faith after he had declared he wanted "all the facts."

In their limited summations, Reed, Wood, Gentry, Leisure and Lashly refuted all the statements by Government witnesses after the defendants themselves and other witnesses had made categorical denials. Gentry and Leisure held that Arthur's conversations with Schaefer and Depinet at specific times and places were "imaginary." They also asserted that the deals made with Warners were independently negotiated and signed "for good business reasons."

Claimed Legal Right

Warner counsel has contended that after failure to reach a final agreement with the bondholders' committee for the reorganization of the properties in which the company had an equity of approximately $4,000,000, the Shubert-Rialto and Orpheum were leased as a self protective move against a "monopoly." Reed and Wood have argued Warners had a legal right to lease these theatres and when RKO and Paramount product was purchased the company did not overbuy. Reed pictured Snyder as "a straw man" in the Arthur-Koplar-F. & M., charging that "the conspiracy and scheme originated out of the malice and cupidity of Koplar against Warner."

Arthur's contention has been, in substance, that he had oral agreements with Schaefer and Depinet before Paramount and RKO films were committed to Warner by letter. These statements, however, have been repeatedly denied by the two defendants.

None of the principals attending the trial left for New York over the week-end, but Leisure managed to spend Saturday and Sunday in Wichita.

Indictments Jan. 11

Indictments in the action were handed down on Jan. 11 last. The Government charged the defendants with conspiring to deprive Fanchon & Marco's Ambassador, Missouri and New Grand Central of first run product, under pressure from Warners.

The case has been watched closely by all branches of the industry because the Government had stressed the importance of the case at the outset, and had indicated that if it should win, other cases were likely to be filed with little delay.

The action grew out of transfer of control of the Ambassador, Missouri and New Grand Central theatres from Warners to a company organized by Allen L. Snyder, and operated for that company by F. & M. Snyder and Harry C. Arthur, executive of F. & M., are understood to have been instrumental in bringing the matter to the attention of the Department of Justice. It was charged that the defendants conspired to shut off first run product from the three theatres for the benefit of the Orpheum and Shubert-Rialto, operated by Warners.

Immediately following the close of this case the equity action, on an application for an injunction to prevent the defendants from continuing their alleged refusal to supply first run product to the theatres, will be heard.

Jury Named Oct. 2

After several continuances from the date originally set for the trial by Judge Moore, court action got under way on Sept. 30, the jury finally being selected on Oct. 2. Throughout the length of the trial, however, Hardy carried the burden of the Government's case.

Throughout the trial, which was studded with dramatic episodes, some accidental and others designed for effect, the attorneys for both sides fought every step of the way, registering innumerable objections as witnesses were questioned and cross-examined. Judge Moore on one occasion denied motions of the defense for a mistrial, on the ground that Hardy's address to the jury had tended to prejudice and inflame the 12 men.

Arthur, a key figure in the entire proceeding, was the first witness for the prosecution. Hardy finally finished the Government's presentation of the case after 16 days of the trial.

The defense went into action immediately, concluding its side last Tuesday after 14 days. Hardy immediately took up his rebuttal. Summations by both sides occupied last Thursday and Friday, the court making his charge after a holiday on Saturday.

Complications

Hollywood, Nov. 10. — Tay Garnett expects to spend some time in Japan on his round-the-world tour, so, when the Japanese consul, Tomokazu Hori San, came out to watch him shooting "Professional Soldier" at Twentieth Century-Fox, Garnett practically gave him the set.

He made Freddie Bartholomew tell a funny story. Victor McLaglen shook hands. Everybody shook hands. Everybody ate a long, elaborate lunch.

Garnett felt he had a cordial reception in Nippon practically cinched by the time the consul, wreathed in smiles, was taking his happy leave.

Then the fly in the ointment turned up.

Someone had stolen the hat of Tomokazu Hori San.

Wright Selznick Agent

SACRAMENTO, Nov. 10.—Selznick International Pictures, a Maryland corporation, has filed notice here with the Secretary of State that Lloyd Wright of Beverly Hills has been named as representative of the firm in California.

Articles of incorporation for a 1,000-share, no par value stock firm, Mid-Town Theatres of San Diego, have been filed by L. B. Metzger, Lucille Metzger, G. A. Metzger and Harry Srere of Los Angeles and A. W. Sobbler of San Diego.

Articles have also been filed for Associated Writers' Foundation, a non-profit firm, by Lewis Graves, George Hayes Beasley and M. L. Swalwell, all of Hollywood.

Park Changes Hands

KANSAS CITY, Nov. 10.—Fairyland Amusement Park today changed hands under foreclosure for a bid of $20,000 by the litigation account of the former Fidelity Bank. The mortgage holder was Mrs. Kate Rockwell Clarke, New York. The Park opened in 1923. Present operators have a lease with over a year to run.


MIRTH! MADNESS! MURDERS! MILLIONAIRES!
run riot in Universal's
startling new production!
REMEMBER LAST NIGHT?
KULZ



EDWARD ARNOLD



ONSTANCE CUMMINGS



SALLY EILERS



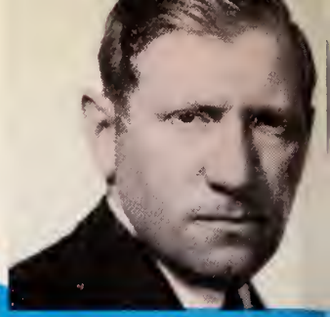
ROBERT YOUNG



OBERT ARMSTRONG



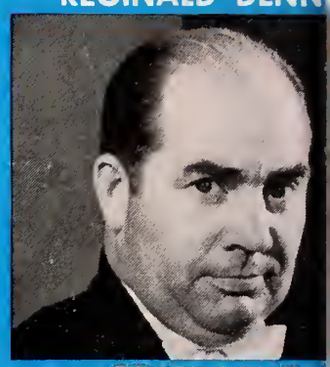
LOUISE HENRY



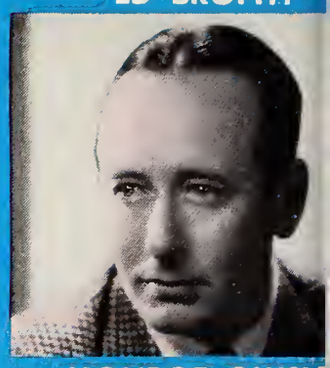
GREGORY RATOF



REGINALD DENN



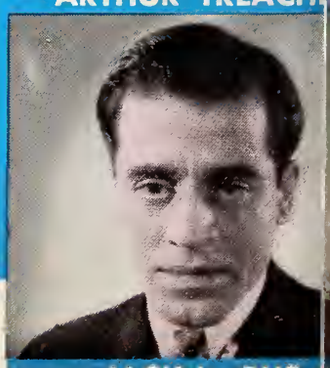
ED BROPHY



MONROE OWSLE



ARTHUR TREACH



JACK L. RUE

Carl Laemmle presents JAMES WHALE'S greatest achievement, A Universal triumph shock-full of surprises and grandiose in gayety . . . Starring Edward ARNOLD • Constance CUMMINGS • Sally EILERS and Robert YOUNG

"REMEMBER LAST NIGHT?"

With Robert ARMSTRONG • Louise HENRY
Gregory RATOFF • Reginald DENNY • Ed BROPHY
Monroe OWSLEY • Arthur TREACHER • Jack La RUE
From the nerve-tingling novel by Adam Hobhouse

A CARL LAEMMLE, JR., PRODUCTION

PRINTED IN U.S.A.

"Crusades" Is Minneapolis' Hit, $20,000

MINNEAPOLIS, Nov. 10.—"The Crusades" was something of a sensation at the Minnesota. It ran up to $20,000. An estimated average for the house, which has been closed for a long time, is $10,000. It was moved to the Century for a second week.

In St. Paul big money went to "The Dark Angel" at the Paramount, where the $7,000 take was $1,500 up. "Dr. Socrates" was only average with $4,000 at the Century here, but in St. Paul at the Riviera it went over par $500 for a total of $4,000. "My Song for You" and "Hands Across the Table" were the only two other attractions to make much of an impression.

Total first run business in Minneapolis was $40,500. Average is $31,000. Total first run business in St. Paul, $18,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Nov. 5:

"MY SONG FOR YOU" (G.B.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,500. (Average, $3,000)

Week Ending Nov. 7:

"DR. SOCRATES" (W.B.)
CENTURY — (1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"RED SALUTE" (U.A.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Nov. 8:

"THE CRUSADES" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $20,000. (Average, estimated, $10,000)

"SHIPMATES FOREVER" (F.N.)
ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"HANDS ACROSS THE TABLE" (Para)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

St. Paul:

Week Ending Nov. 8:

"THE DARK ANGEL" (U.A.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500)

"DR. SOCRATES" (W.B.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"WELCOME HOME" (Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"KING SOLOMON OF BROADWAY" (Univ.)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

"GOOSE AND THE GANDER" (Fox)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

"THE 39 STEPS" (G.B.)
WORLD—(400), 25c-35c, 7 days, 5th week. **Gross:** $1,500. (Average, $1,500)

AFA Benefit Success

The American Federation of Actors' benefit at the Majestic Saturday night was a sellout. Outstanding performers of the stage, radio and screen turned out, as promised, and the house was packed.

Rudy Vallee, president, and his orchestra filled a conspicuous place on the program.

Among the performers were: Belle Baker, Phil Baker and his Bottle, Milton Berle, Ben Bernie, Edmund Breese, Eddie Dowling and Ray Dooley, Jimmie Durante, Stepin Fetchit, J. C. Flippen, N. T. G. and the Paradise revue, Beatrice Lillie, the "March of Time" principals, Ed Sullivan, Ken Murray, Herb Williams and the orchestras of Phil Spitalny, Abe Lyman and Isham Jones. The program lasted far into the night.

Variety Club Chatter

Cincinnati

CINCINNATI, Nov. 10.—The enlarged quarters, which are expected to be the last word in modern appointments, were dedicated Nov. 9 with an "open house," at which dancing, entertainment and other activities were provided for barkers and their guests.

NAT LEFTON, dough guy of Cleveland No. 6, was a week-end visitor here. He was to be joined by EDDIE GOLDEN, who, however, telegraphed his regrets from Indianapolis, as he had to hurry back to New York to deliver a short wave radio talk to Republic Pictures delegates meeting in London.

JOE KOLLING, property master, is handling the publicity for a local "Better Homes" campaign currently in progress.

EDDIE WEBBER, New York, pianist for ESTELLE TAYLOR, playing a local engagement, is among the names appearing on last week's club register.

Detroit

DETROIT, Nov. 10.—An even dozen active members have been elected by the Variety Club of Detroit. They are: S. K. DECKER, divisional manager First Division; CLARE H. TOWNSEND, salesman, Republic Pictures; JOHN E. RYDER, salesman, Paramount; BEN J. COHEN, Senate Theatre; SAM H. BARRETT, booker, Co-Operative Theatres of Michigan; IRVING and ADOLPH GOLDBERG, Royal Oak Theatre; WADE E. ALLEN, Arcade Theatre; JOSEPH PORTELL, Virginia Theatre; FRANK LORENZEN, florist; ADAM WEISSMULLER, sports promoter, and AL MERTZ, branch manager RKO Radio.

GEORGE MORIARITY, American League umpire, was elected to non-resident membership.

Baseball, hockey and radio stars were guests of the club at its first fall luncheon last week in the Mayfair room of the Book-Cadillac, which was attended by a crowd of 150. H. M. RICHEY and MAURICE CAPLAN were in charge.

Kansas City

KANSAS CITY, Nov. 10.—Saturday night becomes "rendezvous" night at Tent No. 8 beginning Nov. 9. Kings for a night were named, and a special appeal was made to salesmen for exchanges who are out of town and unable to attend mid-week functions. First to be named kings to handle the job Nov. 9 were FRANK BOWEN, RUSSELL BORG, and FRED BREDEHOFF.

TRULY WILDMAN, DOUGLAS DESCH and ERNIE BLOCK will be kings for a day Nov. 18.

GEORGE W. FULLER was the butt of some good natured raillery Nov. 4. On Nov. 1 he became the father of a seven and a half pound girl—MARY JANE.

Guests included MAX KRAVETZ, I. A. ANDERSON, and E. L. "BUDDY" HARRIS.

Luncheon Nov. 11 will be impromptu.

Commenting on the Kansas City Public Service Co.'s movie contest, AL WOOD, head of the commercial department, told film men he believed they had only scratched the surface of a relationship between the street railways company and the film industry.

Omaha

OMAHA, Nov. 10.—Despite the fact the food and beer were free, the entire membership (with only a few absentees) was unable to dent into the generous buffet lunch Saturday. It is understood the financial status of the club at this time is etched in deep black ink, which is remarkable, considering the swanky clubroom layout has been open only since last June. The membership has been closed with 70 names on the rolls.

The clubrooms see plenty of activity, especially over the week-end with salesmen coming in and visiting out-of-town executives as guests of members. The club gets a big play Saturday night.

Praise for Variety Club and for the harmonious relations it establishes within the industry was expressed here by Nebraska's famous divorce and juvenile magistrate, District Judge HERBERT A. RHOADES, at the Ladies' Day luncheon. About 24 wives and friends of club members were guests. After the lunch, the women spent the afternoon playing bridge.

"If men in other businesses would organize as you film men have in a social organization, they would find their daily relations much happier," Judge RHOADES said. "I am deeply impressed that men in competitive and deeply rivalrous business should come together weekly for lunch."

Washington

WASHINGTON, Nov.10.—Local barkers of Tent No. 11 journeyed to Baltimore Tuesday for the first out-of-town function to be staged by Variety Club. More than 50 made the trip. They were escorted by Maryland State Police.

FRANK H. DURKEE and WILLIAM K. SAXTON were the kings for a day.

Guests of honor were: Mayor HOWARD JACKSON, State's Attorney HERBERT O'CONNER, Chief Censor DR. BEN PAUL SANDY, Police Inspector THOMAS MOONEY, and WILLIAM MCKIMM, representative of Philadelphia's Tent.

Barker J. LOUIS ROME acted as master of ceremonies.

A smoker scheduled for Nov. 11 has been canceled and the mobilization of Kentucky Colonels slated for that date will take place at a luncheon Nov. 18, with Barker HARRY P. SOMERVILLE as generalissimo.

Saenger Not to Act

NEW ORLEANS, Nov. 10.—Saenger Theatres will not reinstate vaudeville, no matter what other houses do, it has been stated officially.

Form Elephant Prod.

ALBANY, Nov. 10.—Elephant Prod., Inc., has been chartered here by David B. Friedland, Roslyn Soldinger and Louis M. Greene.

"Crusades" Is Chicago's Top With $16,500

CHICAGO, Nov. 10.—Despite a rainy week-end which hurt grosses generally, two attractions on the Loop were outstanding. "The Crusades" was the best straight film draw at $16,500 in the Roosevelt, up by $5,500.

"Little Big Shot," with a stage show headed by Ada Leonard at the Oriental, ran up to $19,500, above average by $4,500.

"Diamond Jim" took a good $14,500, with a stage show, at the State-Lake, and "I Live My Life" turned in a fair profit on $5,600 at the Apollo.

Total first run business was $127,500. Average is $117,000.

Estimated takings:

Week Ending Nov. 7:

"SHIPMATES FOREVER" (W.B.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: "Hello Annapolis" revue. **Gross:** $33,200. (Average, $32,000)

"LITTLE BIG SHOT" (W.B.)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: Ada Leonard and her "Cocktails of 1936" Revue. **Gross:** $19,500. (Average, $15,000)

"TO BEAT THE BAND" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Folies Bergere" Revue. **Gross:** $18,000. (Average, $19,000)

"BARBARY COAST" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $15,200. (Average, $17,000)

"WAY DOWN EAST" (Fox)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $5,500)

"I LIVE MY LIFE" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $5,600. (Average, $4,500)

"THE CRUSADES" (Para.)
ROOSEVELT—(1,591), 40c-60c-$1, 7 days. **Gross:** $16,500. (Average, $11,000)

Week Ending Nov. 8:

"DIAMOND JIM" (Univ.)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Radio Rogues, Verne Buck and Revue. **Gross:** $14,500. (Average, $13,000)

"Three Kids" Is Cleveland High

CLEVELAND, Nov. 10.—"Three Kids and a Queen," with Henry Armetta on the stage in a revue garnered $13,250 at the RKO Palace last week, thereby topping the house average by $250.

"Annapolis Farewell," Loew's Stillman, finished with the house average of $4,000. "Metropolitan" was fair at Loew's State.

Total first run business was $42,700. Average is $40,000.

Estimated takings for the week ending Nov. 8:

"MUSIC IS MAGIC" (Fox)
ALLEN—(3,300), 30c-35c-42c, 3 days. Also first showing of Major Bowes' No. 2 amateur film. **Gross:** $1,750. (Average, $3,000)

"THE GIRL FRIEND" (Col.)
ALLEN — (3,300), 30c-35c-42c, 4 days. **Gross:** $1,200. (Average, $3,000)

"METROPOLITAN" (Fox)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,000. (Average, $10,000)

"ANNAPOLIS FAREWELL" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THREE KIDS AND A QUEEN" (Univ.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Henry Armetta and "The Sunkist Revue." **Gross:** $15,250. (Average, $15,000)

"SHE COULDN'T TAKE IT" (Col.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $12,500. (Average, $8,000)

Tibbett Is Boston Smash, Gets $30,000

BOSTON, Nov. 10.—"Metropolitan" got off to a terrific start at the Metropolitan, with a revue on the stage headed by Bob Hope. The $30,000 take was over par by $8,000.

"Barbary Coast" and "The Bishop Misbehaves," playing day and date at Loew's Orpheum and Loew's State, pulled well in both spots. At the Orpheum the $15,000 take was over the line by $3,000 and at the State, the $14,500 gross was up by $2,500.

"The Three Musketeers" demonstrated plenty of strength at $15,000 in Keith's Memorial, above the line by $3,500. "Three Kids and a Queen" at the RKO Boston, with a stage show headed by Olsen and Johnson, was in the hit class at $17,000.

Total first run business was $94,000. Average is $80,500.

Estimated takings for the week ending Nov. 8:

"THE PAYOFF" (W.B.)
"SHIP CAFE" (Para.)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"THE THREE MUSKETEERS" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 9 days. **Gross:** $15,500. (Average, $12,000)

"BARBARY COAST" (U. A.)
"THE BISHOP MISBEHAVES" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $15,000. (Average, $12,000)

"BARBARY COAST" (U.A.)
"THE BISHOP MISBEHAVES" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,500. (Average, $12,000)

"METROPOLITAN" (Fox)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Revue headed by Bob Hope. **Gross:** $30,000. (Average, $22,000)

"THE PAYOFF" (Warners)
"SHIP CAFE" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"THREE KIDS AND A QUEEN" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Revue headed by Olsen and Johnson, Edward Rosenwald and his Orchestra. **Gross:** $17,000. (Average, $11,000)

"Tunnel" $2,000 Milwaukee Leader

MILWAUKEE, Nov. 10.—"Transatlantic Tunnel" and "Wings Over Ethiopia" at the Strand was good for $800 over par, grossing $2,000, in what was otherwise just an average week of twin bills. High for the week was "Rendezvous" and "Little America" at Fox's Wisconsin with an $8,000 take, just average business.

Total first run business was $25,000. Average is $24,200.

Estimated takings for the week ending Nov. 7:

"BIG BROADCAST OF 1936" (Para.)
"CHARLIE CHAN IN SHANGHAI" (Fox)
PALACE—(2,800), 25c-40c, 8 days. **Gross:** $5,000. (Average, $5,000)

"WATERFRONT LADY" (Mascot)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Sammy Cohen, Four Albee Sisters, Jay Seiler, Jack Lane, Petch and Duval, Doris Roach. **Gross:** $5,000. (Average, $5,000)

"TRANSATLANTIC TUNNEL" (G.B.)
"WINGS OVER ETHIOPIA" (Para.)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,200)

"DR. SOCRATES" (W.B.)
"RED SALUTE" (U.A.)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"RENDEZVOUS" (M-G-M)
"LITTLE AMERICA" (Para.)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Your Uncle Dudley"

(Twentieth Century-Fox)

HOLLYWOOD, Nov. 10.—Built for laughs, this is a small town atmosphere business, domestic, comedy drama. Slyly satirizing the Babbitt theme, it's a yarn of a sappy club-joining civic worker and female-relative-pestered family head, who, driven to desperation, turns into a lion-like he-man, go-getter and master of his own destinies.

Victimized by fellow club members who reap a fat profit as a result of their community prestige-building stunts while his reward is a flock of loving cups, Edward Everett Horton is derided as a spineless worm by his shrewish sister-in-law, Marjorie Gateson. His domestic difficulties are more than matching the fun of his folly in business and civic affairs. Horton has more than his hands full trying to straighten out the love match between his niece, Rosina Lawrence, and John McGuire, bashfully in love with Lois Wilson. The proverbial suffering mother, Miss Gateson, figures on developing her daughter, Miss Lawrence, as a concert singer to guarantee her own future security. Messing up the prize singing contest by her underhand work, Miss Gateson gets the grand bounce as Horton, after turning the tables cleverly on his business rivals to his great personal profit, fixes things nicely for Miss Lawrence and McGuire.

Adapted by Dore Shary and Joseph Hoffman, with the screenplay by Allen Rivkin from the play by Howard Lindsay, Bertrand Robinson's picture is capably directed by Eugene Forde.

Horton's usual first class performance is matched by those of Miss Gateson, Miss Wilson, Miss Lawrence, McGuire, Allan Dinehart, William Benedit and Florence Roberts.

Production Code Seal, No. 1693. Running time, 70 minutes. "G."

"Coronado"

(Paramount)

HOLLYWOOD, Nov. 10.—Tuneful melodies, clever dancing and low down comedy place this one in the top notch entertainment. The picture shines in all its departments and should rattle a musical tune for exhibitors' coffers with the box-office results depending largely on the first exploitation splash. Word of mouth will take care of the rest.

The story spots Johnny Downs as the musically inclined son of wealthy Berton Churchill and Nella Walker. The three are spending the summer at the California resort, Coronado, as the yarn opens. Downs immediately goes hook, line and sinker for Betty Burgess, a resort crooner who thinks Downs is a penniless song plugger. From here on the story is the usual hokum garnished with unique and very funny comedy situations and sparkling dialogue, refreshingly different dance routines backgrounded with Eddie Duchin's music. Jack Haley and Andy Devine, as a couple of dumb gobs, and Leon Errol carry the comedy to hilarious heights. The story has the usual ending with the boy getting the girl.

Norman McLeod has endowed the picture with his usual keen humor, showing his aptitude for comedy timing. Performances by the entire cast hit a high C. Richard Whiting and Sam Coslow contribute several good song numbers for ether plugging. David Hoehm penned the screen play. This should be good in all spots.

Production Code Seal No. 1661. Running tine, 70 minutes. "G."

"Just My Luck"

(New Century Pictures)

HOLLYWOOD, Nov. 10.—Charles Ray works very hard in this picture to revive the character of the abused awkward boy which he made famous, but handicapped by a weak story and production which lacks professional finish, only in occasional flashes does he achieve his purpose.

Ray is cast as an employe in an automobile tire factory. He has perfected a rubber substitute which he is unable to make his employers inspect seriously. Buffeted about, and made the butt of practical jokes, Ray drifts through the picture until his employers, faced with a rubber shortage, send for him to investigate his substitute. His company's competitors have meanwhile engaged labor agitators to call a strike at the plant, and keep Ray away from the office. In the ensuing melee Ray is knocked down many times before things are settled and he wins the girl, Anne Grey, his employer's daughter.

The original screen play by Wallace Sullivan and Scott E. Cleethorpe loosely joins elements of drama, melodrama and slapstick. The direction by Russell Ray Heinz also suffers from these faults. In the supporting cast Snub Pollard, Eddie Nugent and Matthew Betz contribute the best performances. The picture is suitable only for the lower half of dual bills. Previewed without Production Code Seal. Running time, 76 minutes. "G."

Tibbett Film Philadelphia Wow, $21,000

PHILADELPHIA, Nov. 10.—"Metropolitan," with a vaudeville program at the Fox, sent grosses skyrocketing at that house. The total for the week was $21,000. This is over normal by $9,000.

Running a close second for profit honors was "The Melody Lingers On" at the Aidine, where the $11,500 gross passed the normal mark by $4,500. At the Earle "Two Fisted," with a Major Bowes amateur unit, was $4,000 to the good on a $16,000 take.

The rest of the town felt the competition of these headliners. "She Couldn't Take It" with $8,500 at the Stanley couldn't take it and "The Three Musketeers" limped to a weak $9,000 at the Boyd.

Total first run business was $78,500. Average is $70,500.

Estimated takings for the week ending Nov. 7:

"THE MELODY LINGERS ON" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $11,500. (Average, $7,000)

"O'SHAUGHNESSY'S BOY" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 5 days. **Gross:** $1,500. (Average, 6 days, $2,400)

"THREE MUSKETEERS" (Radio)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $9,500. (Average, $12,000)

"TWO FISTED" (Para.)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Major Bowes' Amateur Unit. **Gross:** $16,000. (Average, $12,000)

"METROPOLITAN" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Patricia Bowman, Bellett and Lamb, Gautier's Toy Shop; Helen Reynolds' Skaters. **Gross:** $21,000. (Average, $12,000)

"LITTLE AMERICA" (Para.)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,200. (Average, $3,500)

"BARBARY COAST" (U.A.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,600. (Average, $4,000)

"SHE COULDN'T TAKE IT" (Col.)
STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $8,500. (Average, $12,000)

"LAST OUTPOST" (Para.)
"WINGS OVER ETHIOPIA" (Para.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,700. (Average, $6,000)

"Musketeers" Gets $5,200, Omaha Top

OMAHA, Nov. 10.—"The Three Musketeers," on a dual bill, was the profit-maker of the week here with a take of $5,200 at the Brandeis. This was $1,200 on the profit side of the line.

"The Crusades" did well at the Omaha, getting $6,200 in seven and one-half days, and "O'Shaughnessy's Boy" and "The Bishop Misbehaves" took a strong $8,300 at the Orpheum.

Total first run business was $19,700. Average is $17,000.

Estimated takings:

Week Ending Nov. 6:

"THE CRUSADES" (Para.)
OMAHA — (2,200), 25c-40c, 7½ days. **Gross:** $6,200. (Average, $5,500)

"THE THREE MUSKETEERS" (Radio)
"GRAND EXIT" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,200. (Average, $4,000)

Week Ending Nov. 7:

"O'SHAUGHNESSY'S BOY" (M-G-M)
"THE BISHOP MISBEHAVES" (M-G-M)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,300. (Average, $7,500)

More Houses Shift In New England

BOSTON, Nov. 10.—Recent New England theatre changes include the transfer of the State, Burlington, Vt., from H. Boardman to J. Mathieu, and the darkening of the Town Hall, Johnson, Vt., and the Recreation Hall, Milton, Vt., by J. D. Santamore.

Lowry Theatres Co. has taken over the Imperial, Pawtucket, R. I. Philip Bloomberg has reopened the Empire, Salem, with Jack Foster as manager.

Start Stamford Theatre

STAMFORD, Nov. 10.—Ground has been broken for the Plaza. Harry Brandt and Dave Weinstock, formerly of the Cameo, Hartford, are converting the condemned building and the house is scheduled tentatively to open next summer.

Yaeger Leases Golden Gem

GOLDEN, Col., Nov. 10.—C. Yaeger of Denver, president of Atlas Theatre Corp., has taken a long term lease on the Gem here from Mrs. Barbara Preuss and R. A. Preuss. New sound is to be installed. Mr. and Mrs. Preuss will continue to live here.

Acquire Cannonsburg Spot

CANNONSBURG, O., Nov. 10.—Beedle Bros. have taken over the Strand here, which they have remodeled, increasing seating capacity by 400. The house has been renamed the Continental, and will be opened shortly.

Reopen at Plymouth, O.

PLYMOUTH, O., Nov. 10.—The Plymouth, only house here, which has been dark for more than a year, has been relighted by Ed Ramsey. It is operating on a grind policy, evenings only, at 15 cents.

To Build at Pendleton

PORTLAND, Nov. 10.—J. J. Parker is to build a $75,000 house at Pendleton, Ore., and expects to have it ready by Christmas. Victor Keady, at present manager of the Broadway here, will have charge.

Plan Richmond House

RICHMOND, Nov. 10.—Plans have been filed by Community Theatre Co., New York, for a $50,000 house in the Brookdale section of Ginger Park. It will be a 600-seater for Wilmer & Vincent operation.

Coast Houses in Shifts

LOS ANGELES, Nov. 10.—Ralph E. Perkins Enterprises, Inc., have taken over the Norwalk, Norwalk, Cal., from Hy Peskay and Charles Miller has opened the Ritz at Carpinteria, Cal.

Newcomb Opens at N. O.

NEW ORLEANS, Nov. 10.—The Newcomb, operated by Henry Lazarus, has reopened for the season after a dark summer. It has been overhauled and renovated.

Buys St. Joseph House

KANSAS CITY, Nov. 10.—Joe Allard has purchased the Valley, St. Joseph, Mo., from William A. Leucht.

Form Two in Delaware

DOVER, Del., Nov. 10.—Repertoire Actors' Guild, Inc., has been formed here to operate theatres. The incorporators are: M. M. Lucey, H. I. Martin and L. S. Dorsey of Wilmington.

Amaco, Inc., has been incorporated to deal in amusement devices. The incorporators are: A. L. Raughley, M. S. Cook and J. M. Townsend of Dover

Latchis Gets 4 Houses

BOSTON, Nov. 10.—Four theatres in New England have been transferred from Andrew Tegu to Peter Latchis. They are: Palace, St. Johnsbury, Vt.; Orpheum, Woodsville, N. H.; Gem, Lydonville, Vt., and Strand, Windsor, Vt.

Remodel at Bloomfield

BLOOMFIELD, Ind., Nov. 10.—Remodeling of the Opera House, a landmark, has been started. The building is owned by Charles H. Markel of Newberry, Ind. It has been closed for a long time.

Remodel at Baker, Ore.

BAKER, Ore., Nov. 10.—The old Orpheum and the building adjoining are being remodeled by Mrs. Frank X. Buckmiller, president of Baker Theatres, for a new 800-seat house.

Remodel at Kearney, Neb.

KEARNEY, Neb., Nov. 10.—The Empress is having 225 additional seats installed. The house is being redecorated and new lighting equipment is being installed.

Stamford Scale Is Cut

STAMFORD, Nov. 10.—The Strand here has cut its top from 35 cents to 25 cents.

Portland Avalon Opened

PORTLAND, Nov. 10.—J. B. Webe has opened the Avalon, dark for the past four years.

Indiana House to Open

WEST TERRE HAUTE, Nov. 10.—The Victory, closed for a long period, will reopen soon under the management of an out-of-town corporation. The Victory and National, only theatres here, have both been closed for a number of years.

Reopen Boston Apollo

BOSTON, Nov. 10. — The Apollo, closed since a fire several years ago, has been reopened by John Heneas. Renovation was supervised by Comi's Theatre Service & Supply Co.

Remodel at Glouster, O.

GLOUSTER, O., Nov. 10. — John Crawford has leased the Stocklein building, formerly used for commercial purposes, and will convert it into a theatre, which he expects to have ready for opening by Thanksgiving.

Remodel Mobile Crown

MOBILE, Ala., Nov. 10.—The Crown, Saenger house, has been remodeled and air conditioning installed. The house also has a new marquee, lobby floor, lighting, sound equipment and screen. Carroll Winham is manager.

Reopen at Waterbury

WATERBURY, Nov. 10.—The old Lyric had been renovated, new sound system installed and reopened under the name of the Lido.

To Build at Hillsboro

KANSAS CITY, Nov. 10.—C. A. Bull, who operates the Novelty at Wichita, will open a new house at Hillsboro, Kan., Dec. 1. It will be a 500-seater.

Telser Buys Hammond

CHICAGO, Nov. 10.—Art Telser has purchased the Hammond. He will run the 1,200-seat house on a new policy, he says.

Plan Tahlequah House

TAHLEQUAH, Okla., Nov. 10.—Plans are being made for a new theatre by Mayor J. P. Thompson, owner of the Sequoyah.

Out Hollywood Way

HOLLYWOOD, Nov. 10.—HAL KERN to join Selznick International as editorial supervisor as soon as he finishes on "The Tale of Two Cities" at M-G-M. . . . C. AUBREY SMITH taking new house in Cold Water Canyon. . . . ROSS ALEXANDER and ANITA LOUISE to be teamed in "Red Apples," Warners. . . . PAT O'BRIEN to New York for vacation when he finishes in "Ceiling Zero" at Warners.

ROSCOE KARNS still talking about that New York subway ride. . . . Warners lift option on JANE FROMAN. . . . DAVID PRESTON, for several years a script man at Radio, to appear before cameras in "Follow the Fleet." . . . NELSON EDDY using portable electric pipe organ in concert tour. . . . HAROLD LLOYD may appear without glasses in some of the sequences of "The Milky Way," Paramount.

✚

Casting—BARBARA STANWYCK borrowed by Twentieth Century-Fox from Radio for "A Message to Garcia" . . . To start Nov. 20. . . . JOHN MCGUIRE, young contract player, gets featured role in "Shark Island," Twentieth Century-Fox. . . . EDWARD GARGAN signed by HAL ROACH.

CLARENCE MUSE and his son, DION, in "The Green Shadow," Radio. . . . ERIN O'BRIEN MOORE cast in "Two O'Clock Courage," same studio. . . . MATILDA COMONT latest addition to cast of "Anthony Adverse," Warners. . . . ARTHUR TREACHER in "Hitch Hike Lady," Republic. . . . NYDIA WESTMAN added to "Three Live Ghosts," M-G-M.

✚

Directors—GEORGE STEVENS to direct KATHARINE HEPBURN in "Quality Street," Radio. . . . SOL LESSER has signed ARTHUR GREVILLE COLLINS to direct "We Sing Again," co-starring LEO CARRILLO and BOBBY BREEN.

✚

Writers—SETON I. MILLER signed to do screenplay for "The Leathernecks Have Landed," Republic. . . . SOL LESSER signs four writers—GERALD and MAURICE GERAGHTY for "The Mine with the Iron Door"; GILBERT WRIGHT, son of HAROLD BELL WRIGHT, for "The Re-creation of Brian Kent"; CHARLES ARTHUR POWELL to write a story about the life of Tiburcio Vasques, figure in early California history.

Photophone Points to Profits

NOW a complete SOUND PROJECTOR

Up to now, projection equipment has been in three units—lamp, projector proper, and sound head. RCA Photophone now takes the lead by offering these in a single unit.

★ The *new* RCA Photophone Sound Projector is now available, combining the three units in a single, substantial cast aluminum case. You can buy this at a first cost that is less than that of the three parts if purchased separately. Because all is built together, every part fitting every other perfectly, the whole harmonized to the highest degree, reliability is increased, service and maintenance expenses reduced, picture and sound reproduction increased in perfection. This is the most modern, perfected and profitable of projectors. When considering original equipment, remember its promise to save you money as well as make you money.

RCA PHOTOPHONE
RCA TRANS LUX · RCA SONOTONE
RCA MANUFACTURING CO., INC.
CAMDEN · NEW JERSEY

A Radio Corporation of America Subsidiary

YEA, KAY



YOUR FIRST 4 DAYS AT N. Y. STRAND WERE BIGGEST SINCE "G-MEN"!

And here's just about the highest praise a gentleman of the press can pay to the leading lady of the screen—"Kay Francis reaches new heights. An emotional role so brave, tender and profound that a Duse or a Bernhardt would have loved it. And how she plays it! Her acting in 'I Found Stella Parish' is, by all odds, the finest single performance on the current screen."—Gerald Breitigam, in N. Y. World-Telegram

Sorry, New York, but you'll have to wait at least another week for the widely-heralded screen debut of James Melton in "Stars Over Broadway", due to sensational success of

KAY FRANCIS

in

"I FOUND STELLA PARISH"

With Ian Hunter • Paul Lukas • Sybil Jason • Jessie Ralph
Barton MacLane • Eddie Acuff • Joseph Sawyer

A First National Picture directed by MERVYN LeROY and produced by

WARNER BROS.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 113 NEW YORK, TUESDAY, NOVEMBER 12, 1935 TEN CENTS

JURY ACQUITS DEFENDANTS IN ST. LOUIS TRUST CASE

Depinet Will Stay at RKO, Asserts Spitz

CHICAGO, Nov. 11.—Ned E. Depinet, president of RKO Radio Distributing Corp., will continue with the company in his present capacity as head of RKO distribution, Leo Spitz, newly designated president of RKO, said today following a meeting here yesterday with Depinet and J. R. McDonough, president of Radio Pictures.

Spitz's statement is regarded as the answer to recent reports that Depinet might assume a high post tendered him by United Artists—possibly the presidency of that company, which was vacated with the resignation of Al Lichtman. Asked specifically about the reports of a United Artists alignment for Depinet, Spitz replied that

(*Continued on page 6*)

Cassatt Remaining On Para's. Board

Robert K. Cassatt, Philadelphia and New York investment broker, advised Paramount officials yesterday that he had abandoned consideration of resigning from the Paramount board and would continue as a member. Cassatt is serving a one-year term which expires next June. During recent weeks he had been considering resigning from the board because of the press of other business.

Cassatt's decision to remain stabilizes the board after its recent period

(*Continued on page 6*)

Paramount Agrees To Withdraw Film

A notification that Spain had demanded that all prints of "The Devil Is a Woman" be withdrawn from circulation all over the world as rapidly as possible, with, however, no time limit for the completion of the withdrawal being set, was received by the Paramount home office yesterday.

The company said it would take steps immediately to carry out Spain's

(*Continued on page 6*)

Labor Seeks Share in New Code Confabs

WASHINGTON, Nov. 11.—Demands that labor be given a voice in the writing of any new codes which may be imposed upon industry and equal representation in the administration thereof will be presented next month at the conference for consideration of new industrial control legislation called for Dec. 9 by George L. Barry, President Roosevelt's coordinator for industrial control, it was learned here today.

Unless such demands are granted organized labor will not support new legislation, feeling that without a voice in the writing and administration of codes labor would gain nothing.

Because of the fact that it has no such privileges and also because no machinery has been set up for enforcement, labor is opposing the voluntary codes which have been submitted by a few industries, dooming to failure President Roosevelt's plan thus to protect the advantages gained by workers under the old recovery codes.

This opposition, labor leaders warn, will be extended to any new code recommendations unless their demands for representation are met.

Ontario Premier to Retire in December

TORONTO, Nov. 11.—A political sensation followed the announcement of Premier M. F. Hepburn of Ontario that the stiff amusements tax schedule imposed last June over loud protests from exhibitors would be modified appreciably in the low-price brackets when Hepburn came out with the information that he would retire from office as soon as the next session of the Provincial Legislature gets under way. The Ontario Premier had been the target for condemnatory resolutions ever since the unpopular increases were made in the amusements levy.

Word of the Premier's withdrawal was followed by the official announcement by R. C. Buckley, director of

(*Continued on page 6*)

H. M. Warner, Sears, Starr, Depinet and Schaefer and Three Major Companies Are Freed After 34 Minutes

By BILL ORNSTEIN

ST. LOUIS, Nov. 11.—With a swiftness that caught courtroom attendants by surprise, the jury hearing the anti-trust cases against five film executives and their companies returned a verdict of "Not guilty" at 6:08 o'clock tonight.

The jurors were out 34 minutes.

The curtain fell with a thud on a courtroom drama that had been in progress for six weeks. Every resource of the Department of Justice has been brought to bear to prove a conspiracy in restraint of trade and an imposing array of legal talent had fought every inch of the way in defense. No trick of law had been overlooked.

From court opening to lunch time Judge George H. Moore read his charge. He stopped at 1 o'clock and resumed again at 2 o'clock. The verdict might have been rendered then, had not the defense attorneys objected to portions of the charge.

Throughout the afternoon they filed protests. Frederick H. Wood talked for 25 minutes, William R. Gentry took 20; Jacob M. Lashly consumed 20 minutes, and George S. Leisure held his remarks down to 10 minutes. The burden of their complaints was that some portions of the court's charge had been prejudicial to the defendants; that others were improper; that the court had invaded the province of the jury.

The jury listened wearily and swept all technicalities aside in a few moments. One of them was heard to

(*Continued on page 8*)

Two Holidays Lift Broadway Grosses

Capacity business on Election Day and a strong weekend due to Armistice Day, characterized Broadway takes. "Mutiny on the Bounty," in its first four days at the Capitol, did $36,000, with the theatre claiming capacity attendance on Saturday and Sunday. The second week of "Rendezvous" brought $26,500. The Music Hall grossed a fair $80,000 with "The Three Musketeers." The third week of "A Midsummer Night's Dream" brought $17,000, according to Warners.

The Strand showed $22,500 for the

(*Continued on page 6*)

Theatre Business on Way Up, Says Clark

Theatre business generally is flourishing and Twentieth Century-Fox sales are larger this year than at any time in the last six years, according to John D. Clark, general manager of distribution, just returned after a five-week tour of company exchanges and a studio visit. It is his opinion that business in general is showing a definite uptrend.

W. C. Gehring, leader of the company's annual sales drive, accompanied Clark.

Portland Refuses to Cut "Time" Sequence

"March of Time" executives here have received word that the Portland, Ore., Censor Board has denied a request of the German consul there to censor the Hitler sequence of the current "March of Time." Mrs. E. B. Colwell, the censor board secretary, who refused to take action, said: "I saw nothing to censor. It shows only what we have read for months in the newspapers."

Sentence Georgians For Bank Night Use

CORDELE, Ga., Nov. 11.—Bank Night here has resulted in a 12-month jail sentence for Dan Roberts of Atlanta. Sentence was suspended, however, and a fine of $500 and costs was imposed.

Frank J. Woods, owner of the theatre, also was given the same sentence. This, too, was suspended and a fine of $200 and costs was imposed. Appeals have been taken in both cases.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 12, 1935 No. 113

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets. *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

American Seating Gains

The American Seating Co. for the nine months to Sept. 30 reports a consolidated profit of $237,236 after depreciation, interest and other charges, but not allowing for Federal tax. After allowing $26,000 for tax reserve, the net reduces itself to $211,236, which is equal to $1.05 a share on 202,875 net par common shares excluding stock held in the treasury. Profit before tax for the identical period last was $95,579.

Herzbrun Elected

HOLLYWOOD, Nov. 11.—Bernard Herzbrun has been reelected chairman of the Art Directors' Branch of the Academy for the coming year. At future meetings the subject of color will be discussed to familiarize members with new developments in color from the standpoint of set design.

Heads Academy Group

HOLLYWOOD, Nov. 11.—Harold McCord, Warner film editing head, today was named chairman of the Film Editors' Section of the Technicians' Branch of the M. P. Academy. The section has 20 members.

DONALD MEEK
"PETER IBBETSON"
WILLIAM MORRIS OFFICE

Purely Personal

NICHOLAS M. SCHENCK has landed at Culver City, forsaking an original plan to make the westward trip with FELIX F. FEIST, who has been delayed by business and may not leave for several more days.

•

DAVID PALFREYMAN is in Oklahoma City for the Oklahoma T. O. convention opening today. From there he goes to Little Rock and New Orleans for other exhibitor meetings, returning here Nov. 25.

•

AL CHRISTIE starts work tomorrow on a new Young Romance comedy at the Astoria studios. It is titled "Girl Fever" from an original by ARTHUR JARRETT and WILLIAM WATSON.

•

A. H. BLANK is in town from Des Moines to discuss with Paramount officials an extension of his theatre operating agreement with the company.

•

GEORGE OPPENHEIMER's and FINLEY PETER DUNNE's original story "Tenth Reunion" has been purchased by M-G-M.

•

MARTIN BECK, FRANZ WERFEL and MRS. REINHARDT, who is HELEN THIMIG arrive here on the *Ile de France* today.

•

RUBINOFF will appear with his violine at the Ampa luncheon at Jack Dempsey's, Thursday.

•

KARL HOBLITZELLE's wardrobe (purchased in Dallas) has the Broadway and Park Ave. fashion plates envious.

•

LOUIS MARLOWE, formerly with Warners, has joined the Jam Handy organization to do exploitation.

•

BARNEY BALABAN is here from Chicago for conferences on product deals.

"Parnell" Has Premiere

Frederick W. Ayer, formerly of the editorial staff of *Motion Picture Herald,* in association with Robinson Smith, presented the play, "Parnell," at the Ethel Barrymore Theatre last night. It was staged by Guthrie McClintic. The principal players are George Curzon, Margaret Rawlings and Effie Shannon. The play is based on the life of Parnell, Irish statesman. At the premiere performance it was enthusiastically received.

Pick Buchanan's First

LONDON, Nov. 11.—Jack Buchanan's first for Herbert Wilcox Prod. will be "The Triumph of the Scarlet Pimpernel." Buchanan, now en route to England, will play the role of Sir Percy Blackeney under the personal direction of Herbert Wilcox.

Find Bomb at St. Louis

ST. LOUIS, Nov. 11.—A makeshift bomb was found on the first landing of a fire escape at the Grand Opera House the other night by an employe, the fuse somewhat singed, but not enough to explode nine sticks of dynamite taped together.

Shortt, Britain's Censor Head, Dead

LONDON, Nov. 11.—Edward Shortt, president of the British Board of Film Censors, died suddenly today of blood poisoning following an attack of influenza. He was 73 years old.

Shortt was Chief Secretary for Ireland in 1918 and Home Secretary in Lloyd George's cabinet from 1919 to 1922. He served in Parliament for 12 years as a Liberal member from West Newcastle. He was made president of the Censor Board in 1929, succeeding the late T. P. O'Connor. Surviving are his widow, Isabella Stewart Shortt and three daughters.

Charles Philipp Dead

LONDON, Oct. 30.—Charles Philipp, who recently resigned from the position of sales manager for Fox Films in London, is dead. Graduating from the publicity department, Philipp worked up from the position of provincial salesman to chief of the department within a few years. Failing health caused his resignation.

Rites for Henry Pollak

Funeral services for Henry Pollak, brother of Joseph Pollak, one time president of National Screen Service, were held from the Riverside Memorial Chapel yesterday morning. Pollak had been seriously ill for a number of weeks and recently underwent an operation.

Arliss May Return Here

LONDON, Nov. 11.—Rumors to the effect that George Arliss would not return to America because of dissatisfaction with working conditions there were denied today by the actor. He explained that he had been misquoted. His absence is by no means permanent, he says, and he is delighted with his Hollywood affiliations rather than dissatisfied.

Feature Frisco Shows

SAN FRANCISCO, Nov. 11.—Two first runs are featuring stage attractions in advertising to meet competition of many "legit" roadshows and local stock and burlesque houses here.

The Warfield this week is playing Ted Lewis' stage act with "Hands Across the Table," while the Orpheum is slated to show Cab Calloway and his band next week.

Shearer Wins Again

HOLLYWOOD, Nov. 11. — Norma Shearer has again received the Gold Medal Award of *Photoplay,* and is the only actress to win the award twice. It was given her this time for her performance in "The Barretts of Wimpole Street," and previously for her work in "Smilin' Through."

Pope Sees Pettijohn

VATICAN CITY, Nov. 11.—Charles C. Pettijohn of the Hays office was granted an audience here today by Pope Pius XI.

Ohio Theatre Razed

MARIETTA, O., Nov. 11.—The Municipal Bldg. here, containing the Auditorium was destroyed by fire today. The structure will be rebuilt. The theatre was unoccupied at the time of the fire.

Adoption Highlights Variety Club Dinner

PITTSBURGH, Nov. 11.—The adoption of a 13-months-old girl from the Roselia Foundling Home by the Variety Club stole the show at the seventh annual Big Top dinner at the William Penn Hotel here last night. She will be called Catherine Variety Sheridan II. With a plug-in into the hall and Walter Winchell broadcasting on his regular program as a feature, the affair was pronounced a real success. More than 1,000 attended.

The honor guests included Governor Nice of Maryland, former Governor Conley of Maryland, Secretary of the Commonwealth David Lawrence. Others present were: Joseph Bernhard, Mort Blumenstock, Herman Robbins, W. F. Rodgers, Max Cohen, Harry Michalson and Rube Jackter. Floor shows from every night club in the city provided the entertainment.

John A. Deery Loses Appeal in Bank Case

BOSTON, Nov. 11.—John A. Deery, head of the Salem Realty Co., which recently took over five theatres here from Paramount, and who operate other New England theatres, has been denied a new trial by the U. S. Circuit Court of Appeals.

Deery was sentenced to one year and a day by the U. S. District Court here after being convicted of aiding and abetting misappropriation of $131,000 while president of the closed Salem Trust Co.

Daniel Mulloney, president of the closed Federal National Bank, who was convicted in the same case and similarly sentenced, also was denied a new trial.

Theatre loans were principally involved in the case.

Bay State Sends Out Warning on Lobbies

BOSTON, Nov. 11.—Use of theatre lobbies for merchandise displays has called forth a warning from George C. Parsons, chief inspector for the State Department of Public Safety, that no blocking of exits will be tolerated.

A warning also has been given on overcrowding with a threat of revocation of licenses.

Quins Signed

Pathe News, Inc., has signed with the Canadian Government for the exclusive newsreel and short subject rights of the Dionne Quintuplets, for three years from July, 1936. Twentieth Century-Fox has signed the children for its forthcoming "The Country Doctor," in which Dr. Dafoe is expected to appear.

Observe Armistice Day

Armistice Day was observed yesterday by major companies' home offices here by a two-minute period of silence at 11 A. M. Otherwise business routine went on an usual. Twentieth Century-Fox declared a half holiday, closing at one.

Street Closed Monday

Wall Street, the stock and bond markets were closed yesterday in observance of Armistice Day.

WE HAD TO DIG FOR THIS ONE!



As you lads know, a tough assignment is to dig up a combination tear-jerker and action picture that's got something on the ball.

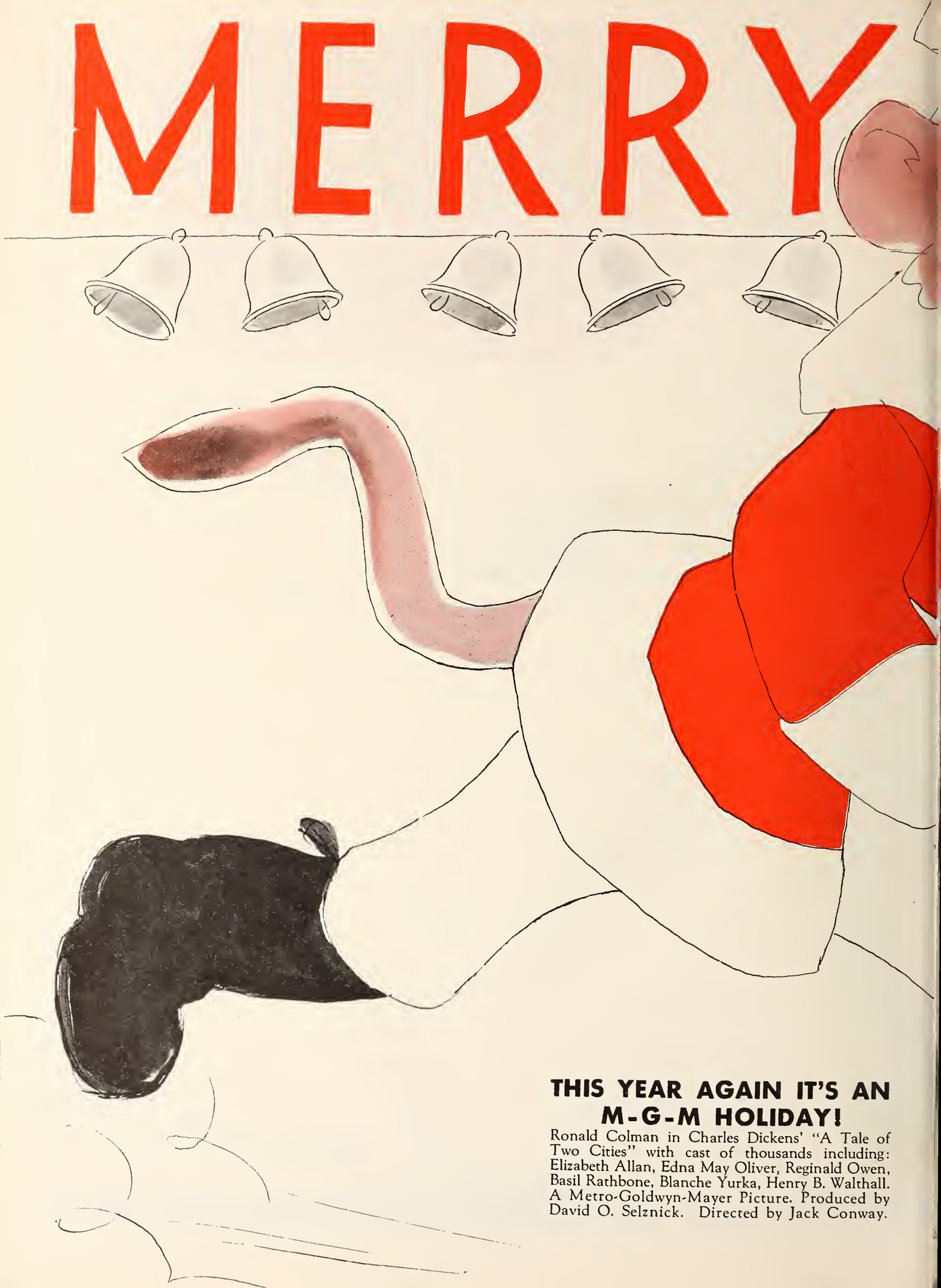
WALTER WANGER and his gang had the neat little job of getting one to fit **SYLVIA SIDNEY,** the gal who, given a picture that's up her alley, can knock 'em in the aisles from Times Square to 'Frisco. Remember how she sold tickets with "Ladies of the Big House," "An American Tragedy" and "Jenny Gerhardt "?

We didn't want another "G-Man" picture, nor a courtroom picture, nor a prison picture. They're old stuff. We wanted something new. We found it, after plenty of digging, in **"MARY BURNS, FUGITIVE,"** the drama of an average American girl whose first innocent romance gets her into a jam with the law.

"MARY BURNS, FUGITIVE," fits Sylvia's talents like the well-known glove and once more proves the old saying that...

Paramount Pictures

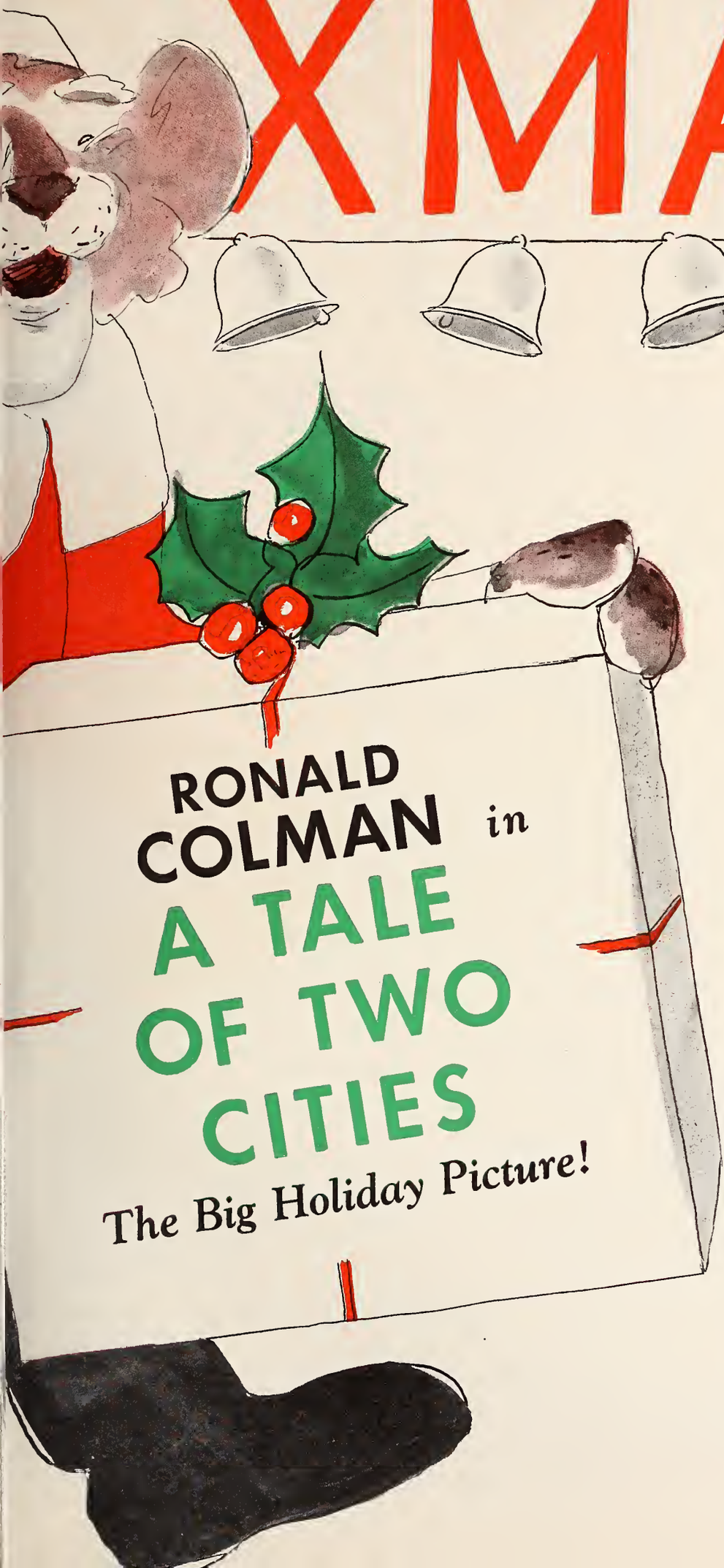
It Pays to Play a Paramount Picture!



THIS YEAR AGAIN IT'S AN M-G-M HOLIDAY!

Ronald Colman in Charles Dickens' "A Tale of Two Cities" with cast of thousands including: Elizabeth Allan, Edna May Oliver, Reginald Owen, Basil Rathbone, Blanche Yurka, Henry B. Walthall. A Metro-Goldwyn-Mayer Picture. Produced by David O. Selznick. Directed by Jack Conway.

XMAS!



RONALD COLMAN *in*

A TALE OF TWO CITIES

The Big Holiday Picture!

Start NOW!
Keep it up!
Tell the folks
That *you've* got
The One and Only
Big Holiday Show
of the
Festive Season!
Last Christmas
M-G-M stole the
Box-office thunder
with Mr. Dickens'
"David Copperfield"
This year, again,
Records go
To the Dickens
With "A Tale of
Two Cities" from
Santa Claus Leo!

New Mexican Company Set On Producing

By JAMES LOCKHART

MEXICO CITY, Nov. 11.—Production activity is being revived by Cinematografico Latino Americana, S.A., newest venture here, which plans to make six features and 12 shorts. Alberto R. Pani, son of a former Minister of Finance, is president.

The features will be dramas based upon popular Mexican novels. The first will be "Vamonos Con Pancho Villa" (Let's Go with Pancho Villa). Two directors, each making three subjects, will be used. One, Fernando de Fuentes, was with Paramount.

The shorts will be scenics and will be based on Mexican folklore. They will cover scenes popular with American tourists.

This company also has acquired Mexican distribution rights to 12 features and 30 shorts produced by Compania Industrial Film Espanol of Spain.

* * *

For the announced purpose of protecting its interests, the National Union of Cinematographic Artists has decided to join the National Revolutionary Party, the political group which dominates the Government.

* * *

The Government is considering a proposition from Mexican cattle men in the northern part of the country to open negotiations with the United States whereby American films and automobiles would be imported without duty in return for the privilege of exporting cattle to the U. S. without paying duty.

* * *

"Thunder Over Mexico" which was barred shortly after its completion on the ground that it slighted the country has been approved for showing because of the film shortage resulting from strikes.

* * *

Gaumont British has signed with German Camus & Co., local distributors of imported films, for handling a series of features.

Vaudeville Renews Battle in Lincoln

LINCOLN, NEB., Nov. 11.—Vaudeville, returning to the Varsity, has renewed the recently quieted duel between J. H. Cooper and L. L. Dent houses. Result is that Cooper's Orpheum is matching day and date with a big stage show.

The latter's practice has been vaudeville Friday, Saturday and Sunday, but when news of the Varsity's intentions hit the street, the first half was started Thursday, so the second half would be a fresh competing show Sunday. Varsity's attraction is Tom Gentry's unit and the Orpheum has "Transcontinental Revue" with Roy Atwell. Varsity has had straight pictures for five weeks, after giving shows a try earlier.

Form Theatre Booking

ALBANY, Nov. 11.—Theatre Booking Offices, Inc., has been formed here by Morris M. Mintz, Blanche Greeley and Philip G. Steindler.

Cassatt Remaining On Para's. Board

(Continued from page 1)

of flux begun with the resignation some weeks ago of Frank A. Vanderlip and followed by that of William S. Gray, Jr. Vanderlip, who had been elected to a three-year term, was succeeded last week by Stanton Griffiths of Hemphill, Noyes & Co., representative of holders of a considerable amount of Paramount securities. The vacancy created by Gray's resignation, and involving a one-year term, is not likely to be filled, it is said. Gray went on the board with the understanding that he would be permitted to resign at the earliest possible date.

No other immediate changes in the board are expected although if current discussions which would give George J. Schaefer the operating management of Minnesota Amusement Co. are consummated, it is assumed that Schaefer would resign from the board. Schaefer, too, is serving a one-year term and, in the event of his resignation, it is not believed that this vacancy, either, would be filled. This would be in keeping with the objective of the company's reorganizers to provide Paramount with a small, actively working board on which management representation would be held o a minimum.

Bowes Rents Warner House in Hartford

HARTFORD, Nov. 11.—Major Bowes has rented the State from Warners' for a two-day engagement of one of his amateur units and his own personal appearance, beginning Nov. 29.

The State is a 4,200-seater. Although dark for the past two years, it is stated that Warners' may reopen the house at a later date as part of a statewide move to open closed houses.

Six Warner houses, closed from two to seven years, are on the reopened lists. The Empress, Danbury, will be in first run operation in a week, it is announced, supplementing Warners' Capitol and Palace in this town. The Bristol, Bristol; Broadway, Norwich; Tremont, Ansonia; Gem, Willimantic, and Circle, South Manchester, are the remaining theatres which have now taken a new lease on life.

The Gem, which had to be refurnished with seats and sound equipment, will be a one-day house. The Rialto, South Manchester, has been dropped by Warners.

Amateurs in St. Louis

ST. LOUIS, Nov. 11.—Major Bowes' Amateurs, appearing in conjunction with the Auto show at the Arena this week, are expected to dent box-office takes.

This is the first time automobile dealers have engaged amateurs to draw patronage. Admission is 40 cents for both matinee and evening performances.

McNeill on Way East

SAN FRANCISCO, Nov. 11.—R. A. McNeill, general manager of the Golden State circuit, has sailed for New York via the Panama Canal on a combined business-pleasure trip. He is accompanied by his wife and daughter.

Depinet Will Stay at RKO, Asserts Spitz

(Continued from page 1)

there was no truth to them. Depinet came here from St. Louis for the meeting with Spitz and McDonough and returned to the scene of the Federal court conspiracy trial last night. Spitz said that he would leave for the coast by plane next week to pay his first visit to the Radio studios and that Depinet, St. Louis court developments permitting, would accompany him.

The new RKO president said that no discussions of a new contract for McDonough had been held and that the production head's present agreement has 10 more months to run. He reiterated his statement made to MOTION PICTURE DAILY before leaving New York that no changes in the RKO executive setup are planned.

"I haven't even received an application for a job from anyone," Spitz remarked.

Columbia Changes SEC Registration

WASHINGTON, Nov. 11.—Amendments to the stock registration originally filed last month, supplying information then omitted, were submitted to the Securities and Exchange Commission today by Columbia Pictures.

Today's statement shows that the 75,000 shares of no par $2.75 cumulative preferred stock and the 135,000 shares of no par common for which registration is sought are to be offered to the public at $50 per share. Unless disapproved by the commission, the registration becomes effective Nov. 14.

The price of the stock to the underwriters is to be $46.50 per share, it was shown. The issues are being underwritten by Hemphill, Noyes & Co.; Bancamerica Blair Corp.; Goldman, Sachs & Co.; Weirheim & Co., and Eastman, Dillon & Co.

Ontario Premier to Retire in December

(Continued from page 1)

the amusements tax branch, Toronto, to the effect that the amended amusements tax rates would go into effect Dec. 2. The revised schedule reduces the tax on admissions of 15c or under from two to one cent; not more than 25c, from five to two cents, and on admissions not exceeding 35c the tax is down to three cents from five cents.

Two Holidays Lift Broadway Grosses

(Continued from page 1)

first week of "I Found Stella Parish." The Paramount had $27,000 with "Hands Across the Table," the Roxy did $33,600 with the second week of "Transatlantic Tunnel." The Rivoli grossed $11,500 for the last four days of "Barbary Coast," and the Palace, double-billing "Metropolitan" and "The Rainmakers," did $7,500.

Paramount Agrees To Withdraw Film

(Continued from page 1)

demand. The fact that no time limit was set for completing the withdrawal of the Marlene Dietrich picture from circulation makes it possible for Paramount to negotiate contract settlements with accounts which have bought the picture and have not yet played it, it was said. If Spain had insisted upon immediate world wide withdrawal of the picture the company undoubtedly would have been faced with numerous lawsuits for breach of contract if it had complied, a Paramount official said.

The edict on the removal of the picture from circulation as quickly as possible was described as "very satisfactory." This solution for Spain's objections to the picture was reached by the American State Department through the Embassy at Madrid working with Spanish officials. It is understood that Spain has instructed its Embassies throughout the world to observe the progress of the withdrawal of the picture and to expedite it wherever possible.

Spanish national sensibilities were shocked at the picture's portrayal of Civil Guards of that nation in drinking scenes, it is reported. Spain had first demanded that the picture be withdrawn from world circulation and the prints destroyed by last night, failing which Paramount pictures in Spain would be confiscated and the company's product would be barred from Spain in the future.

Delaware Group to Gather Again Soon

WILMINGTON, Del., Nov. 11.—Plans for a general meeting of the Independent M. P. Theatre Owners' Ass'n. of Delaware and the Eastern Shore of Maryland, to thresh out competition problems and adopt a code for fair dealing, are expected to be ready soon, says A. Joseph DeFiore, president.

DeFiore has been called on by several down-State members to sponsor a reorganization of the group. This is a result of some of the wildest competition ever on the Delaware peninsula. Jack Pots and Bank Nights were largely responsible for the struggle among independents.

To Talk Oklahoma Taxes

OKLAHOMA CITY, Nov. 11.—Old age pension taxes will be discussed by 250 theatre men here Tuesday for the convention of the M.P.T.O. of Oklahoma. Ed Kuykendall, M.P.T.O.A. president, will be one of the principal speakers.

In the evening there will be a dinner-dance at which Gene Autry will sing at the Biltmore.

The tax situation has become acute. Morris Lowenstein, president, says exhibitors are now paying about two per cent of their grosses, or five per cent of their net, in taxes.

Iowa Meet Set

DES MOINES, Nov. 11.—Allied Theatre Owners of Iowa and Nebraska will hold the annual convention here at the Savery Hotel Nov. 18 and 19. Officers and directors will be elected.

Several screenings are scheduled at the Fox and Paramount theatres.

UNIVERSAL ANNOUNCES

THE GREATEST SIMULTANEOUS NATION-WIDE TRADE SHOWING IN MOTION PICTURE HISTORY FOR THE MOST MAGNIFICENT PRODUCTION IN UNIVERSAL HISTORY

IRENE DUNNE AND ROBERT TAYLOR

IN

JOHN M. STAHL'S

MAGNIFICENT OBSESSION

FROM THE PHENOMENAL BEST-SELLING NOVEL BY LLOYD C. DOUGLAS

WITH CHARLES BUTTERWORTH

BETTY FURNESS • SARA HADEN

RALPH MORGAN • HENRY ARMETTA

WHEN? WHERE? WATCH!

Tense Drama Brought to Swift End

Jury Returns Early Verdict Of Acquittal

(Continued from page 1)

remark: "We just couldn't see the case."

Gradwell Sears' aged mother, who has sat through many of the sessions, listened to the verdict and wept softly. She stepped over and thanked the jurors individually.

Harry M. Warner was not present to hear the verdict. He has not returned from the coast, where he went to attend the funeral of his father. The other defendants—Sears, Herman Starr, Ned E. Depinet and Schaefer—were obviously relieved. Abel Cary Thomas, secretary and general counsel of Warners, who was named in the original indictments returned last spring, was not tried because of illness.

Cites Decision

The indictments charged that the individuals and their companies—Warners, RKO, Paramount and their subsidiaries—had entered into a conspiracy to prevent the Fanchon & Marco-operated Missouri, Ambassador and New Grand Central theatres from getting first-run film. The origin of the controversy dated back to the conflicts resulting from loss of control by Warners when these properties were in financial difficulties.

In his instructions to the jury Judge George H. Moore ruled the Harry Koplar suits and differences Koplar had had with RKO and Paramount must be disregarded as not an issue in the case. He also stated that Warners' three plans of reorganization submitted to bondholders had no bearing on the case and immediately afterwards cited a decision of Federal Judge Davis, who had held in favor of the bondholders' plan.

Judge Moore also told the jurors that the defendants' charges of monopoly against F. & M. must be disregarded as immaterial. He also said that Reed's statement about John Barleycorn speaking instead of John S. Leahy at the Park Plaza Hotel session in New York on April 7, 1934, was out because Depinet had testified no one was drunk. He told the jury to decide credibility of the witnesses by comparing statements made on the stand of both defense and Government men. Exception was taken to the Judge's assuming the existence of a conspiracy. It was declared this was something for the jury to decide.

Many references were said by Wood to be improper because the Judge had failed to regard certain contentions made by Warners. In some instances the Judge was declared as not having completed the statements of witnesses, leaving an unfair impression in the minds of jurors.

Court Dust Storm

Moore made two attempts to stop Wood and Gentry from presenting lengthy exceptions by telling each attorney not to argue them. The defense counsel insisted on giving their reasons for exceptions.

A homemade dust storm hit the jury room this morning when the ventilating system in the new courtroom was turned on. The chandeliers were swept clean by the gust of wind and the Judge had to call a recess. The system was so cold top coats were donned in court.

In his opening address, Judge Moore ridiculed the new courtroom as inadequate. There was no court reporters' table, no press table and not enough tables for defense and Government counsel. Moore described the room as "the bottom of a well hole." Samuel Fordyce noticed a goat engraved in the black marble of the Judge's entrance and asked what the significance was. The Judge failed to answer this question.

"In order to find the defendants guilty two points must be taken into consideration," Judge Moore stated. "One is that refusal of the defendants to supply films to the Ambassador, Missouri and New Grand Central restrained interstate commerce, and, two, that the defendants conspired together to that end."

The Judge had made a thorough analysis of the case since Friday afternoon when court adjourned until this morning and gave a resume of what he thought to be the undisputed evidence and certain connections and conversations which he held to be the case.

40 Exceptions Taken

Defense counsel objected to practically every statement made. Warners noted more than 40 exceptions alone.

It was expected that the jury would be out for some time. When it was sent into consultation the court was left with about 10 persons. When the 12 men returned it was first thought they were to be excused until tomorrow because of the late hour. It was 6:08 o'clock when the jurors filed back and were ready to hand down the verdict. About 25 persons were in the court and not one defendant or Government attorney to hear the acquittal.

When Schaefer was informed by MOTION PICTURE DAILY of the decision he thought the reporter was joking. He was in the lobby of the Federal building at the time and some of the jurors were just going home. Seeing his mistake, he called the jurors back and thanked them individually.

There was general rejoicing all around. Starr immediately left for Sam B. Jeffries' office where he telephoned the news to Warner in Hollywood. It was drizzling here today, but that didn't dampen the ardor of the five defendants. All will leave for New York tomorrow. No planes are flying east tonight and the boys are celebrating.

May Dismiss Equity Case

The equity case for an injunction is scheduled to come up tomorrow. Reports are that Judge Moore may dismiss it. If not, an adjournment is expected to be sought by defense counsel.

In his instructions Judge Moore pointed out all the alleged phrases attributed to Starr at meetings with the bondholders' committee and other Government witnesses. He said that the testimony of Harry Arthur had been corroborated by other Government witnesses, but defense attorneys found numerous loopholes and pointed them out in their exceptions.

Representatives of Warners, Paramount and RKO were shocked this morning as the Judge proceeded. Long faces were apparent as the many spectators, witnesses and defendants grouped in the hall during recesses.

In his opening exception, Wood

(Continued on page 9)

How They Took It

Herman Starr: **Justice has been done and righteousness has been upheld**

Gradwell Sears: **I am naturally glad of the 100 per cent acquittal for each individual and corporation. I am pleased no end, and realize others know we were honest in our intentions regardless of what constructions were placed on them. The good old Missouri jury of 12 tried and true men would not let another Missourian down.**

George J. Schaefer: **The promptness of the verdict speaks for itself. The case shows we can still depend on our jury system.**

Ned Depinet: **I am very happy that we were acquitted and vindicated, and that these 12 men gave me this decision.**

Quick Return Big Surprise For Schaefer

DEFENDANTS WHO WERE FREED BY JURY'S VERDICT



George J. Schaefer



Herman Starr



Ned E. Depinet



Gradwell Sears



H. M. Warner

Objections to Court's Talk Are Vigorous

(*Continued from page* 8)

declared the whole charge of the court was unduly argumentative and comment on the evidence was invading the province of the jury. Wood said over and over again that it was for the 12 men to decide who was telling the truth on the stand and no inferences should be drawn from any statements unless all surrounding facts were given.

When Judge Moore stated that only two valid defenses could be offered by defendants and no others, Wood declared this prejudicial, in that it was the burden of the Government to prove the defendants guilty without reasonable doubt rather than to force the defendants to prove their innocence.

Much Ado About Letters

Defense attorneys claimed the alleged monopoly maintained by F. & M. should not have been ruled out, as this was one of the reasons why Warners had acquired the Shubert-Rialto and Orpheum. RKO objected to the Koplar differences being disregarded on the ground he and his group had been "unfaithful customers." Between Wood, Gentry, Lashly and Leisure the defense, in taking exceptions to the Judge's charges, managed to get home to the jury many important points.

Much ado was made over letters which had passed between Lester Kreiger, Joseph Bernhard, Depinet and Schaefer. The court argued they were not binding, but all defense counsel argued this was not a proper interpretation of the law. Wood caught Judge Moore on the law when he argued he had a right to give reasons for his exceptions. Despite Russel Hardy's objections, the Judge had to ask the clerk to get a brochure on the subject and when it had been brought and looked into, Wood continued in his relentless breakdown of Government and court charges.

Wood Follows Leisure

The statements of Cresson Smith and Neil Agnew to Arthur were gone into in detail by the Judge, but Gentry and Leisure gave their version of what was said to have taken place. The connecting of isolated facts by the Judge was held by Lashly to be unwarranted.

After Leisure had finished Wood took up two points he had forgotten. These were that the undisputed evidence showed the pictures of three companies were sufficient for the two Warner theatres, which on a dual policy required 208. He also stated there was no evidence in the case that Warners had brought any pressure to bear on RKO or Paramount in the sale of their product. Defense attorneys have maintained all day there has not been any evidence introduced to show the three companies conspired either directly or indirectly.

Joseph G. Eddy was foreman and presented written decisions to the clerk of court who read individual verdicts of "Not guilty." It took less than five minutes to hear the decisions. There was an intensive silence as the clerk stammered out the verdicts.

On the Lighter Side

St. Louis, Nov. 11.—During the final summations, former U. S. Sentor James A. Reed stirred laughter when, in the midst of his argument, he recited a poem, as follows:

"He is not drunk who from the floor
Cannot rise again and drink some more.
He is drunk who on the floor prostrate lies
And can neither drink some more nor rise."

Reed was discussing John S. Leahy's drinking party at the Park Plaza, April 7, 1934, when the analogy was drawn.

✚

Ed Dubinsky came all the way from Kansas City, and Harry Singer from Chicago, to hear Frederick H. Wood and the 74-year-old ex-senator sum up.

✚

The entire local theatrical industry attended the biggest court sessions in six weeks on Thursday and Friday. The S.R.O. sign was up and as soon as court adjourned Friday afternoon moving men started to divest the room of its treasured etchings and paintings of old time judges, the benches, tables, seats and everything else.

✚

Many of the boys from New York were all set to return home Saturday for good, but had their plans changed when Federal Judge George H. Moore declined to charge the jury until today.

✚

George J. Schaefer has been patiently waiting for weeks to hear Judge Moore charge the jury. His patience was rewarded today.

Interest Runs High

Interest in the outcome of the St. Louis anti-trust trial was at high pitch in home offices and along Broadway yesterday and was reflected in numerous phone calls to *Motion Picture Daily* throughout the afternoon requesting the latest information on the court developments.

The inquiries were from high ranking executives of many companies and from attorneys prominent in the industry's legal affairs. Many asked to be advised of the verdict the moment word was received from St. Louis.

***Motion Picture Daily* informed a number of film executives of the verdict by telephone as soon as word was received from the courthouse.**

British Turn Down "Booking Holiday"

By BRUCE ALLAN

London, Oct. 30.—Manchester branch of the Cinematograph Exhibitors' Ass'n. has tabled a resolution for discussion by the general council calling for a "booking holiday" at the expense of distributors making a 50 per cent price demand for any of their features. No bookings would be placed in such firms for three months.

* * *

The directors' scheme for the reconstruction of Baird Television, implying a reduction of from 28 to 58 per cent in the value of existing shares and the raising of $1,500,000 new money, has been withdrawn, owing to shareholders' opposition. A new scheme is being drafted for submission at a special meeting.

Empire Film Men Shift

Toronto, Nov. 11.—Because of the enforced retirement of Maurice M. Davis, widely known exchange manager of Montreal, because of injuries received in an automobile accident, several changes have been made in the personnel of Empire Films, Ltd., by General Manager A. W. Perry.

I. H. Allen, manager of the Winnipeg office for several years, has been named successor to Davis at Montreal, while I. Coval, Calgary manager, has succeeded Allen at Winnipeg. Frank Fisher, formerly at the Toronto head office, has been appointed manager at Calgary.

Empire Films, of which Oscar R. Hanson is president, is the Canadian distributor of Republic, Educational, Monogram, B. I. P., Twickenham, Associated Radio and other pictures.

Fifty-three Films In Cutting Rooms

Hollywood, Nov. 11.—Most of the current season's unfinished product continued in studio cutting departments last week. A total of 54 features was being edited. Camera work, which has been fluctuating spasmodically for the past month, jumped substantially over last week's figures with the weekly checkup charting 39 features and three short subjects in production. The preceding week there were 33 features and two short subjects shooting.

Most of the major lots registered an increase in production. Columbia had three features working, three in preparation and slated for cameras in two weeks and five in the cutting rooms. Fox had six, three and three; Goldwyn, one, zero and one; M-G-M, six, zero and 13; Paramount, six, one and 11; Radio, five, four and five; Roach, two, zero and zero; Universal, two, two and three; Warners, seven, zero and 10; independents, one, one and three.

Short subject production remained about the same. Columbia had none in work, two in preparation and three cutting. M-G-M had one, four and four; Radio, one, zero and four; Roach, zero, one and three; Universal, zero, one and zero; Warners, one, one and zero; independents, zero, one and one.

Beery Out Hunting

Portland, Ore., Nov. 11.—Wallace Beery with a little time on his hands between "Ah, Wilderness" and "A Message to Garcia" flew here for three days of duck hunting.

Japanese at Work on New Films Setup

By TETSUYA MORI

Tokyo, Oct. 24.—Plans are under way for the early establishment here of a new film association, to be composed of producers, exhibitors, distributors and Governmental officials. It is in furtherance of an idea recently expressed at a meeting called for the discussion of national control of the film industry under the auspices of the Home Office. The new organization will be unlike the M. P. Ass'n of Japan and will work only for the development and improvement of the industry by joint effort.

E. Yokota, former president of Nikkatsu Cinema Co., has contributed 20,000 yen as part of the initial association fund.

* * *

The Shochiku Co. has nearly completed the production of "Semete-Koyoio" (Tonight at Least) at their new studio at Kamata, to which it recently moved. The picture is designed for audiences abroad, and is in the nature of a Tokyo gangster picture. The company also plans to enlarge its newsreel organization and build an equipment plant. The buildings will be modern in every respect.

* * *

The best box-office results recently in Tokyo have been grossed by Warners' "G-Man," which is out-grossing Paramount's "The Lives of a Bengal Lancer," an unusually heavy grosser recently.

* * *

It is reported in local trade papers here that M-G-M's Japanese branch plans a theatre under its own management, possibly at Shinjuku, one of the busiest amusement centers in the city. Japanese capital is reported interested in the venture. Paramount has had its own house here for some time.

Maryland Censors Cut

Baltimore, Nov. 11.—Three members of the Maryland Board of Censors had their salaries reduced because of the classification of state salaries, it was ruled by Herbert R. O'Connor, attorney general, during their term of office, could not be raised or decreased.

The Board of Public Works therefore deducted from them the added compensation which had been given by the new administration. Dr. Ben Paul Sandy, chairman, was reduced $100; Marie Presstmann, a member, was cut $100 and Asa Sharp, member, $100

Twin Openings Planned

Three forthcoming London Films productions will have simultaneous openings in both London and New York. The first of the three, which were supervised by Alexander Korda, will be Rene Clair's "The Ghost Goes West," opening at the London Pavilion and the Rivoli here next month. H. G. Wells' "Things To Come" opens late in January and another Wells opus "The Man Who Could Work Miracles" opens in February.

Frisco's Top To "Socrates" And "Payoff"

SAN FRANCISCO, Nov. 11.—In a week of slim grosses "The Payoff" and "Dr. Socrates" pulled the heavy money among the first runs, $12,750 at the Paramount. This tops normal by $1,250.

The only other attraction to make much of an impression was "Hands Across the Table," which was $1,000 up on a $22,000 take at the Warfield. "A Man's Children," Scandinavian picture, reached $1,050 at the 400-seat Clay.

Total first run business was $77,100. Average is $80,100.

Estimated takings:

Week Ending Nov. 5:

"THREE MUSKETEERS" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $12,000. (Average, $14,500)

Week Ending Nov. 6:

"SHE COULDN'T TAKE IT" (Col.)
"STORMY" (Univ.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days, 2nd week. **Gross:** $6,500. (Average, $6,800)

"POWER" (G. B.)
"MY SONG FOR YOU" (G. B.)
EMBASSY—(1,400), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,600)

"THE PAYOFF" (W. B.)
"DR. SOCRATES" (W. B.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $12,750. (Average, $11,500)

"BARBARY COAST" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 3rd week. **Gross:** $8,000. (Average, $9,600)

Week Ending Nov. 7:

"MUSIC IS MAGIC" (Fox)
"AFFAIR OF SUSAN" (Univ.)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,800. (Average, $6,000)

"THE CRUSADES" (Para.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $7,000)

"HANDS ACROSS THE TABLE" (Para.)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $22,000. (Average, $21,000)

Week Ending Nov. 8:

"A MAN'S CHILDREN" (Scandinavian)
CLAY—(400), 25c-35c, 7 days. **Gross:** $1,050. (Average, $700)

'Two-Fisted,' Show High in Oklahoma

OKLAHOMA CITY, Nov. 11.—"Two-Fisted," with Reisman's Alabamans on the stage at the Liberty for four days, was the big noise of the week here. This take was $300 over par for a full week.

Other houses were in a bad way. "Metropolitan," with Byrd's "Little America," finished with half a normal gross at the Midwest.

Total first run business, $10,900. Average is $13,500.

Estimated takings for the week ending Nov. 9:

"THE CRUSADES" (Para.)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $3,800. (Average, $5,000)

"METROPOLITAN" (Fox)
"LITTLE AMERICA" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 6 days. **Gross:** $2,000. (Average, $4,000)

"HERE COMES THE BAND" (M-G-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 6 days. **Gross:** $1,800. (Average, $2,000)

"TWO-FISTED" (Para.)
LIBERTY—(1,500), 10c-26c-40c, 4 days. Stage: Roisman's Alabamans. **Gross:** $2,800. (Average for week, $2,500)

"ANNAPOLIS FAREWELL" (Para.)
LIBERTY—(1,500), 10c-26c-36c, 3 days. **Gross:** $500. (Average for week, $2,500)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Ah Wilderness"

(M-G-M)

HOLLYWOOD, Nov. 11.—This picture mirrors life. It reflects ordinary human emotions, ambitions, tragedies, triumphs with sincere conviction. It does so with the simplicity that makes for power, giving audiences and the showmen the most to be desired in screen merchandise, a good story that was intelligently acted on the stage. It is hardly to be doubted that the picture will make a popular impression. It is of a character that is apt to arouse controversy but is certain to win approval. Its locale is a small town of three decades ago. The comedy drama glows with homey humor.

The drama is natural. Following vivid contrasts it builds to a sock climax when the father tries to explain the facts of life to his son. Eric Linden, the prototype of modern youth, is convinced that he is misunderstood. Lionel Barrymore is the average man, bearer of everyman's problems. An amusing high school graduation whirls the audience into the trials and tribulations of a middle class home. Linden deems his father and mother, Spring Byington, crusty old fogies; brothers Frank Albertson and Mickey Rooney, and sister, Bonita Granville, pests. Furious at his sweetheart, Cecelia Parker, for not kissing him, the youth becomes involved in an episode with Helen Flint. Welcomed home by his distraught family, Barrymore attempts to explain the facts of life. With the boy adjusting himself to new conditions, there's an all's-well-that-ends-well finale with Linden and Miss Parker.

No production code seal. Running time, 100 minutes (to be cut). "G."

"The Bride Comes Home"

(Paramount)

HOLLYWOOD, Nov. 11.—Here is a deft, clever comedy of lovers who fight all the way to the altar. The slight plot is directed and played so expertly that the film rates as a good, light laugh-provoker.

Claudette Colbert, the spoiled daughter of wealth, meets the depression when there is little left in the family mansion. She gets a job with Robert Young, millionaire playboy who is publishing a magazine. Fred MacMurray, as the editor, and Young's former bodyguard, resents her in the office until he discovers she is broke. By that time the quarrels are chronic and even after they decide it must be love the battles continue and Young, who has been proposing for years, gets Miss Colbert on the rebound and the film ends with MacMurray racing to head off the elopement and an unroarious scene with the justice of the peace.

Miss Colbert is delightful as the victim of the peppery romance. MacMurray scores as the suitor. Young is engaging as the persistent lover, and William Collier, Sr., makes the most of a funny father part. Excellent in support are Donald Meek, Johnny Arthur and Edgar Kennedy under the direction of Wesley Ruggles, who also produced.

A full measure of credit goes to Elizabeth Sanzay Holden for the story and Claude Binyohn for the clever screen play. Emphasis on the lighthearted human comedy and the charming cast are the best angles.

Production Code Seal No. 1,723. Running time, 85 minutes. "G."

"East of Java"

(Universal)

HOLLYWOOD, Nov. 11.—Melodramatic thrill action, with a trend toward horror, this is red meat for those liking that type of entertainment. Full of vivid, menacing danger, yet artificial to the point of unreality, the picture is for thrill fans.

It is the yarn of a bad man, whose reward for a lifetime of meanness is to be devoured by wild animals. Fugitive Charles Bickford takes command of a tramp freighter, when, during a tropical storm, the panic of the passengers is increased by the escape of a deck load of wild animals. Forcing the passengers and crew to land on an isolated, animal-infested island, Bickford is determined to keep away from the law. Conspiring to steal Chinese Captain Leslie Fenton's treasure, and forcing himself on Elizabeth Young, Frank Albertson's sweetheart, Bickford stops at nothing. With food running low and the animals becoming more menacing, Albertson sends a rescue plea via carrier pigeon. Bickford kills Fenton, his efforts to stop the rescue are futile, and as the others escape, he becomes the prey of the animals.

There is no comedy in the picture. George Melford directed from a story by Gouveneur Morris.

Production Code Seal No. 1,681. Running time, 75 minutes. "G."

Variety Club

Cleveland

CLEVELAND, Nov. 11.—The second annual Variety Ball, originally announced to take place Nov. 23, has been set back to Dec. 6. It will take place at the new theatre cafe, the Mayfair Casino.

The tent has taken over the entire club for the occasion, and will augment the regular Mayfair Casino stage show with its own specialty acts. M. B. HORWITZ, chairman of the ticket committee, is in charge of reservations. About 700 are expected to attend, according to I. J. SCHMERTZ, general chairman.

Philadelphia

PHILADELPHIA, Nov. 11.—The annual banquet committee includes JAY EMANUEL, AL DAVIS, BEN FERTEL, GEO. GRAVENSTINE, LOU GOLDSMITH, LOUISE KROUSE, TED SCHLANGER, JACK GREENBERG, LEONARD SCHLESINGER, DAVE WESHNER, ISAAC LEVY, FRANK L. MCNAMEE, WILLIAM H. LEE, SAM GROSS and HARRY MURDOCK. Dec. 8 has been designated as the date for the dinner at which new officers will be installed.

Nominees for the board of directors for the new year are JACK BERESIN, JAMES P. CLARK, JAY EMANUEL, JACK GREENBERG, LEON LEVY, LEWEN PIZOR, RAYMOND RAU, MILTON ROGASNER, LEONARD SCHLESINGER, EARLE SWEIGERT, CHARLES ZAGRANS.

Elections will be held Nov. 15 at the clubroom.

The nominating committee consists of SWEIGERT, DAVIS, ED SHERMAN, LEON LEVY, JACK GREENBERG, J. P. CLARK, TED SCHLANGER and ZAGRANS.

The women's auxiliary has gotten into full swing with several successful affairs.

GEORGE GRAVENSTINE, FRANK ACKLEY, SWEIGERT, EDGAR MOSS and EDDIE SHERMAN attended the Pittsburgh Variety Club function.

L. A. Criterion Reopened

LOS ANGELES, Nov. 11.—T. L. Tally's Criterion has reopened. The house has been closed for repairs following a fire several weeks ago.

It is understood the Criterion will play second runs following the Hillstreet and Pantages, which are day and dating.

Cincy Lyric Cuts Scales

CINCINNATI, Nov. 11.—Matinee price at the RKO Lyric has been reduced to 25 cents from the 30-cent scale which has been in effect for several months. Evening price for balcony also has been reduced from 35 to 25 cents, while the 40-cent top remains unchanged.

Gosnell to Loew's State

BOSTON, Nov. 11.—Stanley Gosnell has been appointed manager of Loew's State by Division Manager Addison. Gosnell succeeds Adolph Buerig, who left a few weeks ago for Calcutta to take another circuit position. He has been assistant manager at the State for sometime. No assistant has been named.

Change Subject Title

The title of the Van Beuren-Bill Corum Sport Series subject, "The Happiest Boy in Town," has been changed to "Tomorrow's Halfback."

"Down East" Pittsburgh's Top, $4,500

PITTSBURGH, Nov. 11.—Grosses all over town took a nosedive last week, with only the Fulton showing any improvement at all. "Way Down East," on a double bill with "Thunder Mountain," was credited with this, getting around $4,500 for the best showing this house has made since it reopened several weeks ago following a summer shutdown.

At the Stanley, the combination of "Dr. Socrates" on the screen and Ina Ray Hutton's band and Jane Froman on the stage held up fairly well, turning in a $17,000 take, while "The Big Broadcast of 1936" fell off to $9,000 at the Penn after an exceptionally good start. Not much better was the Alvin, with "Charlie Chan in Shanghai" and "The Girl Friend." This dual was good for only a weak $4,000, and the Warner's two, "The Rainmakers" and "Personal Maid's Secret," fared little better, doing about $4,100.

Total first run houses' grosses were $38,600. Average is $41,000.

Estimated takings for the week ending Nov. 7:

"THE GIRL FRIEND" (Col.)
"CHARLIE CHAN IN SHANGHAI" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5,500)

"WAY DOWN EAST" (Fox)
"THUNDER MOUNTAIN" (Fox)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $4,500. (Average, $4,000)

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
NIXON—(1,700), 57c-$1.71, 6 days, 12 showings, 2d week. **Gross:** $7,000. First week's gross: $15,000.

"THE BIG BROADCAST" (Para.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $9,000. (Average, $10,000).

"DR. SOCRATES" (W.B.)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Jane Froman, Ina Ray Hutton's band, Three Burke Sisters, Helen Honan, Dorothy Crooker. **Gross:** $17,000. (Average, $16,500)

"THE RAINMAKERS" (Radio)
"PERSONAL MAID'S SECRET" (W.B.)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,100. (Average, $5,000)

"Tunnel" $11,300 Leader in Buffalo

BUFFALO, Nov. 11.—"Transatlantic Tunnel" set a fast pace for first run business as Election Day holiday boosted all grosses. It drew $11,300 to the Lafayette, beating par by $5,300 and was held for another week.

"Rendezvous" was over the line by $1,300 at the Buffalo with a take of $13,300.

Total first run business was $45,560. Average is $38,400.

Estimated takings for the week ending Nov. 11:

"RENDEZVOUS" (M-G-M)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $13,300. (Average, $12,000)

"THE THREE MUSKETEERS" (Radio)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $7,500. (Average, $7,300)

"IT'S IN THE AIR" (M-G-M)
"WINGS OVER ETHIOPIA" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,160. (Average, $7,300)

"PERSONAL MAID" (W. B.)
"EAGLE'S BROOD" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,300. (Average, $5,800)

"TRANSATLANTIC TUNNEL" (G. B.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $11,300. (Average, $6,000)

"Indiscretion" and Rand Montreal Top

MONTREAL, Nov. 11.—A combination of "Age of Indiscretion" and "Cappy Ricks Returns," with Sally Rand on the stage, ran the take of Loew's up to $13,500, above the line by $3,000.

"Barbary Coast" proved a $9,000 draw at the Princess and the dual bill here was held over for a second week. "Broadway Melody of 1936" held its own at the Palace as the sole attraction and registered $12,500. "Bonnie Scotland" headed the film duo at the Capitol which resulted in the above-par figure of $10,000. Second week of "A Midsummer Night's Dream" as a roadshow at His Majesty's drew $5,000 after a first week of $8,500.

Total first run business was $54,500. Average is $50,000.

Estimated takings for the week ending Nov. 9:

"BONNIE SCOTLAND" (M-G-M)
"WOMAN WANTED" (M-G-M)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

"L'HOMME A L'OREILLE CASSEE" (French)
"LA SACRIFICE" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: Revue "Soie et Satin." Gross: $4,500. (Average, $3,500)

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
HIS MAJESTY'S—(1,700), 50c-75c-$1.00-$1.50, 7 days, 2nd week. **Gross:** $5,000. (Average, $8,500). First week: $8,500.

"AGE OF INDISCRETION" (M-G-M)
"CAPPY RICKS RETURNS (Republic)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: Sally Rand and vaudeville unit. **Gross:** $13,500. (Average, $10,500)

"BROADWAY MELODY OF 1936" (M-G-M)
PALACE — (2,600), 25c-35c-40c-40c-65c, 7 days. **Gross:** $12,500. (Average, $11,000)

"BARBARY COAST" (U. A.)
"ORCHIDS TO YOU" (Fox)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $9,000. (Average, $7,000). Held over.

Three Films, Show Get $2,600, Omaha

LINCOLN, Nov. 11.—In the mixed-up bills prevailing downtown these days a combination of "Paris in Spring," "Dante's Inferno" and "Affair of Susan," with a stage show for three days, garnered $2,600 at the Orpheum. This is over by $900.

"Powdersmoke Range" and "Fighting Youth," splitting a week at the Colonial, grossed $1,100. A combination of "Rendezvous" and "Wings Over Ethiopia" at the Lincoln was good for $3,000.

Total first run business was $13,300. Average is $9,850.

Estimated takings:

Week Ending Nov. 5:
"POWDERSMOKE RANGE" (Radio)
"FIGHTING YOUTH" (Univ.)
COLONIAL—(750), 10c-15c, 7 days, split. **Gross:** $1,100. (Average, $850)

Week Ending Nov. 6:
"PARIS IN SPRING" (Para.)
"DANTE'S INFERNO" (Fox)
"AFFAIR OF SUSAN" (Univ.)
ORPHEUM — (1,200), 10c-15c-20c-25c, 7 days, 3 with stage show headlining Brown and LaVelle. **Gross:** $2,600. (Average, $1,700)

Week Ending Nov. 7:
"RENDEZVOUS" (M-G-M)
"WINGS OVER ETHIOPIA" (Para.)
LINCOLN—(1,600), 10c-20c-25c, 7 days, dual. **Gross:** $3,000. (Average, $2,200)

Week Ending Nov. 8:
"SHIPMATES FOREVER" (W. B.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,600. (Average, $3,100)

Week Ending Nov. 9:
"SHE COULDN'T TAKE IT" (Col.)
VARSITY — (1,100), 10c-15c-20c-25c, 10 days. **Gross:** $3,000. (Average, 7 days, $1,700)

"Two," Bowes Unit Detroit Wow, $27,400

DETROIT, Nov. 11.—"Two for Tonight," with Major Bowes' amateurs on the stage of the Michigan proved a knockout here and made the going rough for some of the other first runs. The gross shot up to $27,400. Normal is $20,000.

"Metropolitan" was slightly over normal on a $16,200 take at the Fox. "The Crusades" took a somewhat-better-than-average $11,200 at the United Artists. "The Last Days of Pompeii" was on the profit side in its second week at the RKO Downtown with a gross of $11,300.

Total first run business was $75,700. Average is $67,500.

Estimated takings for the week ending Nov. 7:

"HIS NIGHT OUT" (Univ.)
"PUBLIC MENACE" (Para.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"METROPOLITAN" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts of vaudeville. **Gross:** $16,200. (Average, $15,000)

"TWO FOR TONIGHT" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Major Bowes' amateurs. **Gross:** $27,400. (Average, $20,000)

"LAST OUTPOST" (Para.)
"LITTLE AMERICA" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

"THE CRUSADES" (Para.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $11,200. (Average, $10,000)

"MIMI" (First Division)
LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $2,600. (Average, $2,500)

"LAST DAYS OF POMPEII" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days, 2nd week. **Gross:** $11,300. (Average, $10,000)

"Grimm," "BadBoy" High in New Haven

NEW HAVEN, Nov. 11.—"The Return of Peter Grimm," on a dual with "Bad Boy" at the College, outgrossed average by $700, with a $3,400 week.

"Last Days of Pompeii" and "His Night Out" hit $5,000, which is $500 over par for the Roger Sherman. The Poli fell $500 below average for the first time in many weeks with "Metropolitan" and "Guard That Girl" doing $6,000. "Ship Cafe" and "Mimi" also dipped $800 under the Paramount usual, with a $4,000 take.

Total first run business was $18,400. Average is $18,500.

Estimated takings for the week ending Nov. 8:

"RETURN OF PETER GRIMM" (Radio)
"BAD BOY" (Fox)
COLLEGE — (1,499), 25c-35c, 7 days. **Gross:** $3,400. (Average, $2,700)

"SHIP CAFE" (Para.)
"MIMI" (B. I. P.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $4,000. (Average, $4,800)

"METROPOLITAN" (Fox)
"GUARD THAT GIRL" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $6,000 (Average, $6,500)

"LAST DAYS OF POMPEII" (Radio)
"HIS NIGHT OUT" (Univ.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

Downing, Rush Nuptials

Russell V. Downing, treasurer of Radio City Music Hall, married Miss Sally Rush of Meridian, Miss., Saturday afternoon. They are honeymooning through the South.

"Rendezvous" High In Cincy, $16,000

CINCINNATI, Nov. 11.—Top money last week went to "Rendezvous," which was $4,000 better than average on a $16,000 gross at the RKO Albee. It was moved to the Capitol.

Runner-up was "His Night Out," which, with assistance of Dave Apollon and his unit on the stage, grabbed $14,000, up $2,000. "Shipmates Forever" nosed $150 over the line with a $2,900 take for the second downtown week at the RKO Grand.

Total first run business was $57,000. Average is $60,200.

Estimated takings:

Week Ending Nov. 6:
"WATERFRONT LADY" (Mascot)
"DEALERS IN DEATH" (Topical)
STRAND—(1,360), 15c-25c, 7 days. **Gross:** $1,250. (Average, $1,500)

"WAY DOWN EAST" (Fox)
RKO LYRIC—(1,400), 30c-35c-40c, 7 days. **Gross:** $4,750. (Average, $6,500)

Week Ending Nov. 7:
"RENDEZVOUS" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $16,000. (Average, $12,000) Moved to RKO Capitol.

"METROPOLITAN" (Fox)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $8,250. (Average, $10,000)

"HIS NIGHT OUT" (Univ.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Dave Apollon unit. **Gross:** $14,000. (Average, $12,000)

"TRANSATLANTIC TUNNEL" (G. B.)
RKO CAPITOL—(2,000), 35c-42c, 7 days. **Gross:** $3,950. (Average, $6,500)

"SHIPMATES FOREVER" (F. N.)
RKO GRAND—(1,200), 25c-35c-40c, 7 days, 2nd downtown week. **Gross:** $2,900. (Average, $2,750)

"POWDER SMOKE RANGE" (Radio)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,250. (Average, $1,250)

"PUBLIC MENACE" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,250. (Average, $1,200)

"THREE KIDS AND A QUEEN" (Univ.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $3,400. (Average, $6,500)

"Life," "America" Louisville Leader

LOUISVILLE, Nov. 11.—Takes were off among the first runs last week with the dual, "This Is the Life" and "Little America," the only attraction to go over par. It took a fair $3,600.

Loew's State, the Brown, Mary Anderson, Strand, all with dual features, were weak, as was the National which is still bravely carrying on with stage attractions.

Total first run business was $18,000. Average is $18,500.

Estimated takings for the week ending Nov. 7:

"THIS IS THE LIFE" (Fox)
"LITTLE AMERICA" (Para.)
RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $3,600. (Average, $3,500)

"RENDEZVOUS" (M-G-M)
"GUARD THAT GIRL" (Col)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,200. (Average, $4,500)

"METROPOLITAN" (Fox)
"HIS NIGHT OUT" (Univ.)
STRAND — (1,500), 15c-25c-40c, 7 days. **Gross:** $2,300. (Average, $2,500)

"THE RAINMAKERS" (Radio)
"THE 39 STEPS" (G. B.)
BROWN — (1,400), 15c-25c-40c, 7 days. **Gross:** $2,100. (Average, $2,000)

"PERSONAL MAID'S SECRET" (W. B.)
"MOONLIGHT ON THE PRAIRIE" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,100. (Average, $2,500)

"WATERFRONT LADY" (Mascot)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: "Funnyland Follies," Popeye, Billy Costello, Ann Lester. **Gross:** $2,500. (Average, $3,000)

"CALL OF THE WILD" (U. A.)
"MAD LOVE" (M-G-M)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,200. (Average, $1,400)

HELP!

POLICE!

"MUTINY"

As this advertisement is written, Monday afternoon, police reserves are vainly trying to handle Broadway crowds which have been storming the Capitol since Friday's opening! Nationwide in 36 engagements "Mutiny on the Bounty" becomes M-G-M's BIGGEST grosser since "Big Parade" and "Ben-Hur". Cheers for Laughton, Gable, Tone and all the M-G-M box-office mutineers!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 38. NO. 114 | NEW YORK, WEDNESDAY, NOVEMBER 13, 1935 | TEN CENTS

St. Louis Defeat Stirs Government to New Study

Defense Seeks To Disqualify Moore on Stay

Want Injunction Hearing Before Another Judge

By BILL ORNSTEIN

St. Louis, Nov. 12.—Defense counsel, through Paramount, today filed an application to disqualify Federal Judge George H. Moore from hearing the preliminary injunction sought by the Government against the defendants in the criminal anti-trust trial. Russell Hardy, special assistant attorney general, insisted that a hearing date be set immediately, because "business of these people is being destroyed by a ruthless conspiracy."

George S. Leisure, RKO attorney, asked for a dismissal of the injunction move and cited a case where a Federal judge had dismissed an injunction suit in a similar case after the defendants had been found not guilty

(*Continued on page 6*)

Important Only to Defendants—Myers

Detroit, Nov. 12.—Commenting on the St. Louis anti-trust verdict here today, Abram F. Myers, general counsel for Allied, said:

"The verdict in itself is important to the defendants only. I personally do not believe any good could be accomplished by sending industry leaders to jail. The prosecution did not involve the interests of any Allied member and was not instigated by Allied.

"The important question is whether the heads of the industry will be chastened by the ordeal, or whether the verdict will be interpreted as a license to rush contemplated mergers, resume invasion of the exhibition field, and continue old and devise new monopolistic and oppressive practices.

"The verdict settled no proposition of law as to the right of producers and affiliated chains to freeze out independents and it behooves those possessing great power to bear this in mind."

Pittsburgh Sunday Films Start Nov. 24

Pittsburgh, Nov. 12.—This city, and other Allegheny County communities, will not have Sunday films until Nov. 24. The local return board has been unusually slow in certifying the official vote, with the result that no official report is expected before the middle of next week.

Anti-Climax of Trial Is $100 Fine for F. H. Wood

St. Louis, Nov. 12.—Frederick H. Wood, who leaped into prominence with his defeat of the NRA in the Schechter poultry case, was fined $100 today for contempt of court by Federal Judge George H. Moore.

Wood was seated in the vacated jury box when Judge Moore called for him. The Warner lawyer took his position before the bench and heard the Judge say: "Throughout the trial your conduct has been contemptuous. You have shouted and yelled at witnesses to 'Shut up,' and this was culminated yesterday when you referred to the court's charge to the jury as a 'stump speech.' This is a flagrant contempt and I fine you $100."

Former U. S. Senator James A. Reed tried to pacify Judge Moore, who turned and asked the Warner co-counsel if his remarks were in reference to Wood. If they were, he said, they were needless, as Wood had been judged by his actions.

"If Wood were a young and inexperienced lawyer, it would be a different matter," Judge Moore told Reed, "but the cool and deliberate manner in which he made the statement yesterday was an aggravation."

The local newspapers had played up Wood's remark. Reed, after advising the judge he would not talk about his associate counsel, stated: "No one on our side of the case had any thought of bringing about a contempt of court. We have tried to be respectful throughout the trial."

Judge Moore ordered Wood into the custody of the bailiff until the fine had been paid. Defense counsel went into a huddle and talked of filing a petition for a writ of habeas corpus with the U. S. Circuit Court of Appeals, but after a 15-minute consultation they decided to contribute $10 each.

Seek Stay to Stop Warners' Meeting

An action for an injunction and an accounting, naming Harry M., Jack L. and Albert Warner, as well as all other officers and directors of Warner Bros. Pictures, Inc., Goldman, Sachs and McClure, Jones & Co., since Sept. 1, 1928, was filed in Federal court at Brooklyn yesterday by Martin J. Clougherty of Boston, who described himself as a stockholder.

The action seeks to have Warner officers enjoined from voting proxies

(*Continued on page 6*)

One-Year Deal with Hoblitzelle Talked

A one-year extension of Karl Hoblitzelle's Interstate Circuit operating agreement with Paramount is under discussion and may be decided within the next few days, it is understood.

A. H. Blank continued discussions yesterday of an extension of his operating agreement for Iowa and western Illinois theatres. A short term extension of Blank's agreement is understood to have been proposed, pending conclusion of a new agreement.

Court Upholds Ban On Empire Pickets

Justice Samuel I. Roseman in the Supreme Court yesterday signed an order granting a permanent injunction to Edjomac Amusement Corp. against the Empire State M. P. Operators' Union to end picketing in front of the plaintiff's theatres.

Justice Roseman ruled: "The injunction heretofore granted in this case has been affirmed by the Apellate Division. Unless the record of the trial discloses some basis for a conclusion other than that reached by the Appellate Division, it is obvious that the determination of the Appellate Court is the law of this case and conclusive upon this court. Here the employer employs legiti-

(*Continued on page 6*)

Board of Universal Approves Financing

Directors of Universal met in regular monthly meeting yesterday, and, following an explanation of the new financing deal with Standard Capital and a group headed by Charles R. Rogers, voted their approval.

Begins Survey of Other Cases to Make Them Impregnable

By BERTRAM F. LINZ

Washington, Nov. 12.—Smarting under the sting of utter failure in their St. Louis prosecutions, Department of Justice officials today began a new survey of film cases with the apparent determination of making their position impregnable before proceeding with any more suits.

At the department, officials had nothing to say about the St. Louis case, in which a jury brought in a verdict of not guilty as to all defendants, other than to point out that conspiracy is one of the most difficult of all charges to prove.

Whether any more cases of similar character will be pressed could not be learned, but there were indications that nothing further would be done for some time. Before any new proceedings are undertaken, however, the material secured by the department will be carefully checked.

Acquittal of all the defendants in St. Louis was considered a serious blow to the department, which heretofore has prided itself upon the high record of convictions it has attained. To make that record, only such cases were instituted as the Government felt assured could be supported adequately, and it was with a feeling of deep confidence that the St. Louis case was brought.

Probe Is Promised For Texas Charges

St. Louis, Nov. 12.—Assurances that independent exhibitor complaints emanating from the Texas region will be investigated by the Department of Justice was given Col. Henry A. Cole, president of Allied of Texas, by Russell Hardy, head of the anti-trust division, recently.

Accompanied by R. Z. Glass, vice-president of the unit, and Charles Hefley, Cole conferred with Hardy here twice and outlined certain alleged malpractices.

Dwight L. Savage, former Arkansas attorney, who is assisting the special assistant to the attorney general in the alleged conspiracy trial here, had been investigating the asserted Texas complainants until he was called to St. Louis. Whether he will return to Dallas after the local trial could not be learned.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 13, 1935 No. 114

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Fun and Business For Ampa Meeting

Four entertainers and four serious speakers will feature the Ampa program at Jack Dempsey's tomorrow. The serious are: Alice Hughes, on fashion publicity; Helen Hoerle, on commercial tieups; Max Hofstetter, on recently perfected methods of color photography and plate making, and Thomas J. Brennan, photo engraving expert.

The entertainers: Rubinoff and his violin; Ferri La Franconi, tenor from the coast; Elsie May Gordon, radio comedy actress, and Roland Young, stage and screen star, plus anecdotes.

Will Top $80,000

"Peter Ibbetson" is heading for an $80,000-$85,000 week at the Music Hall.

PEERLESS FILM PROCESSING CORP.
130 West 46th St., New York
Now processing film for:
DELUXE LABORATORIES, INC.
TWENTIETH CENTURY-FOX
EDUCATIONAL FILMS
COLUMBIA PICTURES
GAUMONT BRITISH
UNITED ARTISTS

Insiders' Outlook

By RED KANN

IT'S time to republish that hardy, but as always truthful, perennial, of Nick Schenck's:

"There is nothing in this business which good pictures cannot cure."

Applicable to anybody's and everybody's pictures, it is interesting to note that the attraction which again prompts mention of the Schenck statement is one of his own, "Mutiny on the Bounty."

The picture is getting the Capitol here in New York crazy in a pleasant and easy-to-take sort of way what with terrific crowds jamming the theatre morning, noon and through the evening into the midnight show as well. Business over the opening week-end was the best that theatre of many handsome grosses has seen since the days of "Anna Christie" which is to say five and one-half years ago. The Metro bunch already is figuring on four weeks and is not discounting the possibility of five. That would equal "David Copperfield" in point of length of run. Money comparisons will be difficult in view of the elimination of stage shows and a revised downward price scale. . . .

▼

At the risk of boring you with an observation old and familiar, the temptation is too pronounced, however, to allow overlooking the point so obvious in all of this. This business may rant at its public for not supporting worthwhile attractions, and certainly the reason for such criticism has been plentiful over the years. And yet, given what it wants to see, the current goings on at the Capitol demonstrate now, as they always have and will, the generous response which is ready to greet that which the public has decided to support. There is another angle which impresses us as somewhat different in the instance of the "Bounty." People having no connection with the industry tell us this is one picture they will want to see immediately and without awaiting its arrival at neighborhood houses. Whether the popularity of the published work, the Metro advertising, the cast or a combination of all three are responsible for these evidences of a quickened interest, is something not apparent. What is, however, is the intention of going now and while the picture is fresh in its New York run. . . .

▼ ▼

The other day Omaha reported Will Singer, manager of the Brandeis, had delayed the installation of seats for the hard - of - hearing because he couldn't dope out a method of keeping regular patrons out of deaf patrons' seats. Yesterday Edwin M. Hartley, RCA Photophone manager, stepped neatly into the situation by referring to a survey recently completed among theatres which use such devices. He answered Singer and all others who may be confronted by the same sort of dilemma. This is Hartley:

"Most exhibitors, including the Radio City Music Hall, accept reservations in advance for loge seats so equipped; some set aside a number of seats exclusively for deaf patrons, provided the picture is not running full houses, otherwise it is left to the discretion of the ushers; others favor the use of seats ordinarily difficult to fill, such as near the screen or at the sides. Hard-of-hearing organizations, of which there are many throughout the country, generally favor scattering the installations so that deaf patrons will not feel conspicuous. Properly handled, deaf patrons are easily educated into attending shows early in the evening or during the day."

▼ ▼

George J. Schaefer, heading into New York from the St. Louis trial and its attendant strain, denies any arrangement has been made for his entry into a Paramount theatre partnership, the circuit being Minnesota Amusement. A deal, of course, is under way and this is what others say about it:

That the arrangement is at hand. So much at hand, in fact, that Schaefer will step down as general manager of the parent company as early as Saturday this week.

That on the other hand, matters have not been quite so definitely determined; that there is a question and an important one regarding terms and perhaps the extent of Schaefer's personal investment in the circuit.

One point, quite definite, is that he is not interested in a management deal; that it is participation in which Schaefer is only interested. . . .

▼ ▼

Mark Ostrer's word that G. B. planned to make a limited number of pictures in this country has been followed, as might have been expected, by a mild flood of offers from this producer and that. With Mickey Balcon on his way to Hollywood on talent and looksees and Ostrer checking into the production equation from this end, some weeks may be expected to pass in probing before any decision is made. It is also probable that final word will not be uttered until Ostrer returns to London, in time for Christmas naturally, and further deliberations on that side of the pond. . . .

▼ ▼

Harry Goetz to Joe Moskowitz: "What part will the Dionne quins play in 'The Country Doctor'?"

Bob Goldstein, shadowing, as usual, for Moskowitz and interrupting: "Why, the love interest, naturally."

Purely Personal

NEIL F. AGNEW, HARRY ROSS, BOB GILLHAM, JOE MOSKOWITZ, BOB GOLDSTEIN, HARRY and JACK GOETZ, MITCHELL KLUPT, JAMES A. FITZPATRICK, DICK WALLACE, who plans to return to Hollywood the end of the week; Capt. GEORGE MC L. BAYNES, ABE WAXMAN, ED CHURCHILL, and AL FRIEDLANDER among those present at The Tavern yesterday.

•

WILLIAM K. HOWARD, en route from Hollywood, is due here Friday and will remain for a week before sailing for London to confer with ALEXANDER KORDA about making a picture there next March.

•

MARCY KLAUBER and CHARLES WILLIAMS' song, "Rhythm of Paree," used in Educational's comedy of that title, has been published by the Sam Fox Publishing Co.

•

BOB GILLHAM may leave for the coast in a couple of days. HARRY M. GOETZ and JOE MOSKOWITZ may accompany him.

•

MICHAEL BALCON is en route to Hollywood, all on behalf of G. B., of course. He will be there for two weeks.

•

LOUIS WEISS emerging from the Godfrey Bldg. JACK COHN entering.

•

JOE MOSKOWITZ, what with Toronto and Detroit behind him, is glad—very glad—to get back to New York.

•

AL HERMANS, Universal Boston branch manager, was in town yesterday.

•

JOHN STEINBECK's book "Tortilla Flat" has been purchased by Paramount.

•

ARNOLD VAN LEER strolling along 7th Ave.—southbound.

•

MRS. HARRIET EBERHARDT is in Duluth.

•

PANDRO BERMAN and ZEPPO MARX are stopping at the Waldorf.

•

EDDIE MANNIX returned from his holiday abroad yesterday.

•

MINNA GOMBELL is heading east from Hollywood.

•

MIRIAM HOPKINS reaches the coast this afternoon.

•

J. R. MCDONOUGH is back in Hollywood from New York.

ST. LOUIS GETS A BRAND NEW RECORD!

Are you ready for yours?

TENTH daffy day!
"NIGHT at the Opera"!
BIGGEST 10 day gross
STATE Theatre, St. Louis,
EVER rolled up!
AND still rolling merrily!
GROUCHO's delighted!
CHICO's thrilled!
HARPO won't talk!
AND as for you,
MR. Exhibitor,
WILL you please
GET right up
ON your marquee
AND tell the facts to
MAMA and Papa Public—
THAT you've got the very
SWELLEST entertainment!
EVEN M-G-M's Roaring Lion
IS laughing at
"A Night at the Opera"!





BIGGEST SINCE "BIG

ELECTRIFYING NEWS SWEEPS THE INDUSTRY!

36 opening engagements over the week-end start "MUTINY ON THE BOUNTY" to box-office immortality!

Names for the Hall of Fame
CHARLES LAUGHTON, CLARK GABLE, Franchot Tone. Director Frank Lloyd. Producer Irving Thalberg (*Associate Al Lewin*) *and all those who helped to make it possible!*



And now get ready for "A NIGHT at the OPERA" starring MARX BROTHERS!

PARADE" and "BEN-HUR"

Defense Seeks To Disqualify Moore on Stay

(*Continued from page* 1)

by a jury. William R. Gentry said he didn't think his clients, Paramount and George J. Schaefer, would have a fair trial, inasmuch as no preparation had been made on this case. He informed the judge he would prepare an affidavit setting forth his reasons for seeking a disqualification, and Judge Moore said the filing would be proper.

Former U. S. Senator James A. Reed pleaded that no temporary injunction should be granted until a full hearing has been held.

Hardy again insisted upon going ahead with the hearing. Reed remarked: "Nothing can change the opinion of Mr. Hardy."

Judge Moore held that it would be impossible for him to give the case an immediate hearing, as the docket was full for a month. He put the matter over until tomorrow, when Judge Kimbrough Stone, presiding justice of the U. S. Circuit Court of Appeals, is expected to act on the Paramount application, and decide whether a new judge will hear the application for a temporary restraining order to prevent the defendants from continuing to carry out an alleged conspiracy to refuse first run films to the Ambassador, Missouri and New Grand Central theatres operated by F. & M.

9 to 3 on First Ballot

Reed asked Hardy: "What about the indictment against Abel Carey Thomas?" The prosecutor objected to having the subject brought up at that time, and it was dropped.

Motion Picture Daily learned today from one of the 12 jurors that on the first ballot taken 15 minutes after the jury had retired, the tally was nine to three for acquittal. The three for conviction are said to have been George W. Fullerton, colored waiter at the Hotel York; Emil H. Lauter, coal salesman, and Charles L. Krause, all of St. Louis. W. H. Stubblefield, real estate man, is reported to have said then that he would sit up all night and argue for a not guilty verdict. Nine jurors then began a discussion with the minority, it is said. The second ballot was taken 15 minutes later.

More than 1,000,000 words appear in the transcript which runs slightly over 3,000 pages.

Schaefer, Herman Starr, Gradwell Sears, Ned E. Depinet, William Mallard, Leisure and George Door left on the noon train for New York.

Prosecutors Depart

St. Louis, Nov. 12.—Dwight L. Savage left for Washington yesterday and Russell Hardy, special assistant attorney general; William Benham, Harold Schilz, John Claggett and Ernest Wilkinson will get away tomorrow. All but Wilkinson are Government attorneys. Wilkinson was Harry Arthur's counsel.

Academy Names Shearer

Hollywood, Nov. 12.—Douglas Shearer, M-G-M sound director has been elected chairman of the Academy sound section for the coming year.

Seek Stay to Stop Warners' Meeting

(*Continued from page* 1)

at the Dec. 9 stockholders' meeting at Wilmington in favor of an out of court settlement of a suit brought against the company some time ago by Max Goldberg, a Warner stockholder, and asks for an accounting of the settlement made with Goldberg. The complaint alleges that as part of the settlement Goldberg's stock was acquired by the company and an "excessive" price was paid for it. The action also asserts that proxies sent out for the Dec. 9 stockholders' meeting provide only for approval of the Goldberg settlement and make no provision for the registering of disapproval by stockholders.

Clougherty's complaint charges that Goldman, Sachs and McClure, Jones were the recipients of blocks of Warner stock valued at $6,500,000 on Dec. 1, 1928, for which Warners received "no consideration." A return of the stock is asked. The suit also recites that the three Warners, Harry M., Jack L. and Albert, on Dec. 1, 1928, voided a contract by which they were to render their services exclusively to Warner Bros. Pictures, Inc., and made a similar contract with Renraw, Inc. Warner Bros. Pictures, it is alleged, transferred to Renraw 90,000 shares of Warner common with a market valuation of $12,000,000 at the time, and paid to Renraw $10,000 weekly for the period of the new contract.

Renraw was described in the complaint as "a cloak and alter ego" set up by the defendants to permit them to deal directly with Warner Bros. Pictures. It is also alleged that the three Warners sold the property at 321 West 44th St., Manhattan, to Warner Bros. Pictures, Inc., for $929,516 in Feb., 1929, and charges that figure was "excessive."

Warners have 20 days in which to file an answer to the complaint. Officials of the company's legal department could not be reached yesterday for a statement on the action.

Speed Hutchinson Suit

Edward Hutchinson, who has filed a $500,000 libel suit against Warner Brothers Pictures, Inc., and Vitagraph, Inc., was granted a preference in the Supreme Court yesterday by Justice John E. McGeehan. The case was set down for trial during the present term of the court. Hutchinson charges he is portrayed as a racketeer in "Go Into Your Dance." Hutchinson asserts that he established the original Casino de Paree on Broadway and that the portrayal of the Casino in the picture represents him in the light of a gangster. The charges have been denied in full.

Court to See "Ecstacy"

Judges Learned Hand, Thomas W. Swan and Harrie B. Chase of the circuit Court of Appeals will view "Ecstacy," Czecho-Slovakian film, which was recently banned as immoral by a jury before Judge John G. Knox. A new print of the film, originally destroyed, has arrived, it was revealed when Max Silverman, counsel for Eureka Prod., asked a writ restraining Federal operatives from destroying the new print until an appeal could be decided. A stay was granted.

Court Upholds Ban On Empire Pickets

(*Continued from page* 1)

mate and recognized labor union members. A rival labor union, also legitimate and recognized, is aggrieved and wishes to have its members substituted for those of the other union. In order to accomplish its end it has pickets parading in front of the employer's theatres with signs which read as follows: 'An appeal—do not patronize this theatre; it doesn't employ members of the Empire State Theatrical Stage Employes Union, Inc.' These signs are accurate so far as the letter of truth is concerned. The implication therefore is untruthful. They represent, and are intended to represent to passersby that the employer refuses to employ union help. The intent so to represent is obvious. The patrons of a theatre who are in sympathy with the principles of labor unionism are interested primarily in whether or not the theatre employs members of a legitimate labor union and not in whether or not one union has been preferred over another.

"It is to these patrons that the defendant addresses its appeal. To the reader of these signs the impression is given that union labor is not employed. The temporary injunction now in force prohibits the signs unless there are added thereto words in substance as follows: 'Edjomac Amusement Corp. employs union labor to operate motion picture machines.' The temporary injunction is therefore made permanent substantially in its present form."

Selznick Adds Four To Production Staff

Hollywood, Nov. 12.—David O. Selznick has made four additions to his production staff at Selznick International Pictures, which releases through United Artists. Hal Kern, film editor and technical asistant to Selznick at M-G-M, will join when he completes work on "A Tale of Two Cities." Eric Stacey, formerly with Samuel Goldwyn, will be assistant director on "Little Lord Fauntleroy." Casey Roberts has been added to the art department headed by Sturges Carne, and Charles Walrod has been named purchasing agent.

U. A. Films Honored

At the International Film Festival, held recently at the Brussels Exposition in Belgium, honors were awarded to "Escape Me Never," Herbert Wilcox production; "Sanders of the River," Alexander Korda film; "Clive of India," "Call of the Wild," Zanuck films, and "The Band Concert" and "Who Killed Cock Robin?" Disney cartoons. All the pictures named were released by United Artists.

Reinhardt Tries His German on Cheesers

Max Reinhardt was guest of honor of the Cheese Club at its luncheon meeting at the Friars' yesterday, presided over by Harry Hershfield. Reinhardt addressed the meeting in German in order, it was explained, to avoid being misquoted. On the dais, in addition, were Louis Sobol, Dr. Henry Moskowitz, Sam Forrest, Sigmund Romberg, Donald Flamm and Willie Robard.

WPA Film, Drama Projects Attacked

Washington, Nov. 12.—Presaging the bitterest presidential campaign in many years, the National Republican Congressional Committee today countered the denial of Harry L. Hopkins, Works Progress Administrator, of any boondoggling in his program by issuing a pamphlet entitled "Roosevelt, the Waster" in which circuses, eurythmic dancing and other "cultural" projects are cited as examples of the waste of relief funds.

The pamphlet calls special attention to the employment of Pare Lorentz, film critic of *Judge* at $25 a day to aid in the preparation of a film of the Tugwell organization.

In the field of entertainment, the committee charges, the Government program under Hallie Flanagan contemplates the production of plays which the commercial stage has refused, the authors of which have been regarded by the public as left wing propagandists.

"An undertaking of this kind is not unexpected when Miss Flanagan of Vassar runs it, because she studied Russian drama under the direction of the Soviet Society for Cultural Relations with Foreign Countries, is a member of the American Advisory Committee of the Moscow State University, and also the recipient of a special ballet performance given for her in Leningrad," it was asserted.

Texas Tax Projects Disturb Exhibitors

Houston, Nov. 12.—Theatre operators of Texas have watched with some apprehension the progress of tax proposals in the state legislature to raise funds for the old-age pension voted last summer. An amusement tax of one and one-half per cent has been under consideration, applicable to admissions above 50 cents.

An omnibus tax bill has passed the Senate, but action in the House has been held up by consideration of liquor control legislation. Few film theatres in Texas charge more than 50-cent admissions, but other types of theatres, night clubs, and amusements would have the state tax added to the Federal tax.

Bank Night Owners Sue

A suit charging Bank Night copyright infringement was filed in Federal Court yesterday by Affiliated Enterprises, Inc., against the New Theatre, Inc. and Harry Schiffman. The defendants control the Ritz and Strand Theatres in Port Jervis, N. Y. Affiliated asks $10,000 damages and an injunction to restrain the defendant from making further use of the system.

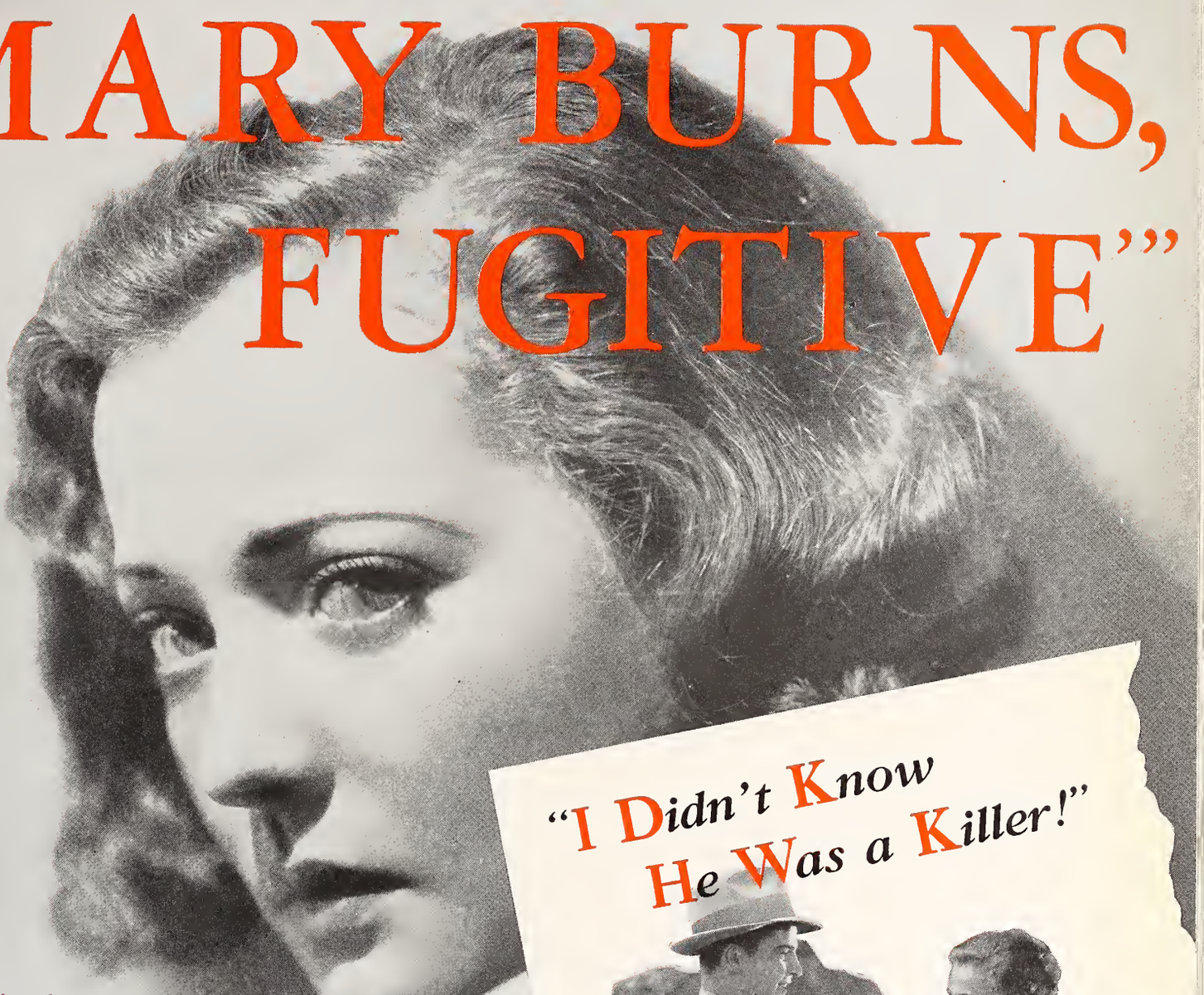
Made by Twickenham

Paramount said yesterday that "Scrooge," British film which it will distribute during the holiday season, was produced by Twickenham Prod., London. A previous Paramount announcement called the film a Gaumont British picture.

Equipment Firm Moves

Boston, Nov. 12.—Carl Peterson has moved headquarters of the New England M. P. Equipment Corp. from Springfield to Boston.

"I am MARY BURNS, FUGITIVE""



Read these unforgettable revelations of a girl guilty of nothing but love.

"I Didn't Know He Was a Killer!"



"When I met Don Wilson, I fell in love with him. He was tall, good-looking, an ex-college hero, an all-American football star, with plenty of money. I promised to marry him. Now the police tell me Don is a Public Enemy, and I'm in the hands of the law for helping him. All I did was love a man and help him when he was in trouble. Does that make me a criminal?"



"In Two Seconds My Whole Life Changed!"

"One moment I was Mary Burns, who never harmed a soul. The next instant all was changed. They took away my name and gave me a number. Said I was guilty of aiding, abetting and harboring a criminal. But all the law and all the judges in the land can't make me a crook. If I am guilty, then all I'm guilty of is love. Did they have the right to give me fifteen years in the Penitentiary for that!"



"I'm a Fugitive from

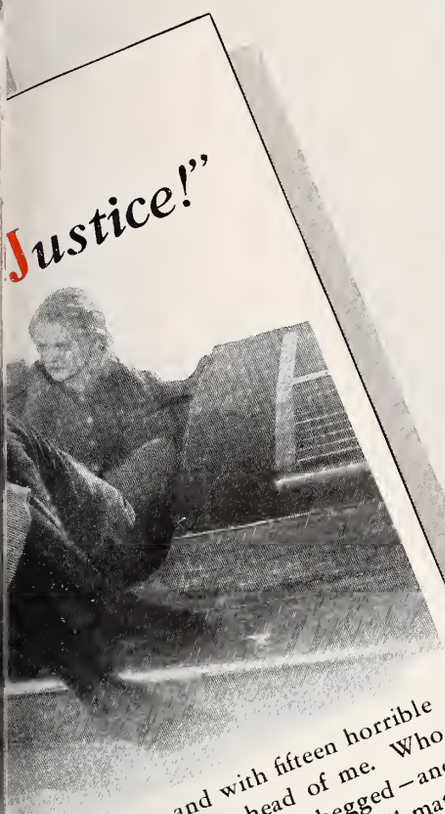
"Whe
He
all-A
I pro
Dor
the
and
mak



They Wanted Me to Be a Stool Pigeon!"



"Prison officials offered me a parole if I told them where Don was hiding. They wouldn't believe me when I told them the truth . . . that I didn't know...that I didn't know who his friends are... and that I hated Don ever since the night I saw him kill a man. Can't they see a girl like me couldn't love a murderer!"



Justice!"

Just a number...and with fifteen horrible years of prison life ahead of me. Who could blame me when I begged—and finally persuaded—Goldie, my cell mate, to take me with her when she planned to escape. We took all sorts of chances for a getaway . . . but made it! Now I'm a fugitive from justice—Mary Burns against the world!"



"Loved by a Murderer!"

"Hunted by the police...driven from pillar to post. Wanted by Don Wilson, murderer . . . the man I couldn't love. That was me Mary Burns, who only wanted a chance to live my life...to be let alone. I'll never forget the terrible day when Don, himself, followed me to a church in Salt Lake City and got away from the Federal men after forcing me to go with him. When the chase got too hot, Don left me by the roadside, with orders to join him later. I was heartsick . . . desperate . . . at my wits' ends!"

to be
orced
oun-
o get
that
Don,
on...
bout
lit!"





"I Fall in Love ...and Am Scared to Admit It!"

"I found a job in the kitchen of a hospital . . . and then I met Alec Macdonald. He was in the hospital for an operation on his eyes. I fell in love with him . . . and he with me. When he was ready to leave the hospital he offered me a job to help him in his laboratory work. I refused. I was afraid he'd learn the truth—that I was Mary Burns—hunted by the police of 48 states because I once loved a criminal."

Paramount Pictures

What Happens to Mary Burns?

You'll find the answer in this thundering drama of one lone girl against the world

SYLVIA SIDNEY

in

"Mary Burns, Fugitive"

with Melvyn Douglas, Alan Baxter. A Paramount Picture. Directed by William K. Howard. A Walter Wanger Production.

Not a G-man picture... nor a prison picture... nor a gangster picture... but a theme that's new... different! It's the drama of an average American girl whose first innocent romance gets her into a jam with the law and into a mess with love...

Remember the business Sylvia Sidney brought in with "Ladies of the Big House", "An American Tragedy" and "Jennie Gerhardt"? Her role in "Mary Burns, Fugitive" will knock 'em in the aisles from Times Square to 'Frisco!



"I'm in the Hands of the Police...Again!"

"In the hands of the law again, this time to help them to catch Don Wilson. They forced me to go to Alec Macdonald's lodge in the mountains, tipping off Don that I'd gone there to get away from him. Don Wilson, crazy egotist that he was, came after me. There we were... Don, who wanted me...the police who wanted Don... Alec Macdonald, who now knew all about it. All I want is love...and I'm going to get it!"

Paramount Pictures

Lowenstein Again MPTO President

OKLAHOMA CITY, Nov. 12.—Morris Lowenstein was reelected president at the annual meeting of the M. P. T. O. of Oklahoma, at the Biltmore Hotel here today. Lowenstein is national secretary of the M. P. T. O. A. Five new directors elected were: Ralph Talbot, Homer Jones, Harry Lowenstein, Max Brock and L. C. Griffith.

Ed Kuykendall was guest of honor at a luncheon and chief speaker at the convention. He said Miami has bid for the next national convention. The old age pension tax of two per cent occupied most of the convention's attention. The convention voted to raise a $2,000 fund to fight the tax, which will actually be five per cent, when distributor taxes are passed on in the form of rentals.

Discuss Legislation

ST. LOUIS, Nov. 12.—Approximately 20 members of the M.P.T.O. of Southern Missouri and Eastern Illinois met here today with Fred Wehrenberg to discuss Alderman Slay's tax bill and a pending standing room measure.

No action was taken, but Wehrenberg has notified the chairman of the legislative committee of the Board of Aldermen, to whom the bill will be referred for public hearings prior to a report, that the unit will await the hearing before taking action.

Michigan Allied Meets

DETROIT, Nov. 12.—Routine business occuped the first day of the sixteenth annual convention of Allied of Michigan here today at the Hotel Statler. Sidney Samuelson, Allied president, ejected trade paper representatives from the room when he discussed Allied plans to produce pictures. The rest of the day's session was devoted to reports from officers.

Palace Goes Bankrupt

A voluntary petition in bankruptcy was filed in the Federal Court here yesterday by the Palace Amusement Co., 1,270 6th Ave. Liabilities were listed as $258,801 and assets at $6,940. The chief creditor was Orpheum Circuit, Inc., same address, for cash advanced and miscellaneous transactions amounting to $227,568.

These notes were endorsed to the Keith-Albee-Orpheum Corp. as security for advances for it to Orpheum Circuit, Inc. Under an agreement of April 1, 1933, the Keith-Albee-Orpheum Corp. endorsed the notes to the Stadium Theatres Corp.

The RKO legal department said that Palace Amusement Co., the bankrupt, is not the subsidiary operating the Palace on 7th Ave. No definite information concerning the operations or identity of the bankrupt was available from the department.

Party for Melton

The stage, screen and radio were represented at a midnight party Monday for James Melton, radio singer, at Jack Dempsey's. The party was in honor of Melton's screen debut in Warners' "Stars Over Broadway," opening tonight at the Strand. Rudy Vallee, S. L. (Roxy) Rothafel, Louis Sobol and Gertrude Niessen were among the guests.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Crime and Punishment"

(Schulberg-Columbia)

HOLLYWOOD, Nov. 12.—This is a powerfully different version of criminal-police conflict. Moving in an aura of complex metaphysical collision, "Crime and Punishment" is something which understanding intelligentsia will probably appreciate. Yet an effort has been made to bring it into the realm of mass appeal through the force and expertness of its acting.

Slow tempo, accenting its somewhat morbid plot, irrelevant comedy and bizarre, symbolic photography are contrasted. While the picture impresses as of dubious box-office promise, it, nevertheless, provides exhibitors a novel and unique feature to sell in that manner.

Peter Lorre, an anonymous and highly regarded amateur criminologist, poverty-desperate and hateful of human greed, kills pawnbroker Mrs. Pat Campbell in the "perfect crime." Brought before Inspector Edward Arnold on a minor and unrelated charge, the latter's police instincts arouse his suspicions of Lorre's guilt as they discuss the murder.

The ensuing development is that of mental conflict. Arnold, cleverly advancing entangling, physical, theoretical and incriminating circumstantial facts, has each one controverted by Lorre.

Cracking under Arnold's logic that a criminal may beat the law but not his own conscience, Lorre confesses to Marian Marsh, with whom a meager romantic thread is carried. Suicide-bent, Lorre, responding to Miss Marsh's religiously inspired plea, gives himself up.

Lorre and Arnold dominate with fine performances. The principal supporting players are Miss Marsh, Tala Birell, Elisabeth Risdon, Robert Allen, Douglas Dumbrille and Gene Lockhart.

Based on Dostoievsky's Russian literary classic, the screen play by S. K. Lauren and Joseph Anthony is completely modern in atmosphere. The direction by Josef Von Sternberg is in his typical manner, allowing imagination to outstrip movement and dialogue.

Production Code Seal No. 1,625. Running time, 88 minutes. "A."

"Two Faces"

(Radio)

HOLLYWOOD, Nov. 12.—With elements of farce melodrama and satire this picture will go places when word passes, despite the lack of draw names.

Situations develop after Brian Donlevy, a hoodlum, undergoes a plastic surgery operation which transforms him into a matinee idol. Disposing of all who might identify him with the exception of Molly Lamont, a nurse who assisted with the operation, Donlevy journeys to Hollywood and lands a picture job. Wallace Ford, a press agent, mistaking Donlevy for a wealthy playboy, plans a great buildup and is astounded when Miss Lamont, who is also in Hollywood, identifies the gangster. Sensing the biggest newsbreak in history, Ford plans having Donlevy captured while acting. This leads to studio complications with the police and personal difficulties between Ford and Phyllis Brooks, his fiancee. In the ensuing melee Donlevy runs riot and is finally taken and the other characters resume their business.

Director Christy Cabanne has built good suspense and gotten the most from the comedy. Donlevy's transition from a ham actor into a gangster at bay is neatly done and the balance of the cast, which includes Erik Rhodes, Alan Hale and Charles Wilson, is uniformly good. Garrett Graham and John Twist wrote the screen play from a story by Thomas Dugan and Ray Mayer. The Cliff Reid production takes full advantage of the backstage studio angles. With its natural exploitation possibilities the picture should click.

No production code seal. Running time, 70 minutes. "G."

Wells in Tomorrow

H. G. Wells is en route to New York on the *Washington*, and will arrive tomorrow. He will go immediately to Hollywood, to visit Charlie Chaplin and view production.

Theatre Is Held Up

PORTLAND, Ore., Nov. 12.—The United Artists here was held up last night, the thieves getting away with $1,000 when a police car was delayed five minutes.

Quins Stay at Home

The Dionne quintuplets who have been signed by 20th Century-Fox for "The Country Doctor" will be photographed at their home at Callender, Ont. Inoculations will set back actual work for a couple of weeks.

May Switch Meeting

The scheduled meeting of Paramount district managers, originally set for Los Angeles Dec. 1-3, may be switched to Chicago.

Wall Street

Universal Off on Big Board

	High	Low	Close	Net Change
Columbia	66¾	65½	65½	— ½
Consolidated	5¾	5¼	5⅛	— ⅛
Consolidated, pfd.	19½	18¾	18¾	— ¼
Eastman Kodak	166¼	165½	165½	— ½
Loew's, Inc.	49⅞	48⅝	48⅞	— ½
Loew's, Inc., pfd.	105⅞	105⅞	105⅞	.....
Paramount	9½	9	9⅛	— ¼
Paramount 1 pfd	78½	78	78	.....
Paramount 2 pfd.	11⅝	11¼	11⅜	.....
Pathe Film	5⅞	5¾	5¾	+ ⅛
RKO	5¼	4⅞	4⅞	— ¼
20th Century-Fox	19	18⅞	18⅞	+ ⅛
20th Century, pfd	28⅜	27⅞	27⅞	— ½
Universal, pfd	55	52⅛	52⅛	—2⅞
Warner Bros.	8⅞	8¼	8¼	+ ⅛
Warner, pfd	49	48⅜	48½	+ ⅛

Two Curb Gains

	High	Low	Close	Net Change
Sentry Safety	½	½	½	.....
Sonotone	2⅜	2⅜	2⅜	+ ⅛
Technicolor	18½	18¼	18⅜	.....
Trans-Lux	4⅜	4¼	4⅜	+ ⅛

Gen'l Theatre Bonds Off

	High	Low	Close	Net Change
General Theatre 6s '40	15	15	15	— ⅜
General Theatre 6s '40, ctf	15	14¾	15	— ⅛
Keith B. F. 6s '46	92⅝	92½	92⅝	+ ⅝
Loew's 6s '41 ww deb rights	104½	104	104⅛	— ⅛
Paramount B'way 3s '55	57	57	57	— ¼
Paramount Pict. 6s '55	92¾	92½	92½	.....
Warner Bros. 6s '39 wd	86¾	85½	85½	+ ¼

(Quotations at close of Nov. 12)

Canadian Business Gains 40%—Devaney

Canadian houses are doing at least 40 per cent better business than at this time last year, according to Leo M. Devaney, RKO Canadian district manager, in New York for home office conferences.

The increased business is a reflection of a general improvement in business, he said. He pointed out that at least 15 new houses will be opened by next spring. Numerous others are being renovated. Double-featuring is general in Canada, he said.

New First Division Setup About Ready

Plans for a national distribution setup for First Division will be completed in about 10 days, Al Friedlander, sales manager, said yesterday following his return from a tour of eastern and middle western exchange centers. Harry Thomas, F. D. president, now in Atlanta on a similar tour of southern distribution centers, is due here in about a week, at which time the final distribution arrangements are expected to be closed.

Continue Quiz of Kolbe

Examination of Frank F. Kolbe, president of Pathe Film, before trial of Pat Casey's action charging present and former officers and directors of the company with mismanagement and dissipation of corporate assets was continued yesterday by Martin King, attorney for Casey, at the Pathe offices. Robert W. Atkins, executive vice-president of Pathe, is scheduled to be questioned some time next week.

Danubia Gets Another

Danubia Pictures has acquired American distribution rights to "Edes Mostcha" (Kind Stepmother).

HELD OVER AT



LOUD LAUGHS!

New York's tremendous week-end crowds rocked the Roxy with roars at the performances of HENRY ARMETTA and HERMAN BING! They're the world's new idea of comedy!

3 KIDS AND A QUEEN

NEW YORK ROXY!



SWEET SIGHS!

And every heart went out to the Hell's Kitchen sweethearts as played by CHARLOTTE HENRY and FRANKIE DARRO. They're love's young idea!



TENDER TEARS!

Men and women alike sobbed like children at the affecting scenes between MAY ROBSON and BILLY BURRUD. That boy Burrud—he's every mother's and father's dream child!

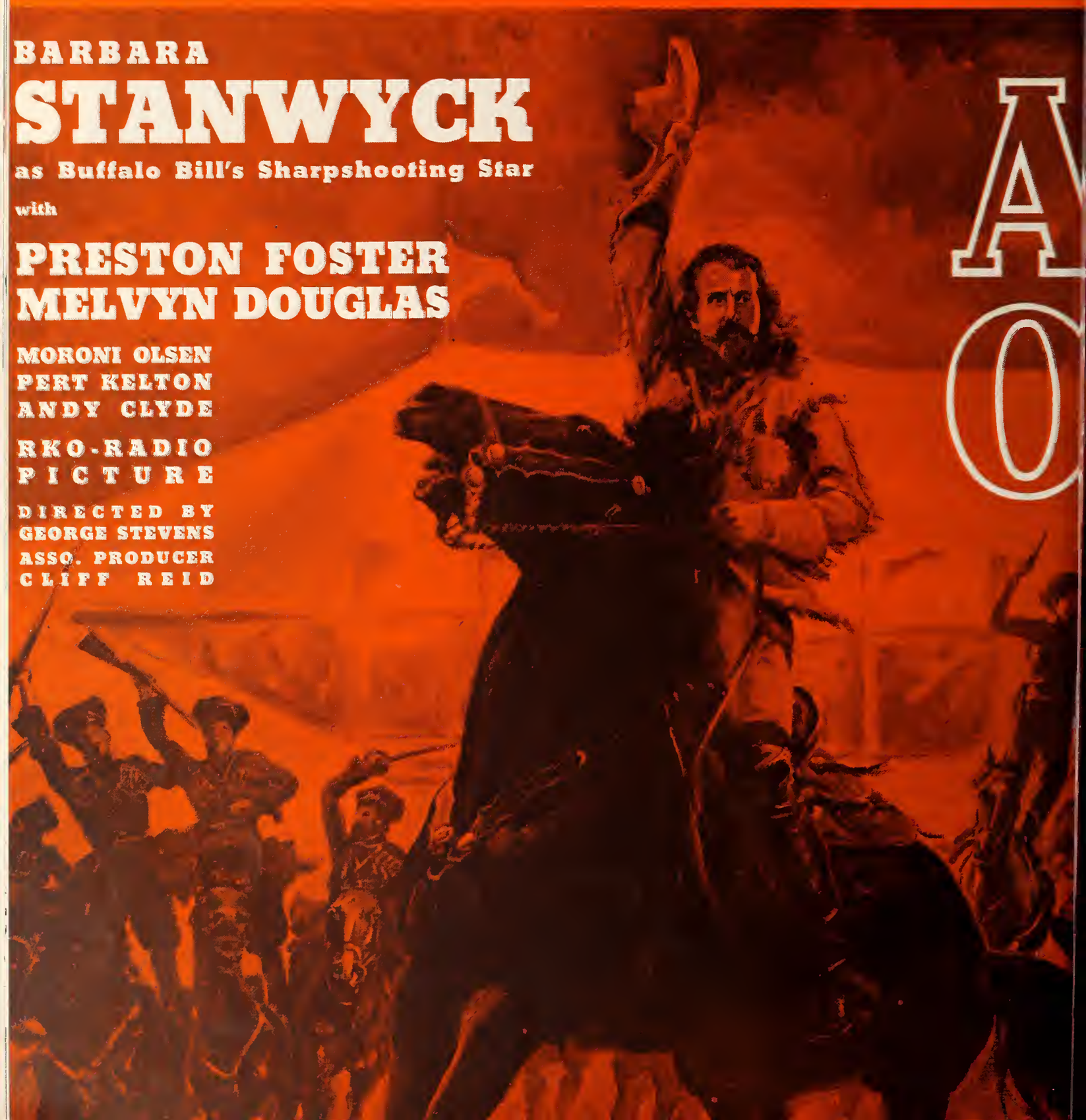
Carl Laemmle Presents May Robson with Charlotte Henry, Frankie Darrow, Henry Armetta, Billy Burrud, Herman Bing, Wm. Benedict, in a Universal Picture produced by Ben Verschleiser, directed by Edward Ludwig. From the original story by Harry Poppe and Chester Beecroft. Screenplay by Barry Trivers and Sam Ornitz.

"SOMETHING TO CHEER A
"A SHOWMANSHIP SHOW

the glamorous girl who came out of the wes

and thrills on the roaring pages of BUFFAL

A CIRCUS! . . . MORE LOVE THA



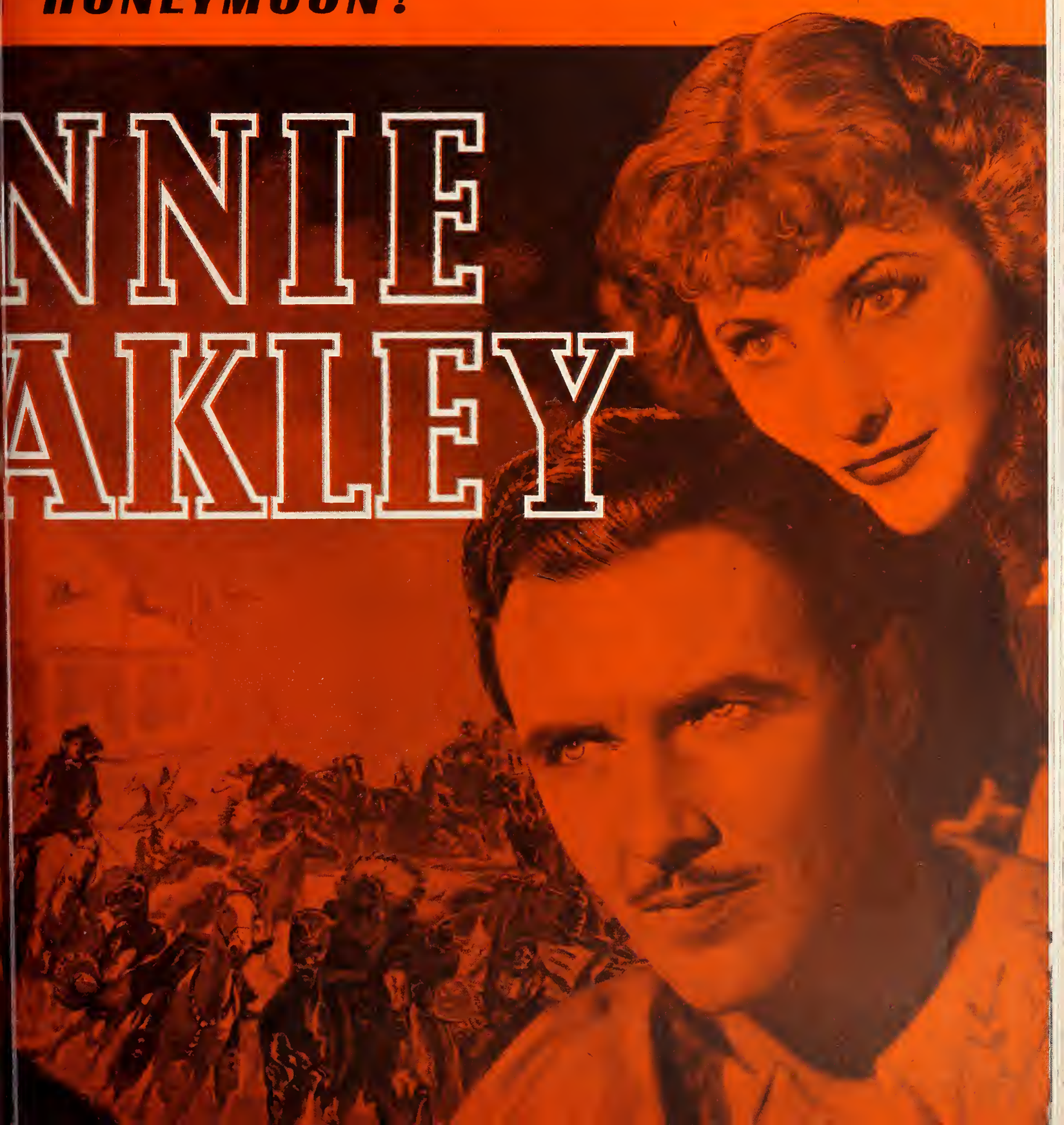
OUT" . . FILM DAILY . .

. MOTION PICTURE HERALD . . ***The amazing romance of***

o shoot her way to glory . . . written in laughs

ILL'S BIG SHOW! . . . MORE FUN THAN

HONEYMOON!



NNIE

AKLEY



THREE HITS IN A ROW!

First, "Dark Angel," a holdover in more than 100 cities! Then, "Barbary Coast" if you've played it...you know its sensational drawing power! Now, "Splendor," greeted by preview raves, proudly continues the Samuel Goldwyn tradition!

Released thru
UNITED ARTISTS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 115 NEW YORK, THURSDAY, NOVEMBER 14, 1935 TEN CENTS

Philadelphia Argues About Sunday Shows

Small Spots Uncertain; Circuits Pleased

PHILADELPHIA, Nov. 13.—While the industry as a whole is cheered by the victory of Sunday shows here, which will take effect after 2 P. M. this Sunday, there has been a steady group of dissenters among exhibitors all through the campaign.

Sharp lines were drawn among independent exhibitors on the subject, some backing Warners, prime movers in the campaign, while another large group, including a big percentage of I.E.P.A. members fought the measure.

Many independents hold to the theory that while the circuit will unquestionably benefit from Sunday films, the neighborhood theatres will be faced with additional expense, the possibility of antagonizing local church patronage and a problematical profit. Several have signified their intention of remaining closed. Whether they can maintain this policy in the

(*Continued on page 7*)

Brooklyn Paramount Offers Turned Down

Si Fabian's offer of $1,500,000 for the Brooklyn Paramount has been turned down by U. S. District Court Judge Inch with the advice that the trustees of Allied Owners' Corp. should wait until they see whether they can get taxes cut before a sale is attempted.

Two other offers made by Riker & Co. for $1,750,000 and Samuel Strausberg for the same amount with a different mortgage clause also failed to get the court's approval.

Judge Inch in his decision said: "It is my opinion that of the three pro-

(*Continued on page 7*)

Washington Tax on Distributors Void

SEATTLE, Nov. 13.—The State Supreme Court has ruled that distributors are exempt from the state business tax of one-half of one per cent on gross income. The ruling upholds the recent Superior Court decision which held the tax was an unlawful levy upon interstate commerce.

The suit was brought originally by Paramount, RKO, Universal, Fox, M-G-M, U. A., Vitagraph and Columbia against the State Tax Commission.

Cleveland Expansion Planned By RKO; Several Deals in Air

While the RKO circuit has definite plans in mind for expansion in Cleveland, no deals have as yet been made, although seven or eight are pending. Two of them call for new theatres in neighborhood districts which the circuit would not build itself, but operate under long leaseholds. Others embrace houses now standing.

The circuit currently has the Palace and the Allan downtown. These are operated in a pool with Warners' Hippodrome. In addition, the chain has the 105th St. on the east side of Cleveland and on Nov. 22 will take over the Lincoln.

RKO officials stressed yesterday that the proposed extension of their interests in the Ohio city goes back to an idea originally conceived a year ago; that it has nothing to do with operations of the RKO Dist. Corp. and is not designed as a "spanking" of any theatre interests in that key point.

New England Allied Charges "Coercion"

BOSTON, Nov. 13.—"Three instances of attempted coercion of exhibitors to buy product have come to our attention," states the Independent Exhibitors of Massachusetts, Inc., Allied States affiliate, in the November bulletin. The three alleged grievances are listed as follows:

"Columbia has sent a circular letter to many residents of a town in which an Allied leader has a theatre, urging them to demand that this exhibitor show Columbia pictures.

"France Film, Inc., has written to another Allied leader threatening to establish competition, and even to build a theatre in his city, if he does not show French pictures. Consider the audacity of the following passage in the letter:

"'We ourselves have already had

(*Continued on page 7*)

Kuykendall Shifts Stand on Giveaways

DENVER, Nov. 13.—Ed Kuykendall, M. P. T. O. A. head, has changed his mind on giveaways and is now for them, he told a luncheon meeting of exhibitors here. No company puts out more than a few good films, with perhaps one whopper, he said, and many theatres would have been forced to close if they had not adopted giveaways.

Warning that Congress intends to lower the exemption on the admission tax, he urged exhibitors to cultivate friendships and write to Congressmen. He also stated that M. P. T. O. A. hopes to have score and seat charges removed in the coming session.

Kuykendall demanded that the companies give more power to exchange managers, a decentralization in the selling end.

Court Declines to Order Fox Met Stock Purchase

Judge Martin T. Manton yesterday denied an application made by the Stockholders' Protective Committee for an order directing the receivers of Fox Theatres Corp. to purchase 50 per cent of the capital stock of the Metropolitan Playhouses, Inc., pursuant to the option granted on Mar. 25, 1935.

He ruled: "Fox Theatres Corp. can realize no gain from an increase in the value of the stock because of the limitation offered. Before the stock may be sold or pledged, it must first be offered to the United Artists Theatre Circuit, Inc., at cost." Judge Manton further pointed out that the creditors of Fox Theatres Corp. with claims amounting to $13,245,066 oppose the purchase, declaring they do not want a settlement of Fox Theatres Corp. in which Metropolitan Playhouses stock is distributed to them, but that they want cash. He also declared that the United Artists Theatre Circuit owned 50 per cent of the stock and that if the remaining 50 per cent should be distributed to creditors of Fox Theatres the United Artists Theatre Circuit would be able to purchase a few shares in the open market and thereby acquire control of Metropolitan Playhouses, Inc.

Expect Moore Will Accept Substitution

Affidavits Are Filed by Paramount, Warners

ST. LOUIS, Nov. 13.—Federal Judge George H. Moore is expected here to agree to the personal disqualification sought by Warner, Paramount and RKO relative to the Government's application for a preliminary injunction in the equity proceedings following the criminal trial at which officials and the three companies were acquitted.

Judge Moore said today that he had not yet completed the examination of two affidavits charging him with personal bias and prejudice against the defendants in the action. It is believed that under a guiding ruling of the Court of Appeals Judge Moore has little choice but to agree to the disqualification.

The preliminary injunction sought

(*Continued on page 7*)

St. Louis Price War Reports Are Denied

ST. LOUIS, Nov. 13.—Reports circulating here to the effect that a price war would follow the acquittal of Harry M. Warner, Gradwell L. Sears, Herman Starr, George J. Schaefer, Ned E. Depinet, five Warner companies, two Paramount corporations, and RKO Distributing Corp. of alleged conspiracy charges are unfounded, it is learned as a result of a checkup with various parties interested in the first run theatres.

An important Warner executive says there is no truth to the rumors, while Harry C. Arthur, vice-president of F. & M., also denies the story. Harold (Chick) Evens, manager of Loew's, holds there is no plan as far as he is concerned to reduce admissions, give away articles, or adopt chance games.

Catholic Leaders Confer in Capital

WASHINGTON, Nov. 13. — Dignitaries of the Catholic Church gathered here today for their annual discussion of church problems. During their two-day discussion behind closed doors they are expected to receive a report from the Legion of Decency.

No details of the conference will be made public until the session has closed, at which time it is customary for the group to issue a statement outlining some of the more important subjects which have been discussed.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 14, 1935 No. 115

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelbof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higasbi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Blumenthal Must Answer

Justice Joseph M. Callaghan in N. Y. Supreme Court yesterday granted a motion for an examination before trial to Ralph Taylor in his suit for $4,500 against A. C. Blumenthal. Taylor will be allowed to ask Blumenthal questions concerning a stock transaction. He is limited to five.

The suit arises over the sale of 30 shares of Class A common stock of Fox Film Corp. delivered on Oct. 29, 1930, by Taylor to Blumenthal. A hearing was set for Nov. 27 at 2 P. M. in Special Term, Part 2, of the Supreme Court.

Vote Eastman Dividend

Eastman Kodak Co. yesterday declared a quarterly dividend of $1.25 a share and an extra of 25 cents on the common stock. It is payable Jan. 2 to stockholders of record Dec. 8. A similar extra was paid three months ago.

S. O. S. Buys Howe Stock

The S. O. S. Corp., equipment distributors, has acquired the equipment of the Lyman Howe studios in Wilkes-Barre from the trustees.

NUNNALLY JOHNSON
"THANKS A MILLION"
WILLIAM MORRIS OFFICE

Purely Personal

NED E. DEPINET was host of The-Off-the-Record Club which resumed its meetings at "21" yesterday. For the first time in its brief, but eventful career, the weaker sex was represented, thereby knocking out a resolution embodied in the original constitution and bylaws. The charm responsible for that was twofold: Mrs. DEPINET and Mrs. "TOOTSIE" BARLETT, the latter NED's sister-in-law. Also in the party were WILLARD MCKAY, while HERB YATES joined up later for a few minutes.

•

BETH NEWMAN is en route from the coast on her annual eastern visit. First among the festivities on her behalf will be a cocktail party tomorrow. NELL and LYNN FARNOL will give it.

•

CRESSON E. SMITH, RALPH ROLAN, MITCHELL MAY, JR., Mrs. BARNEY BALABAN, "NATE" and Mrs. NATHANSON, spotted at Jack and Charlie's yesterday.

•

RALPH POUCHER descending on the Consolidated headquarters at Broadway and 57th St. via Radio City and Sixth Ave.

•

EDGAR BERGEN, ventriloquist, has completed production on a one-reel novelty at the Vitaphone Studio in Brooklyn.

•

FELIX F. FEIST'S impending trip to the coast has been slightly delayed, but only slightly.

•

LITTLE JACK LITTLE and his orchestra are at work on a short at the Brooklyn Vitaphone plant.

•

NAT HOLT, district manager for the RKO circuit in Cleveland, was in town yesterday.

•

A. P. AFANASSIEFF has joined the staff of *True Story* magazine.

•

. . . *Washington*

A. E. LICHTMAN is keeping himself busy bouncing between Washington and New York on business.

ANDY KELLY, *Times* critic, has been offered a post on the faculty of the Washington College of Journalism which is soon to be launched.

W. E. S. WILCOX is planning new improvements for his Silver Springs Seco.

MIKE KAVANAGH, U. A., in town on "Barbary Coast."

HARRY SOMMERVILLE has been named commander-in-chief for the mobilization of Variety Club's Kentucky's colonels at the club's next luncheon on Nov. 18.

NORMA REED is taking the position of the former DOROTHY RODIER as secretary in the Warner publicity office.

Deery to File Appeal

BOSTON, Nov. 13.—John A. Deery says he will file an appeal to the U. S. Supreme Court from the U. S. Circuit Court of Appeals ruling sentencing him to a year and a day in prison for transactions in connection with the Federal National Bank.

St. Louis Tax Move Not Taken Seriously

ST. LOUIS, Nov. 13.—Local exhibitors are not taking seriously the recent ticket tax bill introduced by Alderman John R. Slay. Theatre owners do not believe the bill will get much support from the board, although it is possible the measure may be referred to a committee where it may be pigeon holed.

For the past five years a tax bill of this sort has cropped up in one form or another. The only time a bill of this kind was taken seriously happened about four years ago when a levy was hooked on to a relief measure. Even then it was beaten by concerted efforts of exhibitors and Fred Wehrenberg, head of the local M. P. T. O.

At present the state has a one per cent tax on all purchases and the issuance of mills in which to pay the tariff has stirred up plenty of commotion. It is believed the new bill was designed to increase the revenue from baseball, boxing and wrestling. The city now collects a $150 license fee from the Cardinals and Browns on the local baseball park and there is a 10 per cent state tax and five per cent city levy on boxing and wrestling.

"Rose" to Open in Southern Capitals

Elaborate plans have been made by Paramount for simultaneous openings tonight of "So Red the Rose" in the 11 cities which were Confederate capitals during the Civil War. The cities are: Austin, Tex.; Jackson, Miss.; Montgomery, Ala.; Tallahassee, Fla.; Baton Rouge, La.; Richmond, Va.; Raleigh, N. C.; Columbia, S. C.; Nashville, Tenn.; Atlanta, Ga., and Little Rock, Ark.

At Raleigh the father and family of Randolph Scott, who plays opposite Margaret Sullavan in the film, will attend the premiere, with Gov. J. B. C. Ehringhaus, U. S. Senator Josiah Bailey and Josephus Daniels, Jr., son of the Ambassador to Mexico.

New York trade press representatives will attend the Richmond opening. The picture is set for the Paramount on Thanksgiving Day.

Des Moines Reports One-Operator Deal

DES MOINES, Nov. 13.—One-man booth operation on a two-year contract is reported to have been agreed upon by the Orpheum and Tri-States Theatres and Local 286 of the I. A. T. S. E.

Ed Fox, secretary of the union, denies that contracts have been signed and says that negotiations are still under way. G. Ralph Branton, general manager of Tri-States; Stanley A. Brown, district manager, and Hale Cavanaugh, Orpheum manager, have been handling the theatre side of the negotiations.

Center to Have Vote

A ballot box for registration of Presidential preferences is to be installed at the Center as a stunt in connection with the showing of the new "March of Time" release which contains an interview with former President Hoover.

The ballots will bear the names of Hoover, Alfred M. Landon, W. F. Knox, William E. Borah and A. H. Vandenberg.

Reorganization Plan For GTE Presented

WILMINGTON, Del., Nov. 13.—A plan of reorganization for General Theatres Equipment, Inc., was presented today before Chancellor Josiah O. Wolcott in Chancery Court. Aaron Finger represented a committee of debenture holders which became a reorganization committee, and presented the plan. Murray N. Becker, New York attorney representing All Continent Corp., asked that Wolcott disqualify himself because Mrs. Wolcott held 90 shares of stock in Chase National Bank, one of the receivership interests. Wolcott recessed court until sale of his wife's stock could be arranged. The new company would acquire practically all the General Theatres assets under the plan.

No decision has been handed down by Chief Justice Layton on the proposed agreement between General Theatres and Chase, which would release Chase from obligations and enrich the estate in receivership.

To Appeal at K. C.

KANSAS CITY, Nov. 13.—General Theatres Equipment Corp. bondholders will appeal the decision of Judge Albert L. Reeves of the Federal district court, in which Reeves last week (Nov. 6) dismissed the bondholders' petition to review the bankruptcy proceedings of Fox Midland and Fox Rocky Mountain theatre companies, and their ancillary suit in equity.

R. R. Brewster and C. A. Randolph are attorneys for the six General Theatres bondholders in the action. They have 30 days in which to take their appeal to the Circuit Court of Appeals.

Study GTE Finances

Finances of General Theatres Equipment Corp. were again studied Tuesday by the Sabath Congressional Committee. Chase National Bank officials were witnesses. The hearing was closed, and the only member of the committee present was Martin J. Kennedy of New York.

"U" Sues Over Film Use

A suit for $250 damages for alleged infringement of copyright of a series of 41 films entitled "News" and 12 entitled "Jungle Mysteries" was filed in the Federal Court yesterday by Universal Pictures Corp. and the Big "U" Film Exchange, Inc., against the R. T. Amusement Corp., Irving Fineman and Paul Meltzer.

The complaint stated that the defendants operate the Rex, 205 E. 67th St., and exhibited the pictures without the license of the plaintiff. An injunction is sought to prevent any further infringements. No answer has been filed to the complaint.

Warners Sign Rains

HOLLYWOOD, Nov. 13.—Claude Rains has been signed to a long term contract with Warners. He starts in "Anthony Adverse." Warners have also signed Warren Hull to a long termer.

Pert Kelton at Ampa

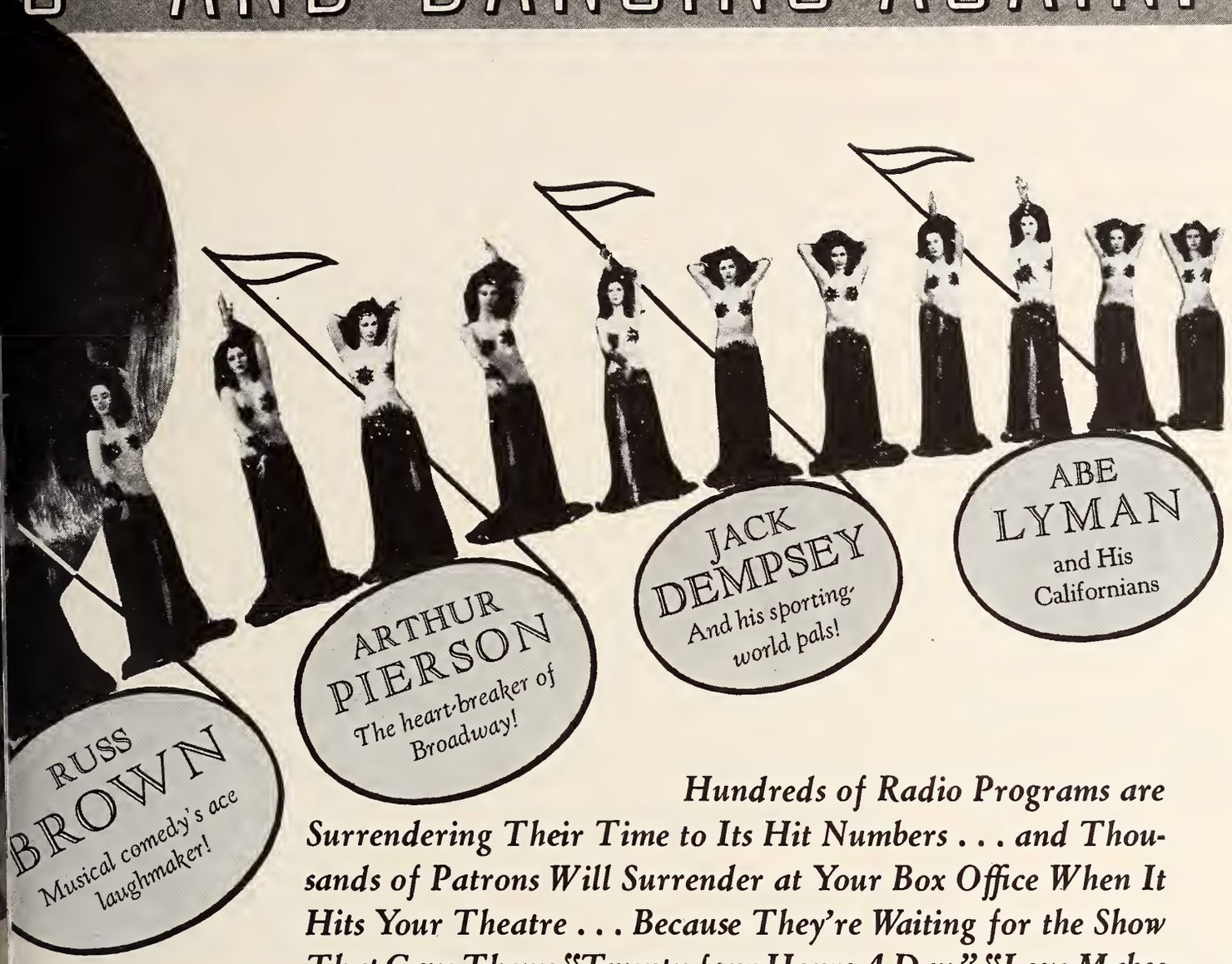
Pert Kelton, who arrived for the premiere of "Annie Oakley," Radio film, will be among the guests of honor at the Ampa meeting at Jack Dempsey's today.



Fresh from the N. Y. Strand's biggest two weeks since 'G-Men', Warner Bros.' **"I FOUND STELLA PARISH",** starring **KAY FRANCIS** in 'her finest achievement', arrives on the screens of the nation's leading theatres this week. Mervyn LeRoy's superlative direction appears to have inspired lovely Kay, Ian Hunter, Paul Lukas, Sybil Jason, Jessie Ralph, Barton MacLane, and to have wrung every last laugh and tear from the dramatic story.
A First National Picture. Released November 16th.


IT'S GOT AMERICA SING
HELEN
LYND
The laugh-a-minut
comedien
TAMARA
Most beautiful singing dancer
of Broadway fame!
FRANK
PARKER
Golden-voiced favorite of
radio stardom!
SU

G AND DANCING AGAIN!



Hundreds of Radio Programs are Surrendering Their Time to Its Hit Numbers . . . and Thousands of Patrons Will Surrender at Your Box Office When It Hits Your Theatre . . . Because They're Waiting for the Show That Gave Them: "Twenty-four Hours A Day," "Love Makes the World Go 'Round," "I'm So Happy I Could Cry," "Take This Ring," "Sweet Surrender" and Several Others!

SWEET

[illegible]

Also Sara Mildred Strauss Dancers, Tune Twisters and Nadon Singers . . Story by Herbert Fields . . Screen-play by John V. A. Weaver . . Directed by Monte Brice. Adapted by Charles Beahan . . Musical score by Dana Suesse and Edward H. Heyman. A Universal Picture produced by Broadway Productions and presented by Carl Laemmle.

Short Subjects

"Custer's Last Stand"

(*Stage and Screen*)

The first three episodes of this 15-chapter serial set a pace that ought to stir up plenty of excitement for the Saturday afternoon kid trade as well as those adults who go for outdoor action in a big way.

George M. Merrick has hung his story on the fact that the Sioux must have a sacred arrow which has been captured by white men during a wagon train attack. Renegade whites want the arrow because it is supposed to have directions to a sacred Indian cave with gold in it.

It happens that the arrow is in the possession of Joseph Swickard, former Confederate army doctor, who is traveling with his daughter, Nancy Caswell, and an orphan boy, Marty Joyce.

After two wagon train attacks, some spectacular riding, and a pursuit, the first episode ends with Rex Lease crawling out on a wagon tongue to pry an Indian loose. The wagon crashes over a hill. It's hot stuff.

The second episode has a huge buffalo stampede as the climax with Lease and Lona Andre lying on the ground in their path. Very spectacular. In the third episode a disgraced officer and Lease clash in a fight for the arrow in the midst of an Indian attack on a town.

The cast has 38 principals and a flock of Indians. Some historical characters are impersonated—Buffalo Bill, General Custer, Wild Bill Hickok and Calamity Jane. The exploitation ought to be easy where westerns are popular. Elmer Clifton directed.

No production code seal. Running time, first episode, 44 minutes. Second and third episodes, 22½ minutes each. "G."

"March of Time"

(Release No. 8)

(*RKO*)

Held to three news subjects in this, its eighth release, the current issue of "The March of Time" continues to maintain its intensely interesting pace.

First is the story of Pearl Louis Bergoff, for years in the business of supplying industrial interests with strike-breakers. It tells how his tentacles of manpower reach into taxi cab drivers, park bench warmers and strong arm individuals with an ability to crack skulls whether of men, women or children; how the pleasant Bergoff ran into difficulties in connection with a mill strike in Georgia where Governor Talmadge ordered his brutal brood out of the state in short order with arrest the alternative and the final revocation of Bergoff's license. Very well done.

The second deals with the efforts of the Government to preserve wild duck life. Produced in collaboration with the U. S. Biological Survey, it graphically tells the story of "duck butchers" and their slaughtering and in itself, is a complete yarn.

Third, titled "G.O.P.", is a swell clip fastening attention on the forthcoming Presidential race with camera picking up new intimate and public scenes of Herbert Hoover in Palo Alto and elsewhere, of high office timber, including Borah of Idaho, Vandenberg of Michigan, Knox of Illinois, Landon of Kansas and ending with a breakfast shot of Jim Far-

(*Continued on page 8*)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Broadway Hostess"

(*Warners*)

HOLLYWOOD, Nov. 13.—A dramatic romance, torch song music dabs and a situation comedy triangle conflict, plus one oddly contrived spectacle feature, are this show's entertainment. Average in caliber it affords little in the way of novel sock appeal to recommend other than as an average attraction.

Lyle Talbot, a Broadway character, appoints himself manager of an embryo torch singer, Winifred Shaw, who, under his guidance and with the girl's ability, makes her the talk of the night club world. Her love unrecognized, Talbot goes Park Avenue with socialite Genevieve Tobin. Comedy is provided by punch drunk Allen Jenkins and dizzy dowager Spring Byington, pepping up the romantic action as Miss Tobin thumbs Talbot down. Opening a gambling night club, Talbot, after a debt dispute with Miss Tobin's wastrel brother, Donald Ross, is jailed on suspicion of theft. Freed through Miss Tobin's influence after learning of the identity of the real culprit and Miss Shaw, who would go bail, the pair are married and Miss Shaw goes into retirement. She is brought back in triumph in a Talbot-backed show but has her happiness shattered when Ross shoots Talbot. At his bedside the girls make an understanding peace and Miss Shaw is married to accompanist Phil Regan, who loved her all the time.

Miss Shaw, singing several torch numbers, is alright for those liking that kind of music. Every opportunity is given her to impress audiences. The artificiality of the Talbot-Tobin romance is peppily contrasted by the affair between Jenkins and Miss Byington. The spectacle feature creating the illusion of dancing girls rising from champagne bubbles is a colorful sequence. Marie Wilson in a chorus girl comedy bit won audience applause.

Produced by Bryan Foy the show was directed by Frank MacDonald from George Bricker's original screenplay with the music and lyrics by Allie Wrubel and Mort Dixon.

Production Code Seal No. 1478. Running time, 65 minutes. "G."

Looking 'em Over

"I Give My Heart"

(*Associated British Pictures*)

LONDON, Nov. 5.—Built on "The Dubarry" stage hit, and with much the same story values as "Passion," of happy box-office memory, this marks a definite advance in A.B.P.'s production standard and is useful audience material.

Gitta Alpar, from Vienna, has a series of good numbers and sings them all, particularly the title theme song, very well. She is the main appeal of the picture and her voice compensates for some shortcomings as a screen actress.

The story pictures the elevation of Jeanne, a Paris milliner, to the role of King's mistress in succession to the dead Madame Pompadour. The intrigue by which she is first married to the penniless Count Dubarry and then introduced to the King, in preference to the candidate of a rival court faction is treated in a musical comedy vein and her previous devotion to a penniless poet is represented as having been displaced by a real affection for Louis XV. The lover reappears to turn the Paris mob, which has been inflamed against the new mistress, into her champions.

Owen Nares, Arthur Margetson, Patrick Waddington, Margaret Bannerman and Hugh Miller are leading members of the cast and the acting is adequate in a film appealing chiefly by its spectacular and musical values.

Running time, 85 minutes. "A." ALLAN

"The Last of the Clintons"

(*Ajax Pictures*)

Produced by William Berke and released by Ajax Pictures Corp., this western is routine material of its kind, containing that amount and sort of action which is usually found pleasing by the youngsters and those of the adults who still enjoy western fare. It should find its best playing position on a double bill.

Harry Carey, with something of a following among western fans,

(*Continued on page 8*)

"Dream" Big In 4th Week On the Coast

LOS ANGELES, Nov. 13.—"A Midsummer Night's Dream" continued to be an outstanding hit in its fourth week at Warners' Beverly. The $13,000 take was $9,500 over average at normal prices.

"Remember Last Night?" playing day and date at the Hillstreet and the Pantages, made a much better showing at the latter than at the former. The $5,900 at the Hillstreet was $2,100 below the line, while at the Hollywood house it was $2,700 above.

"A Night at the Opera" took a good $14,000 at the Chinese, and was unusually strong at Loew's State where it reached $17,000. Other houses failed to make much of a showing.

Total first run business was $92,000. Average is $93,150.

Estimated takings for the week ending Nov. 13:

"A NIGHT AT THE OPERA" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $14,000. (Average, $12,500)
"METROPOLITAN" (Fox)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $4,400. (Average, $3,250)
"CASTA DIVA" (Foreign)
GRAND INTN'L THEATRE—(750), 35c-40c, 6 days. **Gross:** $1,100. (Average, $1,200)
"REMEMBER LAST NIGHT?" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $5,900. (Average, $8,000)
"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $17,000. (Average, $14,000)
"SHE COULDN'T TAKE IT" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. **Gross:** $18,400. (Average, $18,000)
"IT'S IN THE AIR" (M-G-M)
"MUSIC IS MAGIC" (Fox)
UNITED ARTISTS—(2,100), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
"A MIDSUMMER NIGHT'S DREAM" (W. B.)
WARNER BROS. (BEVERLY)—(1,612), 50c-$1.50, 7 days. 4th week. **Gross:** $13,000. (Average, $3,500)
"CASE OF THE LUCKY LEGS" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $10,000. (Average, $14,000)
"CASE OF THE LUCKY LEGS" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $8,800. (Average, $12,000)
"REMEMBER LAST NIGHT?" (Univ.)
PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $5,900. (Average, $3,200)

"Crusades" Pulls $6,000, Charlotte

CHARLOTTE, Nov. 12.—Bad weather and a one day's stand by the Ringling Brothers & Barnum and Bailey circus had little if any effect on theatre grosses, with "The Crusades" going over big at the Carolina. The take was $6,000 in a six-day run, breaking average by $2,000.

Total first run business was $12,500. Average is $11,000.

Estimated takings for the week ending Nov. 9:

PERSONAL MAID'S SECRET" (W. B.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $1,000. (Average, $2,000)
"SHE COULDN'T TAKE IT" (Col.)
BROADWAY—(1,114), 25c-40c, 3 days. Gross: $1,500. (Average, $2,000)
"THE CRUSADES" (Para.)
CAROLINA—(1,400), 25c-40c, 6 days. **Gross:** $6,000. (Average, $4,000)
"HERE COMES THE BAND" (M-G-M)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)
"FIGHTING YOUTH" (Univ.)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)

Philadelphia Argues About Sunday Shows

(*Continued from page* 1)

face of competition will, of course, be decided later.

The theory advanced by these exhibitors is that Warners, with their large auxiliary staff and with percentage dates, will be able to operate seven days at an increased cost of only actual overhead plus operator while the average independent will find his cost directly increased by one-sixth. The more pessimistic in this class are dubious as to whether there is one-sixth more trade in their stands to overcome the expense. They cite experiences in Baltimore and Trenton to the effect, they claim, that while Sunday shows provided a quick boom, business averaged off close to normal within a year.

Neighborhoods Cheerful

There is a more cheerful side to the question, however, and it is being expressed by all downtown men. One exhibitor put it this way: "Our Labor Day and other holiday business indicates what we may expect from Sunday trade. While Philadelphians leave the city in great numbers over such holidays, we still have good business on such days from the vast influx of visitors to the city. We can count on a heavy attendance from the surrounding districts."

The point is particularly well taken in view of the fact that several large neighboring communities, Norristown, Ambler, Lancaster, etc., voted against Sunday shows. The liberal element in these towns will be logical customers for Philadelphia so far as first runs are concerned.

Many neighborhood exhibitors are in a like cheerful frame of mind, pointing out that Sunday gives them a chance to recoup if Saturday, the other big day in the week, brings bad weather. They figure the additional expense is worth the gamble.

Stage Show Houses Doubtful

The stage show houses are still in a quandary. Under the terms of the law, no stage shows are permitted. Violation becomes a misdemeanor and carries a $100 fine. If the authorities let the matter drop with the payment of the $100, it is possible that the bigger stage show theatres will operate as usual. Naturally the subject is a ticklish one and no one is committing himself on a policy.

Final certification of the Sunday vote has been made removing the last legal bulwark against showings this Sunday.

It is probable that there will be no court action of any sort against Sunday films until after the first showing. Whether Rev. William B. Forney, secretary of the Lord's Day Alliance, will go through with his plan to seek an injunction on the grounds that the pro vote was not half the total vote cast, is not known.

"These Three" New Title

HOLLYWOOD, Nov. 13.—"These Three" has been set as the final title of "The Children's Hour" by Samuel Goldwyn.

New England Allied Charges "Coercion"

(*Continued from page* 1)

a scout looking for locations in ——— and only await word from our president, Robert Hurel, who arrives from France the 12th of this month. Hurel is also president of the France Film of Canada, and is perfectly capable financially of erecting a theatre, if necessary.'

" 'The March of Time' (broadcast) is constantly urging the public to demand that theatres show the 'March of Time' (newsreel); never explaining, of course, that under the practices of compulsory block booking and the forcing of shorts and newsreels with features, thousands of exhibitors are constantly so overbought that they could not possibly add another newsreel."

The statement concludes: "These methods caused a great furore in the industry some years ago and since then have been abandoned by the better-managed distributors. Even the distributor-written code condemned these practices (Art. V, Div. D, Part 1). Exhibitors should not fail to make known to these concerns their resentment of such strong-arm methods.

Pettengill in Detroit

DETROIT, Nov. 13.—Before an audience composed of the members of Allied of Michigan and more than 100 representatives of various local women's clubs, Congressman Samuel B. Pettengill today explained his anti-block booking bill and told of his plans to secure its passage at the next session of Congress, as the highlight of the final day of the organization's convention in the Hotel Statler.

Prior to Pettengill's speech, Abram F. Myers warned the delegates of impending mergers in the film industry and urged stricter organization to combat adverse legislation. The following officers were named for the coming year: president, Fred De Ludder; vice-president, Frank A. Wetsman; secretary, Barney Kilbride; treasurer, William Schullenhelen.

Brooklyn Paramount Offers Turned Down

(*Continued from page* 1)

posed bids the Fabian bid is the best. It is also my opinion, expressed at the close of the hearing and confirmed by subsequent considerations of the testimony and the briefs, that none of these offers is sufficiently attractive under the terms proposed. No attempt should be made to sell the property or to part with the title until an effort to reduce the taxes has been made and the result, whether successful or not, is known."

Offer Columbia Stock

An underwriting group, headed by Hemphill, Noyes & Co., today will offer 75,000 shares of $2.75 preferred convertible stock of Columbia Pictures Corp., said to be the first public offering of film company securities under the Securities Act. The stock is priced at $50 per share. Bancamerica-Blair; Goldman, Sachs; Eastman, Dillon, and Wertheim & Co. are in the group which is offering the stock.

Expect Moore Will Accept Substitution

(*Continued from page* 1)

would compel Warners, Paramount and RKO to make available first run product to the Fanchon & Marco-operated Missouri, Ambassador and New Grand Central here.

One affidavit was filed yesterday by Maurice Schweitzer, local Paramount manager. Herman Starr, Warner vice-president, filed the other today. Accompanying both were the required certificates of good faith by defense counsel. When Judge Moore certifies the sufficiency of the affidavits to Judge Kinbrough Stone, presiding justice of the U. S. Circuit Court of Appeals, Judge Stone will name another judge to hear the injunction application and equity proceedings against the three companies.

Judge Stone may be here tomorrow, although the Appeals Court is not scheduled to sit until Monday. The affidavit of Starr discusses the charge of Judge Moore to the jury in the criminal case, citing the manner of its delivery, the judge's reaction to the exceptions taken by Frederick H. Wood of defense counsel, and the $100 fine for contempt imposed on Wood by the court. These points are offered to substantiate the contention that Judge Moore has prejudged the issue in the equity case, in a manner adverse to the defense and that therefore he cannot preside at the hearing fairly and impartially.

Columbus Given Aid For Big Auditorium

COLUMBUS, Nov. 13.—A Federal grant of $1,569,000 has been approved by President Roosevelt for construction of a Civic Center here which will house a civic theatre seating 6,400; a music hall with a seating capacity of 3,600, and a recital hall which will seat 1,000. Approval is conditioned on the city raising $300,000, which, sponsors of the project say, can easily be done.

The three auditoriums will be arranged so they can be thrown together, to form one large theatre with an aggregate seating capacity of 11,000.

Melton Film Opens

Warners' "Stars Over Broadway" opened at the Strand last night before a notable audience. Among those attending were: James Melton, who makes his screen debut in the film; Jane Froman, also in the cast; Rudy Vallee, Fred Waring, Gus Edwards, Dick Himber, Mitzi Green and Glenn Gray. A broadcast from the lobby went through WHN. Melton and Miss Froman were introduced and sang from the stage.

Study Guide on Short

Educational and Recreational Guides, Inc., has sent to 32,000 teachers and to better film organizations over the country, a study guide to the M-G-M short subject, "The Perfect Tribute," in which Charles (Chic) Sale plays Lincoln. The guide was prepared by William Lewin, well known educator.

K. C. Widens Its Ban On Bank Night Signs

KANSAS CITY, Nov. 13.—Signs at all independent theatres which advertise Bank Night are to be taken down, Judge Henry F. McElroy, city manager, has ordered. Police are notifying the independents.

The action follows removal of signs from Fox Midwest's 12 houses here Saturday night under direction of the police.

McElroy claims the signs are misleading, that they advertise a large amount of money to be given away "tonight," when actually the money may not be given away for several days or weeks.

Action of the city manager complicates the problem of advertising the promotion. Postal authorities prohibit direct advertising in newspapers, so that theatres have resorted to indefinite allusion—"Extra added attraction tonight," etc. Some exhibitors have resorted to street promotion with an automobile equipped with loudspeaker playing music, the car surmounted by a large sign.

Beano Promoter Arrested

BOSTON, Nov. 13.—After issuing many warnings, Massachusetts authorities have finally clamped down on Beano. Following a raid on the offices of the Brookline General Hospital, during which 75,000 Beano tickets and a quantity of correspondence and records were seized, Thomas A. O'Connell, vice-president of the hospital, was arraigned in Municipal Court and held in $500 on the charge of setting up and promoting a lottery.

O'Connell states that he will take the case to the Massachusetts Supreme Court as a test if the Municipal Court turns thumbs down on Beano. Theatre men are watching developments.

"Opera" St. Louis Hit

ST. LOUIS, Nov. 13.—With more than double the average of $12,000 garnered in the first week when the picture hit approximately $25,000, "A Night at the Opera" is heading for a $14,000 take on the six-day holdover at Loew's.

The six-day tally is expected to end with at least $2,000 more than the average week's gross. "Thanks A Million" starts Thursday.

Empire State Appeals

Attorney Joseph A. Teperson filed a notice of appeal yesterday to the Appellate Division on behalf of the Empire State Theatrical Stage Employes Union, Inc., from a judgment in the Supreme Court enjoining his clients from picketing the Edgomac Amusement Corp. theatres. Justice Samuel L. Rosenman signed a permanent injunction order on Tuesday of this week.

Weeks, Golden to Talk

George W. Weeks, general sales manager of G. B., and Edward A. Golden, general sales manager of Republic, will be guest speakers at the annual convention of the Independent Theatre Owners of Ohio at Columbus, Nov. 19-20.

Golden has just returned from a seven weeks' tour of exchanges throughout the country.

Short Subjects

(Continued from page 6)

ley predicting to his manservant the re-election of President Roosevelt "in the same smashing manner" of 1932. This entire latter sequence is one of the best jobs "The March of Time" has turned out.

"New York Uncensored"

(*Celebrated*)

Built around the idea of a columnist getting his stuff in under the deadline, this short has Paul Yawitz, tabloid columnist, on his rounds for material. There are shots of interesting places about Times Square. The camera tour takes in the Hollywood restaurant, the Versailles, backstage at the Hippodrome where "Jumbo" is being made ready, with clowning by Jimmy Durante, a scene of James Barton in "Tobacco Road," Murray Korman photographing the showgirls, Victor Moore and Billy Gaxton in a bit of stage door buffoonery and winds up with a finale from the floor show at the Hollywood. The short should go over for the novel inside shots on current celebrities and the Broadway scene. No production code seal. Running time, 15 mins. "G."

"Oh, My Nerves"

(*Columbia*)

This one is based on the time-worn plot of a nervous wreck's reaction to suggestion. In this case Tom Kennedy and Monte Collins are the cause and effect. En route to Florida they are lost in the rain and pitch their camp to awake the next morning and find themselves on the White House lawn. In Florida there is a burlesque of a fishing trip with some time worn gags and finally both principals wind up in an insane asylum. It contains some humorous moments and may be found enjoyable by undiscriminating audiences. Production Code Seal No. 1165. Running time, 20 mins. "G."

"Pompeii" Reaches $7,000, Portland

PORTLAND, Nov. 13.—"Last Days of Pompeii" out front at the Orpheum. It took $7,000, or over average by $2,000.

"Hands Across the Table" secured $6,000 at the Paramount, over normal by $1,000.

In its first week at the United Artists "I Live My Life" brought in $6,000, over par by $1,000.

Total first run business was $28,700. Average is $24,700.

Estimated takings for the week ending Nov. 9:

"REMEMBER LAST NIGHT?" (Univ.)
"THE BISHOP MISBEHAVES" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"FARMER TAKES A WIFE" (Fox) (2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"BLACK ROOM" (Col.)
"GIRL FRIEND" (Col.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"LAST DAYS OF POMPEII" (Para.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"HANDS ACROSS THE TABLE" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,000)

"I LIVE MY LIFE" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

Looking 'Em Over

(Continued from page 6)

has the lead, while Betty Mack takes care of the comparatively minor romantic aspect of the story. Carey comes to the western town which is harassed by cattle rustlers and joins their gang, aided by an old crony. The brother of the gang leader who has had nothing to do with the rustling, is in love with the daughter of the town's leading citizen, head of the Vigilantes.

With the expected complications, gun fights and hard riding spotted through the film, Carey eventually cleans up the gang, and the girl and boy finish with the anticipated romantic conclusion, while Carey and his pal go in search of more adventure. Harry Fraser directed.

Production Code Seal No. 1,168. Running time, 60 minutes. "G."

"Crime et Chatiment"

(*Lenauer International*)

Stark, unrelieved drama, this French picturization of the famous novel by Dostoievsky, "Crime and Punishment," moves slowly, yet powerfully, as it tells the story of a murderer's battle with his conscience, and his eventual breakdown and confession.

Performed in excellent fashion, the picture is well-photographed and strong in atmosphere. It is an adult attraction exclusively. In French entirely, it is adaptable only to those houses in metropolitan areas which are able to draw a patronage interested in the better foreign importations, or to those communities where French-speaking people are to be found.

A poor student, unable to bear his condition, murders a woman pawn broker and her younger sister, and robs them, in St. Petersburg in 1865. He is called to the police station on a minor charge of debt and the official's suspicions are aroused. The two fence with one another, while the bitter mental struggle of the student is apparent. He falls in love with a girl he meets by accident, and eventually, and chiefly for her sake, he confesses his crime. The conclusion finds him en route to Siberia, the girl with him.

Strong material, for the "class" audience, the picture is one of the better foreign films. No production code seal. Running time, 100 minutes. "A."

"Mary Burns, Fugitive," opening tomorrow morning at the Paramount, was previewed by wire from Hollywood on Nov. 8.

"Thanks a Million," now being shown at the Center, was reviewed from Hollywood by wire on Oct. 22.

"The Man Who Broke the Bank at Monte Carlo," which opens this morning at the Radio City Music Hall, was previewed by wire from Hollywood on Oct. 24.

"Stars Over Broadway," which previewed at the Strand last night, was reviewed by wire from Hollywood on Oct. 29.

"Across Table" at $9,800 in Houston

HOUSTON, Nov. 13.—"Hands Acros the Table" was the money-maker this week, grossing at the Metropolitan 40 per cent above average, or $9,800. "The Farmer Takes a Wife," in four days at the Kirby, broke even with $3,500, as did "Fighting Youth" the following three days with $1,500.

"Metropolitan" took the rap at Loew's State, dropping 25 per cent below par with a take of $5,250 for the week.

Total first run business was $26,350. Average is $26,000.

Estimated takings for the week ending Nov. 7:

"THE FARMER TAKES A WIFE" (Fox)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,500. (Average, $3,500)

"FIGHTING YOUTH" (Univ.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"METROPOLITAN" (Fox)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $5,250. (Average, $7,000)

"THE LAST OUTPOST" (Para.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $6,300. (Average, $7,000)

"HANDS ACROSS THE TABLE" (Para.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $9,800. (Average, $7,000)

"Lucky Legs" Sets Indianapolis Pace

INDIANAPOLIS, Nov. 13.—"Case of the Lucky Legs" was outstanding in a dull week here. It ran the Lyric gross $3,000 over par for a take of $10,000, with vaudeville as a help.

"Rendezvous," as the top half of a dual bill at Loew's, was good for $5,500, up by $1,000. The only other first run to make the grade was the Apollo which took a par $4,000 with "Metropolitan."

Total first run business was $29,000. Average is $26,500.

Estimated takings for the week ending Nov. 9:

"METROPOLITAN" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THREE KIDS AND A QUEENN (Univ.)
"HIS NIGHT OUT" (Univ.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"REMEMBER LAST NIGHT" (Univ.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"CASE OF THE LUCKY LEGS" (F. N.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $10,000. (Average, $7,000)

"RENDEZVOUS" (M-G-M)
"GUARD THAT GIRL" (Col.)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

Kansas City's Top, $7,800, Is "39 Steps"

KANSAS CITY, Nov. 13.—Backed by strong promotion, "The 39 Steps" made the best comparative showing for first run houses at the Newman, taking $7,800, $800 over par.

Other shows, handicapped by bad weather, did only a fair job. "The Gay Deception" and "Charlie Chan in Shanghai" grossed $3,900 at the Uptown, which is $400 more than average. "Paris in Spring" at the Tower disappointed with a take $1,000 off the normal $7,000.

"Metropolitan" did $9,800 at the Midland. This is well below the house's average of $11,500.

"Jalna" at the Mainstreet, plus Noble Sissle and his orchestra on the stage had a take of $8,300, or $700 under average for combination bills.

Total first run business was $35,800. Average is $38,000.

Estimated takings:

Week Ending Nov. 7:

"THE 39 STEPS" (G. B.)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

"JALNA" (Radio)
MAINSTREET—(3,100), 25c-35c-50c, 7 days. Stage: Noble Sissle and his International Orchestra. **Gross:** $8,300. (Average, combination bills, $9,000)

"METROPOLITAN" (Fox)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $9,800. (Average, $11,500)

"PARIS IN SPRING" (Para.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Bob Ripa, Ted & Al Waldman, Dorothy Martin & Co., and Minnette May. **Gross:** $6,000. (Average, $7,000)

Week Ending Nov. 8:

"THE GAY DECEPTION (Fox)
"CHARLIE CHAN IN SHANGHAI" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,500)

Wall Street

Slight Gains Spot Big Board

	High	Low	Close	Net Change
Columbia	66	65	66	+ ½
Consolidated	5½	5⅜	5½	.....
Consolidated, pfd.	19	18⅞	19	+ ¼
Eastman Kodak	166½	165½	166½	+1
Eastman, pfd.	155	155	155	—4
Loew's, Inc.	49¼	48⅝	49¼	+ ⅜
Loew's, Inc., pfd.	106	105⅞	106	+ ⅛
Paramount	9⅛	8⅞	9⅛	.....
Paramount 1 pfd.	77½	76⅞	77½	— ½
Paramount 2 pfd.	11⅜	11⅛	11¼	— ¼
Pathe Film	6½	5¾	6⅜	+ ⅝
RKO	5	4⅞	5	+ ⅛
20th Century-Fox	19¼	18¾	19¼	+ ⅜
20th Century, pfd	28	27⅝	27⅞	.....
Warner Bros.	8½	8¼	8½	+ ¼
Warner, pfd	48¼	46¾	47¼	—1¼

Sonotone Gains Fractionally

	High	Low	Close	Net Change
Sentry Safety	½	½	½	.....
Sonotone	2⅞	2⅝	2⅞	+ ¼
Technicolor	18½	18⅛	18⅛	— ¼
Trans-Lux	4⅜	4⅛	4¼	— ⅛

RKO Bonds Off 1¼ Points

	High	Low	Close	Net Change
General Theatre 6s '40	15⅛	15	15	.....
Keith B. F. 6s '46	92½	92½	92½	— ⅛
Loew's 6s '41 ww deb rights	104⅝	104¼	104⅝	+ ½
Paramount B'way 3s '55	57	57	57	.....
Paramount Pict. 6s '55	92¾	92⅜	92⅝	+ ⅛
RKO 6s '41 pp	77	77	77	—1¼
Warner Bros. 6s '39 wd	86¼	85¼	86¼	+ ¾

(Quotations at close of Nov. 13)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 116 NEW YORK, FRIDAY, NOVEMBER 15, 1935 TEN CENTS

Expect a New Judge to Sit In Equity Case

Moore Seen Replaced In St. Louis Action

St. Louis, Nov. 14.—A new judge to supplant Federal Judge George H. Moore in the hearing for a preliminary injunction sought by the Government against Warners, Paramount and RKO for allegedly withholding product from the Ambassador, Missouri and New Grand Central is expected to be appointed by Judge Kimbrough Stone, presiding justice of the U. S. Circuit Court of Appeals, within the next few days.

Paramount and Warners have filed affidavits to disqualify Judge Moore on the ground of prejudice after listening to arguments pro and con in the alleged conspiracy suit for six weeks. Filing of the affidavits automatically eliminates Judge Moore from the equity case, attorneys for the three distributors hold. Justice Kimbrough also will set the date for hearing of

(*Continued on page 7*)

Bishops End Parley; Make No Statement

Washington, Nov. 14.—Members of the Conference of Catholic Bishops today adjourned their annual meeting without making a public statement as to any of their proceedings. It is understood motion pictures and the activities of the Legion of Decency were discussed, the latter having been expected to submit a report on the improvement of the cultural level of films. Following the conclusion of the bishops' conference, the administrative committee of the Welfare Conference went into session for a further discussion of matters referred to it by the superior group.

Burn Dietrich Print To End Spanish Row

The master print of Paramount's "The Devil Is a Woman" was burned here yesterday in the presence of the Spanish Consul-General in New York as a first step in the company's move to accede to Spain's demand that the film be removed from world circulation.

Other prints are being withdrawn from international distribution and exhibition by Paramount as rapidly as is consistent with the company's desire to avoid law suits for breach of contract. Spain objected to the print on the grounds that it was derogatory to the nation's Civil Guard.

Elected to High RKO Posts



Keystone Photo

Leo Spitz, well-known Chicago lawyer, who was formally elected to the presidency of RKO yesterday, succeeding M. H. Aylesworth.



M. H. Aylesworth, president of NBC, who was elected chairman of the board of RKO, succeeding David Sarnoff, resigned.

"Rose" Opening Is An Event in South

By J. M. JERAULD

Richmond, Nov. 14.—With all the pomp and ceremony this historic old city can muster—and it can muster plenty when it steps out of its prewar calm—Paramount's "So Red the Rose" was given a southern premiere at the Colonial tonight as well as in the 10 other Confederate capitals.

The Richmond Blues paraded up to the Colonial, the Dixie Jubilee Singers entertained from the stage, and Gov. George C. Perry made a short address which was broadcast. United Daughters of the Confederacy and other organizations which represent the aristocracy of this section were

(*Continued on page 7*)

Publicity Men on Pan Before Ampa

Film publicists received a polite but helpful panning for their wasted opportunities of crashing the public prints when Alice Hughes, merchandising columnist of the *N. Y. American*, faced them in their own council at the Ampa luncheon at Jack Dempsey's yesterday and told some of the things that are thought and said by the people on the receiving end of the pieces the boys write for the papers.

The first fault of film publicists, Miss Hughes said, and the one that must have hurt her listeners most, is that they show no initiative. The editors have to make the suggestions, whereas the ideas should certainly

(*Continued on page 7*)

Rogers Stage Dedicated in Nation-Wide Air Hookup

Hollywood, Nov. 14.—In impressive ceremonies today the new Will Rogers memorial stage at Twentieth Century-Fox's Westwood Hills studio was dedicated, following a luncheon. The ceremonies were broadcast over a nationwide N. B. C. and C. B. S. hookup to an estimated audience of 40,000,000. The full measure of the depth of feeling which the speakers had for the late humorist and philosopher was evident in their voices.

Rupert Hughes, as toastmaster, introduced the speakers in his capacity as California state chairman of the Will Rogers Memorial Commission. Joseph M. Schenck, the first to speak, declared he thought it would have been Rogers' wish that the occasion be a celebration, rather than one marked by solemnity. Hughes saw Rogers living in thousands of cities and homes throughout the world.

Louis B. Mayer cited as characteristic of Rogers the humorist's own phrase: "I never met a man I didn't like." Governor Merriam of California declared that the actions of

(*Continued on page 7*)

J. M. Schenck Now Controls New Fox Met

Through U. A. Circuit He Buys Other 50%

United Artists Theatre Circuit, Inc., yesterday exercised its option to acquire the remaining 50 per cent of the common stock of Metropolitan Playhouses, Inc., the reorganized Fox Metropolitan Playhouses company. The action involved the payment to Fox Theatres Corp. of $150,000 in settlement of that company's claims against Fox Met.

Acquisition of the stock gives U. A. Theatre Circuit, which is wholly owned by Joseph M. Schenck, a total of 90 per cent of the outstanding stock of Metropolitan Playhouses. Keith-Albee-Orpheum has the remaining 10 per cent and, in addition, has the right to purchase an additional 10 per cent from U. A. Theatre Circuit. It is expected this will be done in the near future.

The Schenck company's action followed closely upon Federal Judge Martin T. Manton's denial

(*Continued on page 7*)

Action in W. B. Suit Up Next Wednesday

Federal Judge Grover M. Moscowitz in Brooklyn has signed a show cause order returnable next Wednesday showing why a temporary injunction should not be granted restraining officers of Warners from voting proxies in favor of an out-of-court settlement of a suit brought against the company by Max Goldberg, a Warner stockholder, at the annual meeting slated for Dec. 9 in Wilmington.

The order was issued in connection with a suit filed by Martin J. Clougherty of Boston, who describes himself as a stockholder. Howard W. Ameli is his attorney.

306 Meets, But Is Silent on Mergers

Members of Local 306 yesterday held a semi-monthly meeting at the Manhattan Opera House. Unfinished business, including claims members had against the union, was discussed.

Nothing was said about the pending merger with Empire State and Allied. Joseph D. Basson, president, wielded the gavel.

Several independent houses are reported to have been stench-bombed during the past week.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 15, 1935 No. 116

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpuhco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Burr Production Is Halted by the AFL

HOLLYWOOD, Nov. 14.—C. C. Burr, filming at San Pedro harbor, was forced to halt production here today by the A.F.L. because Burr was using non-union men. Picket lines were established, and Burr was even prevented from moving equipment. The A.F.L. forced the issue when it was learned Burr was using non-union technicians as well as transportation men. I.B.E.W. men were ordered off location by their leaders.

Halperin Brothers, shooting at Laguna Beach, were temporarily stopped by a demonstration against the Talisman Studios, supplying them with equipment and using non-union men, but the matter was adjusted amicably, Talisman promising future cooperation.

Arnold, New Chairman

HOLLYWOOD, Nov. 14.—John Arnold has been elected chairman of the photographic section of the Academy's Technician's Branch. Arnold also represents the technicians on the board of governors and is a member of the branch executive committee.

PAUL WHITEMAN
"THANKS A MILLION"
WILLIAM MORRIS OFFICE

Purely Personal

M. H. AYLESWORTH, a siege of the cold behind him, appeared at "21" for lunch yesterday accompanied by NED E. DEPINET with HERBERT J. YATES joining up later. PHIL REISMAN, SAM and GEORGE DEMBOW were there, as were DICK BARTHELMESS, a regular in those parts now, and JACK CONNOLLY, BOB GILLHAM, JOE MOSKOWITZ, HARRY M. GOETZ, BOB GOLDSTEIN, JACK COHN, NATE SPINGOLD and ED ROWLEY, that big exhibitor from the Southwest.

•

GEORGE J. SCHAEFER, JOSEPH BERNHARD, I. J. HOFFMAN, DON JACOCKS, FRANK DAMIS, SAM RINZLER, WILLIAM SCULLY, JACK BOWEN, NAT COHEN, HERMAN GLUCKMAN and ARTHUR SIEGEL among those lunching at the Astor; W. RAY JOHNSTON, GEORGE W. WEEKS, MEYER LAVENSTEIN, MORRIS KINZLER and WILLIAM FEITELSON at The Tavern.

•

CHARLES K. STERN, who was recently appointed grand representative of the Grand Lodge of Kentucky, will be tendered a dinner by the Masons next Wednesday at Masonic Hall. A five-reel picture showing the history of the organization in this state will be screened.

•

LILY PONS, whose first picture, "I Dream Too Much," reaches the Music Hall shortly, yesterday was guest of honor at a reception held in the Lentheric Salon. Making it very social, the former Grand Duchess MARIE of Russia headed the receiving line.

•

MARION GERING is due from Hollywood today to round out casting for "Tapestry in Gray," MARTIN FLAVIN'S drama in which ELISSA LANDI, MELVIN DOUGLAS and MINOR WATSON will essay the leads.

•

GEORGE W. WEEKS and EDWARD GOLDEN plan to leave Sunday for Columbus to attend a two-day Ohio exhibitor convention at the Deschler Hotel starting Monday.

•

PAULINE LORD, BEULAH BONDI and CHARLES BICKFORD are being talked about for leads in "Ethan Frome" which MAX GORDON is contemplating for stage production.

•

JOHN ARLEDGE, accompanied by his wife, reached New York from Hollywood yesterday on a vacation. Under contract to RKO, his next will be "Bunker Bean."

•

HARPO MARX will be guest of honor at the Macy Thanksgiving Day Parade. He will appear in costume on the marquee of the store during the parade.

•

OSGOOD PERKINS, who is in the supporting cast of "I Dream Too Much," will be host of the "Flying Red Horse Tavern" broadcast tonight.

•

PERT KELTON is in town from the coast and while here will take in the local premiere of "Annie Oakley," in which she plays a role.

•

LEWIS JACOBS, an editor of *Experimental Cinema*, next month will give a course in motion picture production, writing and directing at the Y.M.H.A.

•

HARRY HIRSCHFIELD will be the target of a testimonial dinner at the Astor on Jan. 26. It seems he has been president of the Cheese Club for the last two decades. Proceeds will go to charity.

•

WILLIAM K. HOWARD, scheduled to arrive here today, has stopped off at St. Mary's, Ohio, to visit his mother and will arrive here Monday.

•

ATANAS KATCHAMAKOFF, Bulgarian sculptor, will be guest of honor at a cocktail party given by William Morris next Tuesday.

•

LOUIS PHILLIPS, ROBERT W. PERKINS and HARRY C. ARTHUR have returned from a seven-week stay in St. Louis.

•

GEORGE SKOURAS and BILL POWERS went duck hunting yesterday. There'll be duck soup for those boys tonight.

•

GUISEPPE S. BIONDO, Italian representative for RKO, is sailing Saturday on the *Rex*.

•

NAT HOLT has gone back to Cleveland and CHARLES KOERNER to Boston.

•

LEOPOLD FRIEDMAN leaves for the coast tomorrow for a two weeks' stay.

•

AL LICHTMAN returns tomorrow from Hot Springs, Ark.

It Would Be

In the "Purely Personal" column the other day:
"Arnold Van Leer strolling along 7th Ave.—southbound."
Yesterday, from Len Hall:
"Now if 7th Ave. were walking south on Arnold Van Leer, *that* would be news."

Asks Quicker Action In GTE Proceedings

WILMINGTON, DEL., Nov. 14.—Albert Simon, attorney for Jay Carton of New York, filed a petition here today in Federal district court seeking quicker action in proceedings under Section 77-B of the Bankruptcy Law, pending against General Theatres Equipment for a year and a half. The petition seeks permission for a motion directing the debtors to answer at once. Judge John P. Nields set Nov. 22 for a hearing. Carton is the holder of $5,000 in gold debentures due in 1940, part of the $30,000,000 debenture issue. The petition claims reorganization would be handled better under 77-B than in Chancery Court.

The presentation of a reorganization plan for General Theatres was continued today before Chancellor Josiah O. Wolcott. The plan would bring a benefit of $4,750,353.70 to creditors without considering their option to purchase Twentieth Century-Fox stock on a two-year call basis, it was said.

Kelly Returns Soon

HOLLYWOOD, Nov. 14.—Arthur W. Kelly, vice-president in charge of all sales for United Artists, plans to leave for New York the end of the week.

Would Solve Mexican Row By Flat Tax

By JAMES LOCKHART

MEXICO CITY, Nov. 14.—The climax of the long controversy between American distributors and the Government is expected to be reached on Saturday when there will be presented a plan to end the progressive income tax quota and substitute a straight six per cent levy on the gross. The plan has been evolved by the American companies in New York and forwarded here for presentation to the Finance Ministry by local representatives of the major American distributors.

The suggestion would bring the progressive tax plan to a conclusion by Jan. 1 when the new tax plan, much lower than the current rate but three times as great as the system in effect before last year, would become effective.

The settlement provides importers must bring in a greater number of prints in order to assure wider distribution and would fix the annual quota of each company at a maximum of 70,000 meters.

Takes New Step In Fox Theatres Action

A petition has been filed in Federal court by counsel for the Mortgage Service Co. of Philadelphia in connection with the suit brought by the Chicago Title and Trust Co. against Fox Theatres Corp. The Mortgage Service Co. is seeking an order permitting it to intervene as co-claimant with receivers of the Philadelphia Company For Guaranteeing Mortgages.

The original proof of claims and amended proofs are based upon guarantee to the Philadelphia company for guaranteeing mortgages of the Fox Film Corp. and the payment of the interest on a certain bond and mortgage of its subsidiary, Market-17th Sts. Corp., the taxes on the premises covered by the bond and mortgage, and the premiums due by the subsidiary on the policy of guarantee issued by the claimant, the Philadelphia Company For Guaranteeing Mortgages, to the mortgagee, the Philadelphia Savings Bond Society. In the reorganization proceedings the properties and assets of the Philadelphia Company For Guaranteeing Mortgages were transferred to the petitioner as operating trustee.

Coast Trek Nears

Joseph H. Moskowitz of 20th Century-Fox is slated to leave for Hollywood on Saturday. He plans to stay at the studio exactly one week and then return here.

Robert M. Gillham of Paramount has set back his scheduled trek for two weeks.

Harry M. Goetz, president of Reliance, leaves by air Tuesday in a plane which also will carry west Jack Cohn of Columbia and M. A. Schlesinger of General Talking Pictures.

Roxy Holding Over

The Roxy is holding over "3 Kids and a Queen" for a second week.

ANOTHER DREAM OF A PICTURE FROM WARNER BROS.





"A bright and melodious movie serves to introduce two radio favorites, Jane Froman and James Melton, to the picture public. Miss Froman lends beauty and torch tones to the production. Melton offers a sure-fire camera personality and full, clear tenor. The music by Warren and Dubin is of hit variety." —N. Y. Eve. Post

"James Melton sings his way to film success. The Warners have unearthed a rich vein of talent in Mr. Melton as well as in Jane Froman." —N. Y. American

"A musical treat and an absorbing romantic drama. New finds make an impressive first appearance before the Hollywood cameras." —N. Y. Mirror

"Crooner is hit of 'Stars Over Broadway'. He can sing like nobody's business." —N. Y. Daily News

'Melton proves that he can handle a comic scene and roll a romantic eye fully as well as he sings 'Celeste Aida' or 'Carry Me Back to the Lone Prairie." —N. Y. Times

"James Melton definitely establishes himself as a screen personality and is unquestionably headed for stardom." —N. Y. Eve. Journal



BROA

Warner Bros. bring you the cast of your dreams—sensational new talent combined with a load of famous screen names—in the finest song-show since 'Twenty Million Sweethearts'. Last night Broadway found three real finds in this fine cast—

PAT O'BRIEN

Jean Muir •

And it all came true yesterday

STARS OVER BROADWAY



JANE FROMAN • JAMES MELTON

Frank McHugh • Marie Wilson



STARS OVER BROADWAY

Dear Mr. Exhibitor—

We've been checking radios in your territory and find that 143,431 people are regular listeners, and that JAMES MELTON is the favorite tenor of 143,400 of them.

The other 31 are tenors themselves.

Then we checked up on the trade preview critics and found that they've been writing things like—

"James Melton is a wow!"
—Jack Smalley, Fawcett Publications

"One of the big finds of the year!"
—Ted Magee, Hollywood Magazine

"Melton's voice is sensational!"
—Sam Morris, Chicago American

If you'll take 89 minutes to watch Jimmie Melton and Jane Froman in action, we can stop taking all this space to tell you that we have two genuine new stars in "Stars Over Broadway."

Even those 31 tenors will want to see it twice.

Millions will hear full-hour national radio plug at 9 P. M. (E. S. T.) November 22nd over W J Z . . .

Featuring 3 new song successes by Warren and Dubin

"Where Am I" • "At Your Service, Madame" • "You Let Me Down"

Dance numbers staged by Busby Berkeley and Bobby Connolly. Directed by William ('G-Men') Keighley.

J. M. Schenck Now Controls New Fox Met

(*Continued from page* 1)

Wednesday of an application for an order directing Fox Theatres to acquire the 50 per cent stock interest in Metropolitan Playhouses. The order was sought by a Fox Theatres stockholders' protective committee and was opposed by Fox Theatres' creditors with claims exceeding $13,000,000. In order to acquire the stock Fox Theatres would have had to pay to U. A. Theatre Circuit $275,000. The majority of creditors was of the opinion that it was more desirable to waive the stock purchase right and receive, in return, $150,000 in cash. This view was upheld by the court in making its decision.

With the settlement of the Fox Theatres' claim against Fox Met and the balance of the new company's stock having been acquired by the Schenck company, Milton C. Weisman, receiver of Fox Theatres, and Samuel S. Allan, an associate of Weisman's will resign from the board of Metropolitan Playhouses and will be succeeded, it is expected, by a Schenck and a K-A-O representative in the near future.

Expect New Judge to Sit in Equity Case

(*Continued from page* 1)

the second suit at the same time he appoints another judge, it is expected.

Russell Hardy, prosecuting attorney, left for Washington Tuesday to confer with Attorney General Homer S. Cummings, after failing to get Judge Moore to hand down a temporary order in the equity case. Hardy held that, on the basis of the testimony given in the criminal case, sufficient grounds had been laid for the issuance of a preliminary restraining order. However, defense counsel insisted Warners, RKO and Paramount were entitled to a full hearing of the facts.

As far as his own docket was concerned, Judge Moore stated he could not hear the case before Dec. 2.

Meanwhile, local attorneys for Warners, Paramount and RKO have returned to their normal business until a date for the equity hearing is set. All out-of-town counsel who participated in the criminal action have left for their respective cities.

Charity Drive Nears Its $200,000 Quota

HOLLYWOOD, Nov. 14.—More than three fourths of its $200,000 quota has been received by the M. P. Division of the Community Chest. Last week $35,366 was collected, bringing the total to $177,103.

Warnerites Dance Nov. 20

The Warner Club will hold its first informal dance of the year, Nov. 20th, in the grand ballroom of the Hotel Astor.

"Splendor" Run Set

"Splendor," Samuel Goldwyn's third of the season, opens at the Rivoli Nov. 22.

Publicity Men on Pan Before Ampa

(*Continued from page* 1)

originate with the film companies' publicity departments, before an angle that is really alive is developed, she said. In the liquor business and the cigarette trade such things are done much better—and by a woman. Take it from Miss Hughes. She knows the female opportunist who handles the Schenley Distillers' account and who revitalized the fashion worlds of New York and Paris with her creation of the new "Dubonnet red," the latest color rage which has helped to send Schenley, to say nothing of Milgrim's, Patou's and Lanvin's, stock to new highs.

The same person, Miss Hughes revealed, will have the fashion world at her feet next spring with her new "Golden Wedding yellow," only now aborning. And if the color doesn't floor them, Schenley's Golden Wedding rye may.

Lacks Authentic Ring

The trouble with film publicists is, Miss Hughes added, that their copy, besides lacking human interest, doesn't have an authentic ring to it.

"You can't make a subject come alive with statistics," the columnist reminded the publicists. "It isn't enough to say that there are three acres of silk and 3,000,000 spangles on Joan Crawford's new gown. What the customers want to know is how they'd look in it and if it hurts the star to sit down on that many spangles."

She offered the opinion that film publicists were neglecting a good publicity field in not placing picture and story material on home interiors and decorating, as employed on studio sets. She recounted the experience of one publisher interested in using this material who was obliged to send to Hollywood for stills. All he received, she said, was bedroom art.

"Don't they do anything else in Hollywood?" exclaimed the exasperated publisher viewing the material.

Also on the program was Helen Hoerle, publicist, who gave her own views on selling people what they don't want and don't need by endowing their merchandise with an alluring name. The entertainment end of the program, as distinguished from the workshop end, was upheld by Rubinoff and, of course, his violin; Ferri La Franconi, tenor, fresh from Agua Caliente, and Elsie May Gordon, radio caricaturist.

On the dais, alongside Gordon White, Ampa president, were Lester Grady, editor of *Film Fun;* Pert Kelton and Max Hofstadter and Thomas J. Brennon. The latter two discussed color processes.

Sentry Issue Listed

The board of governors of the N. Y. Curb Exchange have authorized the listing of an issue of 267,950 shares of new $1 par capital stock of Sentry Control Corp. This issue is in lieu of a similar number of shares of old capital stock of no par.

Loew Dividend Payable

A regular quarterly dividend of $1.62½ on Loew preferred is payable today to stockholders of record at the close of business on Oct. 31. The dividend was declared on Oct. 2.

Rogers Stage Is Dedicated In Hollywood

(*Continued from page* 1)

Rogers throughout his career had made of him "an immortal American." The formal dedication address, although he earnestly denied that that was his purpose, was delivered by Irvin S. Cobb, himself a great humorist and friend of Rogers. He declared himself most impressed by the informality of all Rogers' speeches and actions, and likened his kindness and good humor to a well which never went dry.

Shirley Temple unveiled the memorial tablet. Under the kindly prompting of Cobb, the child star said simply, "I loved Mr. Rogers, too." The last speaker was Rogers' old friend, Fred Stone, who paid feeling tribute to the memory of the humorist.

More than 40,000 letters with contributions and suggestions for a memorial have been received at the national headquarters of the Will Rogers Memorial Commission, according to Captain Eddie Rickenbacker, director of the campaign to perpetuate the humorist's memory.

Behind Rogers Memorial

SEATTLE, Nov. 14.—Member theatres in the M.P.T.O. of Washington, formerly Allied Amusements of the Pacific Northwest, are cooperating in the current Will Rogers Memorial Fund Drive.

Each theatre throughout the territory is acting as a collection depot for the fund and money received in the fund boxes is being transferred daily to the banks that are acting as depositories. Success in collections is reported by James M. Hone, executive secretary.

Actress Wins Point In Suit for Damages

BOSTON, Nov. 14.—Lina Basquette, actress, won a point in her suits for $100,000 each against the Empire in New Bedford, operated by Harry and Fisher Zeitz, and the New Bedford Amusement Co., when Judge Hugh D. McClellan in Federal district court here today ordered a $10,000 attachment on the real estate and personal property of the Empire operators. The action charged the actress's picture was used in advertisements so as to imply she was appearing with a colored revue at the Empire, and therefore is herself colored. The Empire suit was filed in case the New Bedford Amusement Co. was not able to pay the judgment if the original suit should be won by Miss Basquette. The defendant has moved to vacate the order. A hearing is expected Monday.

State Name Changed

ST. LOUIS, Nov. 14.—Loew's State this week drops the word State from its name. About $10,000 is being spent for a new marquee and upright sign.

Loew's feels that since this is the only theatre of its circuit in the city there is no need for the word State. Loew's theatre in Indianapolis recently dropped the word Palace.

"Rose" Opening Is An Event in South

(*Continued from page* 1)

freely represented. It was an event in Richmond social life.

While this was going on here Gov. Eugene Talmadge of Georgia was addressing a similar gathering at Atlanta where a simultaneous opening was held at the Fox, and the correct social touch was being given that premiere by the presence of the senior class of the Washington Seminary acting as ushers.

Other openings were held in Austin, Tex.; Jackson, Miss.; Montgomery, Ala.; Tallahassee, Fla.; Baton Rouge, La.; Raleigh, N. C.; Columbia, S. C.; Nashville, Tenn., and Little Rock, Ark.

At Raleigh Gov. J. B. C. Ehringhaus was one of the guests, along with U. S. Senator Josiah Bailey and Josephus Daniels, Jr. Tallahassee turned out in a big way with the celebrities led by Gov. Dave Scholtz. Each woman received a rose as she entered the State there.

Paramount neglected no angle of southern interest in filming this story by Stark Young. King Vidor, the director, is a Texan. Laurence Stallings and Maxwell Anderson, who, with Edwin Justus Mayer, received credit for the screen play, are southerners. Margaret Sullavan and Randolph Scott were Virginia born.

H. G. Wells Here

H. G. Wells, noted British author, arrived in New York from London yesterday on the *Washington* and, after a short stay here, will go to Hollywood as house guest of Charlie Chaplin.

His "Things to Come" and "The Man Who Could Work Miracles" have been completed by Alexander Korda in London and will be released in this market by United Artists.

Wells expects to spend the next three years on films. At least two will find him associated with Korda.

Sabath in Detroit

DETROIT, Nov. 14.—The Sabath Congressional Committee which is waging a nation-wide probe into the status of defaulted real estate bonds will meet here Monday. Twenty witnesses already have been subpoenaed, the first phases of the investigation to hinge around issues floated by S. W. Strauss and Co. and U. S. Mortgage and Bond Co.

Gangster Films Curbed

Cable dispatches from Oslo, Norway, yesterday declared a conference on censorship had determined on a drastic curb of American gangster and western films to safeguard youth against criminal influence.

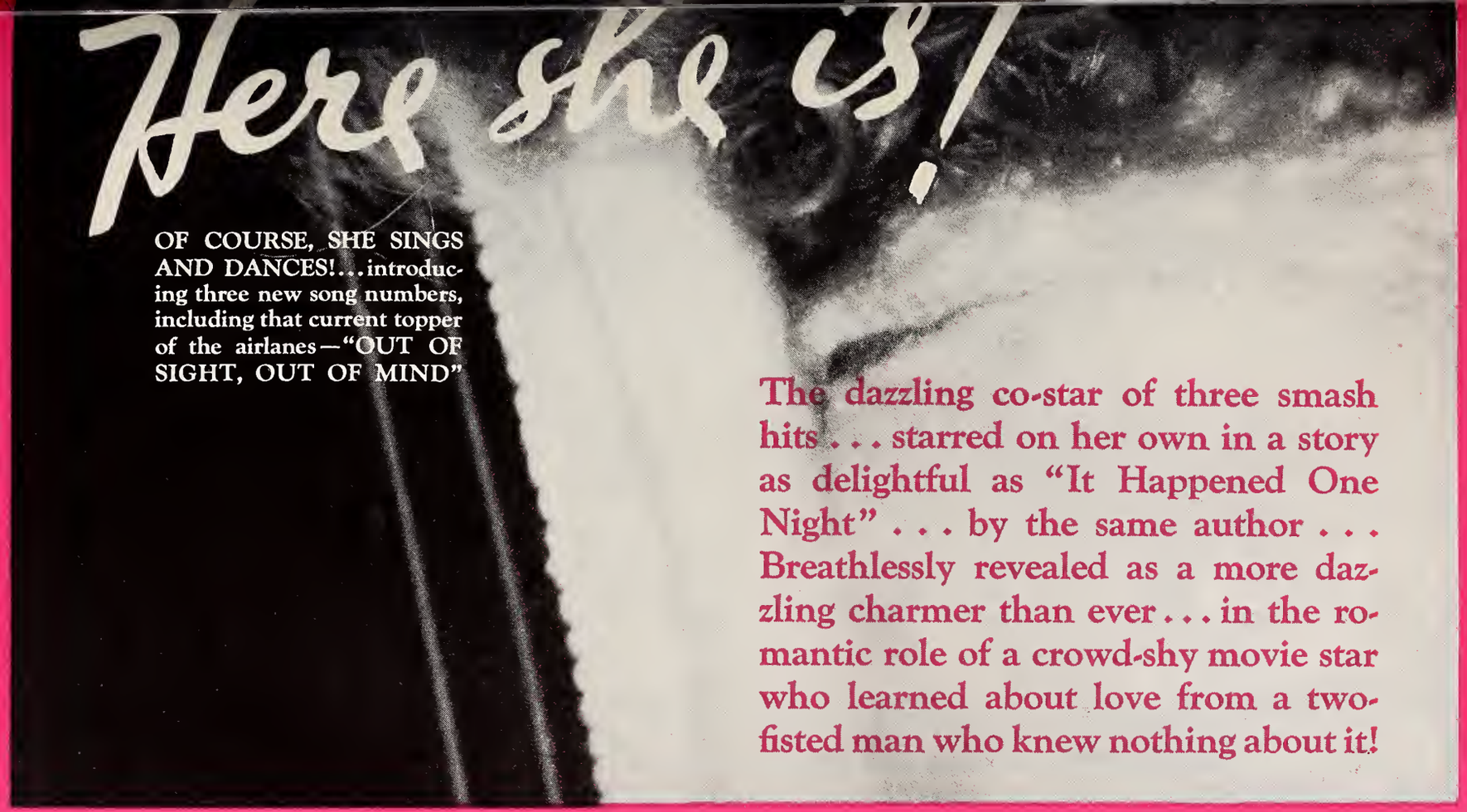
Reviving Loew Club

Revival of the Loew-Metro Club, which has been dormant for a number of years, will take shape at a dinner for all employes of the two organizations Nov. 22 at the Mecca Club.

Columbia Issue Sold

Hemphill, Noyes & Co., as head of the group which offered 75,000 shares of preferred convertible stock of Columbia Pictures yesterday stated that the entire issue had been sold.





The dazzling co-star of three smash hits . . . starred on her own in a story as delightful as "It Happened One Night" . . . by the same author . . . Breathlessly revealed as a more dazzling charmer than ever . . . in the romantic role of a crowd-shy movie star who learned about love from a two-fisted man who knew nothing about it!

GINGER ROGERS

in

"IN PERSON"

with

GEORGE BRENT

ALAN MOWBRAY · GRANT MITCHELL · SAMUEL S. HINDS

Directed by WILLIAM A. SEITER from the novel by SAMUEL HOPKINS ADAMS. A Pandro S. Berman Production. RKO RADIO PICTURE.

"Down East," Lombardo Top In Washington

WASHINGTON, Nov. 14.—Old-fashioned melodrama and up-to-the-minute rhythms topped the capital last week, as "Way Down East," with Guy Lombardo's Royal Canadians on the stage, brought $21,400 to Loew's Fox, $500 over par.

"The Case of the Lucky Legs" attracted $5,500 to the Metropolitan for a take $1,200 over average. "The Three Musketeers" at RKO-Keith's was good for $11,500, over average by $900.

A return engagement of "Broadway Melody of 1936" at Loew's Columbia hit the average first week of $3,600, and the second week of "The Passing of the Third Floor Back" at the Belasco broke on a par $2,200.

The second and final week of "A Midsummer Night's Dream," playing a roadshow engagement at the National, was good for $7,200.

Total first run business, exclusive of the National, was $75,200. Average is $75,900.

Estimated takings, exclusive of tax:

Week Ending Nov. 7:

"SHE COULDN'T TAKE IT" (Col.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Honeyboy & Sassafras, the Three Sailors, Ferry Conway, Hal Menken Revue. **Gross:** $17,500. (Average, $18,400)

"BROADWAY MELODY OF 1936" (M-G-M)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $3,600. (Average, first run, $3,600)

"WAY DOWN EAST" (Fox)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Guy Lombardo & His Royal Canadians, with Carmen, Lebert & Victor Lombardo; the Anderssens; Carter & Holmes; Clifford & Marion. **Gross:** $21,400. (Average, $20,900)

"THE DARK ANGEL" (U. A.)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $13,500. (Average, $15,900)

"CASE OF THE LUCKY LEGS" (W. B.)

METROPOLITAN—(1,591), 25c-40c, 7 days. Gross: $5,500. (Average, $4,300)

"THE THREE MUSKETEERS" (Radio)

RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $11,500 (Average, $10,600)

Week Ending Nov. 8:

"PASSING OF THE THIRD FLOOR BACK" (G. B.)

BELASCO—(1,140), 25c-65c, 7 days, 2nd week. **Gross:** $2,200. (Average, first week, $2,200)

Week Ending Nov. 9:

"A MIDSUMMER NIGHT'S DREAM" (W. B.)

NATIONAL—(1,748), 55c-$1.65, 7 days, 2nd week, 14 screenings. **Gross:** $7,200. (Average, $3.30-top, legit, 8 shows, about $18,000)

Del Rio to Pioneer; Sign Other Talent

HOLLYWOOD, Nov. 14.—Pioneer has signed Dolores Del Rio to a contract for one picture with options calling for one picture a year over a period of years. Also given term contracts by Pioneer were Rose Franken and William Maloney, writers; Russell Lewis, dance director, and John Sturgis, who will be assistant to Robert Edmond Jones. The company now has six writers under contract, and they will build a group of stock players around Miss Del Rio.

East for Story Material

HOLLYWOOD, Nov. 14.—Rose Franken and William Maloney have left for New York to gather material for an original for Pioneer and to confer with John Hay Whitney.

Out Hollywood Way

HOLLYWOOD, Nov. 14.—KAY FRANCIS has new three-year contract with Warners. . . . Her latest is "I Found Stella Parish.". . . EDDIE CANTOR disagrees with script girl on "Shoot the Chutes" over what he had said and loses $20 bet. . . . "Lightning Strikes Twice" KENNETH MACGOWAN'S second as supervisor at Twentieth Century-Fox.

PATSY DOYLE, KATHARINE HEPBURN'S stand-in, to be dancer in "Follow the Fleet.". . . MACK GREY, GEORGE RAFT'S bodyguard, in a hospital for an operation. . . . MARGARET SULLAVAN rides a bicycle from her dressing room to the set. . . . EDMUND LOWE fined for a traffic violation. . . . FRED ASTAIRE writes song, "I'm Building Up to an Awful Letdown.". . . IRVING BERLIN to publish it.

BUSBY BERKELEY making tests of girls for "The Singing Kid," AL JOLSON'S picture for Warners. . . BEVERLY ROBERTS, stage player, gets feminine lead. . . . LEROY PRINZ to quit Paramount at end of current assignment. . . . JAMES MELTON and JANE FROMAN get new term contracts at Warners.

✚

ALEXANDER WOOLLCOTT due here and will be the house guest of HARPO MARX. HARPO, however, is now in New York and does not expect to return during the stay of his guest. . . . ALLAN JONES will be the singing Romeo in "Rose Marie" at M-G-M. . . . LAUREL & HARDY have resumed working in the "Bohemian Girl" after a two week layoff caused by the illness of LAUREL. The picture will have two more weeks of shooting. . . . EDWIN B. WILLIS, head of the M-G-M prop department, has presented NORMA SHEARER with a falcon which he picked up in Verona. He claims the bird is a direct descendant of one which was owned by the original JULIET. How is that for a yarn!

✚

JACK MURTON made assistant to JACK VOTION, head of Paramount's talent and casting department. . . . CECIL B. DEMILLE talked on "Motion Pictures, Critics, and Churches" at a dinner honoring Dean and Mrs. Harry Beal, at St. Paul's Cathedral, Los Angeles. . . . BING CROSBY is off to Bay Meadows with three of the horses from his stable to remain there for the entire meet which starts Nov. 16. . . .

✚

Casting—MARJORIE GATESON added to "Anthony Adverse" cast, Warners. . . . J. M. KERRIGAN and the tango dancer, DON CARLOS, in "Colleen," same studio. . . . WILLARD ROBERTSON signed for Warners' "Petrified Forest.". . . FLORINE MCKINNEY in Radio's "The Green Shadow.". . . ALLEN VINCENT and RICHARD ABBOTT in "Chatterbox," same studio.

FORD STERLING, KITTY MCHUGH, BILLY DOOLEY, JOSEPHINE WHITELL and BOB GRAVES featured in new "Smart Set" series of shorts, with GENE YARBOROUGH is directing. . . . At M-G-M—MISCHA AUER in "The Getaway," JOHN QUALEN in "Whipsaw" and EDDIE WARD in "Ah, Wilderness.". . . MICKEY ROONEY gets role in "Little Lord Fauntleroy," SELZNICK. . . . ROBERT ROMANS in "Alone, Alas!". . . HERBERT MUNDIN cast in "A Message to Garcia," Twentieth Century-Fox. . . . THELMA BYRON in "Champagne Charlie," same studio. . . . CAROL NAISH set for "Two O'Clock Courage," and MARY MACLAREN assigned to "Chatterbox," both Radio.

J. FARRELL MACDONALD, GEORGE HAYES and CHRISTIAN RUB added to "Hitch Hike Lady," Republic. . . . HELEN BRODERICK'S next at Radio "Don't Bet on Love.". . . GAIL PATRICK gets feminine lead in "Thirteen Hours by Air," Paramount.

✚

WENDY BARRIE borrowed from Paramount by Radio for the feminine lead opposite GENE RAYMOND in "Don't Bet On Love" . . . MARGUERITE CHURCHILL, RICARDO CORTEZ and BARTON MACLANE signed by Warners for "The Walking Death" starring BORIS KARLOFF. . . . WARD BOND, IRVING BACON, DOUGLAS WALTON and WILBUR MACK in "Hitch Hike Lady" at Republic. . . . ANN RUTHERFORD and BARBARA PEPPER top roles in the next GENE AUTRY western, "The Singing Vagabond" at Republic. . . .

✚

PAUL MUNI borrowed from Warners by M-G-M for lead in "The Good Earth." . . . IRENE HERVEY first girl to have a lead in M-G-M's "Crime Doesn't Pay" series. She will appear in "A Thrill for Thelma," which EDWARD CAHN will direct. . . . WILLIAM SABBOTT, Cossack dagger dance, signed by M-G-M for the Pete Smith short, "Stepping Around." . . .

Wall Street

Substantial Gains on Big Board

	High	Low	Close	Net Change
Columbia	68½	66½	67½	+1½
Consolidated Film Industries 6		5½	5¾	+ ¼
Consolidated Film Ind. pfd.	20⅛	19¼	19⅜	+ ⅜
Eastman Kodak 167		166½	166¾	+ ¼
Eastman Kodak, pfd. 155		155	155	.....
Loew's Inc.	51⅞	49⅜	51¼	+2
Loew's Inc., pfd. 106		106	106	.....
Paramount	9⅞	9	9½	+ ⅜
Paramount, 1 pfd.	81¼	77	80¼	+2¾
Paramount, 2 pfd.	11⅞	11⅜	11¾	+ ⅝
Pathe Film	6⅝	6	6	— ⅜
RKO	5⅝	4⅞	5⅝	+ ⅝
20th Century-Fox.	21¾	19¼	21⅜	+2⅛
20th Centry, pfd. 30		28½	29⅜	+1½
Universal Pictures, pfd.	53½	53½	53½	+1⅜
Warner Bros.	9⅛	8⅜	9	+ ½
Warner Bros., pfd.	50⅝	48	50⅜	+2⅞

Technicolor Up on Curb

	High	Low	Close	Net Change
Sentry Safety Control	½	½	½	.....
Sonotone	3	2⅝	2¾	— ⅛
Technicolor	18⅞	18⅜	18½	+ ⅜
Trans Lux	4¼	4	4⅛	— ⅛

Gen'l Theatre Bonds Rise

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	16	15¾	16	+1
General Theatre Equip. 6s '40 ctf.	16	15⅛	15¾	+ ¾
Loew's 6s '41 ww deb rights	104½	104½	104½	— ⅛
Paramount B'way 3s '55	57	57	57	.....
Paramount Pictures 6s '55	93¼	92½	93	+ ⅜
RKO 6s '41 pp	78½	77⅞	78½	+1½
Warner Bros. 6s '39 wd	87¾	86	87½	+1¼

(Quotations at close of Nov. 14)

"Opera" Big In St. Louis With $25,000

ST. LOUIS, Mo., Nov. 14.—"A Night at the Opera" at Loew's State had a real big week with a drag of $25,000 for the seven days. It went so well it was held over for another week. Average for the house is only $9,000.

"The Crusades," playing the Orpheum, was the second best for the week with a gross of about $9,100. House average is $8,500.

Total first run business was $57,850. Average is $46,000.

Estimated takings for the week ending Nov. 7:

"REMEMBER LAST NIGHT?" (Para.)
"BORN FOR GLORY" (G. B.)

AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $8,900. (Average, $10,000)

"3 KIDS AND A QUEEN" (Col.)
"CAPPY RICKS RETURNS" (Republic)

FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $8,350. (Average, $12,000)

"A NIGHT AT THE OPERA" (M-G-M)

LOEW'S STATE—(3,162), 25c-35c-55c, 7 days. **Gross:** $25,000. (Average, $9,000)

"THE CRUSADES" (Para.)

ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $9,100. (Average, $8,500)

"SHIP CAFE" (Para.)
"THE PAYOFF" (F. N.)

SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $6,500. (Average, $6,500)

Hirliman East Soon On Releasing Deal

HOLLYWOOD, Nov. 14.—George Hirliman will fly to New York within 10 days to complete a releasing deal with a major company. In the meantime, he is continuing to sign players for his stock company. Claudia Dell and Juan Torena have new one year contracts and John Reinhardt has been signed as director for the same period. Max Stengler is under contract as cameraman. Hirliman expects to put his second color film into production by the middle of December.

Claim Novel 2-Reeler

Described by Warners as "a new type of cinematic musical," "The Stars Can't Be Wrong" goes into production at the Vitaphone studio in Brooklyn today with Dorothy Lamour heading the cast and Roy Mack directing. Others in it will be O'Donnell, Blair & Co., a troupe of comedy specialists; Dale Winthrop, dancer, currently headlining at the Loew's State; Remington Singers; Emerson's Mountaineers, a hill-billy specialty; Hal Thompson and Patricia Wilder.

Dillon to Australia

LOS ANGELES, Nov. 14.—George Dillon, well known in distribution circles in the east, is en route to Australia for Warners. He spent one day here visiting his brother, Jack, who is local exchange manager for 20th Century-Fox.

Three Arrested

Three men were arrested yesterday following the stench-bombing of the Astor on Broadway the night before. More than 100 patrons left the house. Arrested were: Angelo La Priore, Salvatore Miragilia and Benedict Soafidi.

TO NEW YORK'S 7 MILLIONS:

THANKS A MILLION

FOR THE OPENING THE WORLD'S GREATEST CITY WILL NEVER FORGET!



THE KEYSTONE OF YOUR FUTURE

P.S.

Sorry you couldn't ALL get into the Center Theatre. You certainly tried hard enough.

Paramount's

"PETER IBBETSON"

at the RADIO CITY

MUSIC HALL

turns in the best

week's business

in ~~6~~ 8 weeks!

It Pays to Play a Paramount Picture!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 117 NEW YORK, SATURDAY, NOVEMBER 16, 1935 TEN CENTS

Mazur, Swope Resign from RKO's Board

Further Shifts Under Reorganization Due

Paul M. Mazur of Lehman Bros. and Herbert Bayard Swope have resigned their posts as directors of RKO in what are viewed as initial steps under the proposed reorganization of the company and its ultimate emergence from bankruptcy.

Lunsford P. Yandell, a vice-president of RCA, is understood slated to fill the vacancy created by Swope's resignation. Reconstitution of the board to include Atlas Corp. and the Lehman representatives probably will be further deferred until the eve of RKO's reorganization. Mazur's post, therefore, may remain open until then.

Leo Spitz, who was formally elected president on Thursday, also has been named to the board. David Sarnoff, who resigned as board chairman, a

(*Continued on page 3*)

New York to Take Over Chicago Lists

WASHINGTON, Nov. 15.—At the conclusion of the annual conference of Catholic Bishops here Thursday and Friday it was learned that the classification of motion pictures, conducted for the past year and a half by the Chicago Council of the Legion of Decency, will be taken over and organized in New York by the original committee. The Chicago Council will abandon the work.

Stephen J. Donahue, auxiliary Bishop of New York, has been added to the committee, of which Archbishop John T. McNicholas of Cincinnati is chairman.

Allied Is Declared Not Company Union

Allied M. P. Operators was declared not to be a company union by Referee Robert McCurdy Marsh, former Supreme Court judge, in a decision handed down yesterday, it was stated by Murray Harstn, attorney for the I.T.O.A.

During the past eight months, Referee Marsh has been hearing testimony in the action filed by Allied against Local 306 and Stagehands' Local No. 1 to restrain the I.A.T.S.E. units from picketing theatres at which Allied men have been employed.

In emphasizing his decision, the

(*Continued on page 3*)

Samuelson Wary on Allied's Plans to Enter Production

Although he is acquainting various Allied units with the organization's production plans, Sidney Samuelson, president, is not yet ready to talk about them publicly.

Samuelson returned yesterday from Detroit, where he revealed the contemplated independent production setup to members of Allied of Michigan. On Monday night he will leave for Columbus to discuss the same matter with the Independent Theatre Owners of Ohio at its annual meeting Nov. 19-20 at the Deshler Wallick. On Nov. 26 Allied of New Jersey members will be told of the plans at a meeting at the Lincoln.

Final Word on 2,000 Foot Reel Awaits a New Study

A meeting of distribution men to further consider the proposed adoption on next April 1 of a standard 2,000-foot reel is being deferred to await the results of a new study and report on the changeover being made by the research division of the Academy of M. P. Arts & Sciences, it was stated here yesterday.

The new Academy study involves cost estimates for a 15-inch standard reel, which some distributors have suggested will be more economical to adopt than the 15½-inch reel which has been proposed.

All major distributors with the exception of RKO and Universal have approved the changeover. If the new study indicates that it may be accomplished with any appreciable reduction in the present estimated costs, some objections to the changeover advanced by these two companies may be removed, it is said.

Kansans Delay Move For New Tax Levies

KANSAS CITY, Nov. 15.—The Kansas Legislative Council has adopted no proposals for presentation to the legislature at its next session. Some of its members have indicated they believed it would be premature to draft bills covering the social security program for the state until more complete details of the Federal plan are available.

Exhibitors have been interested in the council's actions because of the report some time ago that it was considering the levy of a tax on theatre tickets.

Missouri Sale Tax $800,000 in Month

KANSAS CITY, Nov. 15.—Figures on the first month—September—under Missouri's new one per cent sales tax, indicate the tax will yield $800,000 a month. Increased efficiency in collecting is expected to bring the total to almost $1,000,000 a month.

No change in the cardboard disc tokens will be made immediately, Forrest Smith, state auditor and collector of the tax, has indicated. No change will be made at least until the courts have passed on the tests of the constitutionality of the law, which are now pending.

Court Disallows Two Claims Against Para.

In Federal court yesterday Judge Alfred C. Coxe signed an order granting the petition of the Paramount Publix Corp. to disallow a claim of $156,784 by Paramount Pictures Dist. Corp. and another claim for $31,905 by the Afgar Corp. This was in connection with the reorganization proceedings of Paramount Publix. The claim for $156,784 by the Paramount Pictures Dist. Corp. is based upon an assignment dated Jan. 20, 1934, from the Sunrise Corp., a Florida corporation, to the Paramount Pictures Dist. Corp. This was for the guarantee on a lease of the Paramount theatre in Palm Beach. The lease was originally made by the Sunrise Corp. to the Publix Enterprise, Inc.

Bay State Cuts Only One in 48 Pictures

BOSTON, Nov. 15.—This state, which under its Sunday censorship law is one of the strictest surveyors of films in the country, directed eliminations in only one of the last 48 pictures passed by the Dept. of Public Safety. "Ship Cafe" was cut to the extent of eliminating "scenes showing muscle movements in parts 2 and 3." Only two vaudeville acts were given a clean bill during the same period.

Justice Dep't Sees No Halt In Equity Case

Will Proceed Despite Earlier Decision

By CLARENCE LINZ

WASHINGTON, Nov. 15.—Decision of the St. Louis jury not to bring in a guilty verdict in the criminal proceedings which terminated last Monday night will have no effect upon the pending equity suit for a preliminary injunction, which will be pressed vigorously, it was made known today at the Dept. of Justice.

Trial of the second suit, delayed by the defendants' motions to disqualify Federal Judge George H. Moore from hearing it on the grounds of bias in his charge to the jury, will probably get under way sometimes next month, it is said.

Officials at the department declare they see no reason why the "not guilty" verdict earlier in the week should have any effect on the equity action.

Few Results Seen In NRA Discussion

WASHINGTON, Nov. 15.—Lack of results from the NRA conference called by George L. Berry, coordinator of industrial cooperation, for Dec. 9, was seen here today in reports that while there will be no governmental interference with the discussions of the meeting the Administration does not feel itself bound to accept or even consider any suggestions which may result from the deliberations if they do not coincide with its plans for future Federal control of industry.

In a move to stem the increasing tide of opposition to another NRA

(*Continued on page 3*)

Suits Against Phone Company Delayed

Hearing on damage suits by a number of local independent exhibitors against A. T. & T. yesterday was put over until Dec. 13 by Federal Judge John C. Knox when attorneys for the defendant filed a motion for a bill of particulars.

The damage suits allege monopolistic practices on part of the telephone company to restrain trade. In one of the two actions, 70 theatres are named as plaintiffs. In the second, nine are listed. Weisman, Quinn, Allen & Spett, attorneys for the I.T.O.A., are representing the theatre owners.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 16, 1935 No. 117

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest. II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Meyer Is Promoted; To Aid G. W. Weeks

Phil Meyer, who has been in charge of the local G.B. exchange for the last year, has been promoted and on Monday becomes assistant to George W. Weeks, general sales manager. He will head a newly created special sales division.

Arthur Greenblatt, assistant to Meyer, at the same time assumes managership of the New York branch. He is well known in the local territory, having for many years been head of the Educational exchange here.

Meyer and Greenblatt are staging a party this morning and afternoon at the local branch in celebration of their promotions.

"Dream" at $10 Top

CHICAGO, Nov. 15.—The opening of "A Midsummer Night's Dream" at the Apollo on Nov. 22, will have a $10 top admission. Part of the first night's proceeds will go to charity. Society leaders are handling opening night sales. Admission after the opening will be at $1.50 top with two performances daily. All B. & K. houses are now running trailers advertising the picture.

Eckhardt in N. Y.

CHICAGO, Nov. 15.—Clyde Eckhardt, manager of the Twentieth Century-Fox exchange, is in New York on a business trip. He returns the first of the week.

Purely Personal

SAMUEL SHAYON has been loaned to the M.W.W. Prod., Inc., by FANCHON & MARCO and will take over the duties of business manager of MAX REINHARDT'S spectacle, "The Road of Promise," which MEYER W. WEISGAL is presenting in the Manhattan Opera House. The drama will have its world premiere on Dec. 23.

•

ARMAND and MRS. DENIS (LEILA ROOSEVELT) at present in the heart of Africa filming native and wild life are expected back here next July. They were due back about this time, but changed their plans when unexpected filming opportunities came their way.

•

HARRY H. THOMAS returns today from a four-week tour of First Division exchanges. AL FRIEDLANDER returned earlier in the week from a six-week checkup on the company's distributors.

•

GEORGE SKOURAS, HAROLD S. BAREFORD, BILL POWERS, BARNEY BALABAN, SAM DEMBOW, EUGENE PICKER, HERMAN GLUCKMAN and FRANK UNDERWOOD were among those lunching at the Astor yesterday.

•

CLARK GABLE, BETTY FURNESS, ELIZABETH ALLAN, A. C. BLUMENTHAL, AUSTIN PARKER and DICK BARTHELMESS among those at El Morocco Thursday night and Friday morning.

•

JACK PARTINGTON is still on the coast conferring with MIKE MARCO on a musical F. & M. will produce on Broadway shortly.

•

HELEN MORGAN has been signed by Universal to play her original role of Julie in "Show Boat," soon to go into work.

•

BONITA GRANVILLE, 12-year-old daughter of BERNARD GRANVILLE, former stage player, has been signed by SAMUEL GOLDWYN for "These Three."

•

JAMES MELTON, leading player in "Stars Over Broadway," Warner film, will broadcast songs and scenes from the film on his radio program Nov. 22.

•

MAE WEST will not return to the New York stage, she declared in answer to reports she plans to produce and star in a play.

•

HENRY PEARLMAN is attorney for Eureka Prod. in the moves to secure admission of a print of "Ecstasy" to this country.

•

A. H. BLANK plans to leave for Des Moines next week after he is set on his Paramount theatre deal.

•

PAT O'BRIEN heads in from the coast as soon as he finishes his role in "Ceiling Zero."

•

CRESSON SMITH has returned from Des Moines and Pittsburgh.

•

The HALL JOHNSON negro choir has been signed for "Green Pastures."

•

EDDIE BUZZELL has shoved off for the coast.

•

MARY and DICK WALLACE are en route to Hollywood.

VIVIAN MOSES will defend "The March of Time" at the open forum and film showing sponsored by the New Film Alliance Sunday, Nov. 17, at the New School for Research. Congressman VITO MATCANTONIO will maintain that "The March of Time" is heading toward "reaction in Fascism." A vote will be taken.

•

C. J. HUBBELL and MRS. HUBBELL, (he is the west coast manager of Hearst Metrotone News) sail on the *California* today for the Pacific coast. Also sailing on that ship is AURIOL LEE, the English actress.

•

GEORGE BARNETT, president of Modern Film Sales Corp. has reached Tokyo, the first foreign port in his trip around the world.

•

HERBERT BAYARD SWOPE monopolizing the one phone booth at Gallagher's, keeping others waiting.

•

JACK and MRS. HULBERT leave these shores today on the *Ile de France* for England.

•

WESLEY RUGGLES is heading east via the Canal.

•

ED ROWLEY has returned to Dallas.

•

. . . London

E. J. HINGE of Newcastle and C. P. METCALFE of Leeds are candidates for the vice-presidency of the Cinematograph Exhibitors' Ass'n. in 1936-7.

J. F. EMERY, chief of a Lancashire circuit, was a candidate for Parliament, for a Salford seat, at the General Election this week.

MADELEINE CARROLL will return to Hollywood on completion of "Secret Agent." Her G. B. contract has been terminated by agreement.

•

. . . Los Angeles

HARRY NACE and his booker, PHILLIP REYNOLDS, in town looking at film for the Publix-Rickards-Nace string in Arizona.

V. M. WALKER is putting $30,000 into remodeling and re-equipping the Temple in Santa Ana.

HARRY COPELAND, cashier at the Universal exchange, the father of a six pound girl born this week.

E. W. CRAGIN, operator of El Portal in Las Vegas here booking.

GEORGE DIAMAS in town booking for the Diamas circuit in Arizona.

Warner Injunction Denial Is Expected

Justice John F. Carew yesterday reserved decision on the injunction sought by Harris Pepper, small Warner stockholder, to prevent Warner Brothers Pictures, Inc., from settling with Harry, Albert and Jack Warner for services rendered the company, including $23,000,000 of personally provided financing. Justice Carew indicated he would deny the application for an injunction, however.

According to Warners, Pepper bought 125 shares of Warner stock last June, and a week later applied for the restraining order. The court said: "If you have one share out of a million, do you want to hold up the other stockholders? I don't see any basis for enjoining the company or the stockholders. You simply want to stop them from doing business."

Believe It Or Not

Max Reinhardt, who directed Warners' screen version of William Shakespeare's "A Midsummer Night's Dream," this afternoon will meet William Shakespeare, in person. And there is nothing ghostly about the William Shakespeare whom Professor Reinhardt will meet—to which fact any of Bill's teammates on the Notre Dame football team will attest. The meeting: At the Yankee Stadium, when Notre Dame plays the Army.

New England Allied Backs Pettengill

BOSTON, Nov. 15.—Allied in New England, largely through the efforts of the Independent Exhibitors of Massachusetts, Inc., of which Arthur K. Howard is business manager, is going to town in favor of the Neely-Pettengill bill.

Trailers are spotted in organization houses on a chain letter idea, show in one house, then are shipped to the theatre next designated on an accompanying list. National senators and representatives are being personally contacted. Individuals, clubs and civic groups are being successfully solicited for support. Congressman Pettengill himself is schedued to speak here Nov. 19 before the Massachusetts Civic League.

"Mutiny" Cracks Record

COLUMBUS, O., Nov. 15.—Although no box-office figures are immediately available, "Mutiny on the Bounty" broke the Sunday house record for straight films at Loew's Ohio. Previous record was held by "China Seas." Sunday, also, marked the biggest attendance since engagement of Jean Harlow in person in February, 1932.

Catch Portland Showing

PORTLAND, Nov. 15.—E. M. Saunders, western sales manager, and George A. Hickey, west coast district manager of M-G-M, caught the premiere of "Mutiny on the Bounty" while here.

Another "Bounty" Record

CLEVELAND, Nov. 15.—"Mutiny on the Bounty" broke the all-time week-end attendance at Loew's State. The picture played to 41,000 people on Friday, Saturday and Sunday.

Bridgeport Holds Over

BRIDGEPORT, Nov. 15.—"Mutiny on the Bounty" has been held over another week at Poli's Palace. The picture is the third holdover at the house in five weeks.

Violated "Blue Laws"

SUFFOLK, Va., Nov. 15. — R. A. Richardson, manager of Pitts Theatres, was arrested on a charge of violating the Virginia "blue laws" by operating the Chadwick on Sunday. He was released on $100 bond pending a hearing.

Son for McCreas

HOLLYWOOD, Nov. 15.—Frances Dee, wife of Joel McCrea, today gave birth to a son, her second child.

Carewe Plans 16 Mm. Show Sunday in L. A.

Hollywood, Nov. 15.— What is described as the first world premiere of 16 mm. films of an instructional nature designed for exhibition in churches, schools and civic institutions will be held here Sunday night at the Hollywood-Beverly Christian Church with Governor Frank F. Merriam, officiating. Mayor Frank L. Shaw of Los Angeles and heads of church, educational and civic organizations will participate, it is understood.

The program will feature the first program of the recently formed Edwin Carewe Pictures Corp. "Are We Civilized?" and several shorts will be projected on 16 mm. film with standard-size screen. Carewe will outline his aims and plans in an address, which will be broadcast locally over KHJ with the entire program. William Farnum and Anita Louise, featured in "Are We Civilized?" will make personal appearances. Rev. Cleveland Kleihauer, D.D., will preside.

Fruechts Celebrate 25th Anniversary

Buffalo, Nov. 15.—A goodly crowd of his business associates and their wives turned out to fete Henry C. Fruecht and Mrs. Fruecht on their 25th wedding anniversary the other day. Fruecht is office manager and chief auditor of Shea's Buffalo and assistant treasurer of Buffalo Theatres, Inc.

Guests represented nearly every Buffalo theatre, the list including: Emil Giffoniello, manager of the Century; George Mason, manager of the Great Lakes; Nelson Martin, Hippodrome; K. William Brett, Buffalo manager, and Harris Lumberg of the Belleview, Niagara Falls.

Others present were: Robert Demming, Riviera, North Tonawanda; Carl Rindcen, Kensington; Edward Miller, Bailey; Frank Quinlan, Elmwood; Kenneth Cooley, Seneca; Stanley Weber, assistant manager of the Century, and William Gibson, assistant manager of the Great Lakes.

Wells Has Two More

H. G. Wells, in New York for a few days before departing for a Hollywood visit, has completed two new screen plays, as yet unproduced. They are "Food of the Gods" and "The New Faust." Declaring that he considers color the next forward step of the motion picture, he is writing his new stories with that medium in mind, he said. He will visit Arizona from the coast, before returning to the London Films plant in England, where his films for Alexander Korda are produced.

To Discuss Charity Drive

Dave Bernstein of Loew's has called a luncheon meeting of the committee in charge of the industry's section of the Federation of Jewish Charities for next Thursday at the Hotel Astor. Plans will be laid out for the amusement industry's participation in the annual drive for funds.

Saunders, Hickey Tour

Los Angeles, Nov. 15. — E. M. Saunders, western sales manager, and George Hickey, west coast district manager for M-G-M, have left for a tour of other coast exchanges.

Mazur, Swope Resign from RKO's Board

(Continued from page 1)

position filled by M. H. Aylesworth whose presidential chair Spitz will now fill, continues as a board member.

Hearing of exceptions to the recommended allowance at $8,207,000 of Rockefeller Center's claims against RKO, which was scheduled for Monday before Federal Judge William Bondy, was postponed yesterday to Dec. 9.

Efforts to agree on a compromise settlement of the claim are under way between RKO reorganization factors and Rockefeller Center and the court hearing is being deferred pending the outcome of these negotiations.

Spitz leaves for Chicago today and will be joined there on Monday by Ned E. Depinet, president of RKO Distributing Corp. The two will go on to the coast for production conferences with studio executives which may last 10 days or two weeks.

Allied Is Declared Not Company Union

(Continued from page 1)

referee pointed out that when Judge Collins described Allied as a company union the decision was based on affidavits and not on testimony given at a trial, Harstn said.

Mass picketing is to be stopped, the order states, and Allied operators formerly engaged at the De Luxe, Bronx, are to be reinstated and Local 306 men dismissed, according to the decision, the I.T.O.A counsel held.

Speech making and distribution of pamphlets are also banned in the future, it was stated. The decision covered 30 pages. Testimony taken during the eight-month trial runs more than 6,500 pages.

Alfred B. Nathan tried the case for Allied.

RCA Sells Interest

RCA will sell its interest in Electric and Musical Industries, Inc., English radio equipment firm, for $10,200,000, payable in cash in New York funds within three weeks, according to an announcement from David Sarnoff, RCA president, yesterday. A British banking firm is the purchaser.

Arbitration Affirmed

Justice Edgar J. Lauer, in N. Y. Supreme Court yesterday granted the application of the Fox Film for an order to affirm an award of $299 in arbitration proceedings with the State Amusement Co. of Clifton, N. J. The arbitrators who made the award were Leo Abrams, Jack Bowen, Edward Well and Phil Hodes.

Show Educational Films

The trade and educational press attended a preview yesterday of a series of educational films made by the University of Chicago. The showing was at the Erpi office and consisted of elemental films on geology running 10 minutes each, designed to aid in presenting the subject.

U. S. High Court Hears Muller Case

By BERTRAM F. LINZ

Washington, Nov. 15.—Arguments in the suit brought by Fox Film Corp. to recover from A. B. Muller, Minnesota exhibitor, for pictures which he refused either to play or pay for, were heard today by the U. S. Supreme Court.

Attorneys for the Fox company are seeking to have the court declare valid the standard exhibition contract under which films are sold, which the Minnesota courts had held to be invalid in their entirety because of the inclusion of the "dead" arbitration clause.

It was submitted to the court that this is one of the most important matters which has ever come before it in that the decision may involve hundreds of millions of dollars, and that a final opinion is highly desirable since suits raising the same question have been decided in various ways in lower courts throughout the country.

Counsel for Muller argued that the contract was void, because of the inclusion of the arbitration clause, which it was asserted was in violation of the anti-trust laws.

Members of the court questioned Muller at length upon the point whether a Federal question was involved, without which the Supreme Court will not decide an issue.

Few Results Seen In NRA Discussion

(Continued from page 1)

after April 1 next, when the present law expires, officials let it be known that the Berry conference, if it gets out of hand, will be considered merely as a "town hall" meeting.

Indications that President Roosevelt is desirous of continuing the NRA after March and is developing plans for new legislation to make it effective are seen in the reported failure of the Federal Trade Commission to secure from the White House funds with which to proceed against industries which are still continuing the monopolistic practices permitted under their former codes.

Para's Sales Push Starts December 13

Paramount's annual sales drive, covering the usual 13 weeks, will get under way on Dec. 29. Details are now being worked out by George J. Schaefer, Neil F. Agnew, J. J. Unger and Charles Reagan.

Bowles Transferred

Chicago, Nov. 15.—Walter Brown, manager of Ross Federal Checking Service here, states John C. Bowles, formerly assistant manager of the Los Angeles office, has been made assistant manager of the Chicago office.

Bowles is already here and starts his duties next week.

Plan Woodside House

Plans have been filed for a new $125,000 theatre in the neighborhood of the new Boulevard Gardens Apartments at Woodside. The house will be between 51st and 54th Sts. and will front on 31st Ave.

"Table" Gets $7,850, High Seattle Take

Seattle, Nov. 15.—"Hands Across the Table" proved a heavy draw at the Orpheum, the take running over par by $1,850 for a total of $7,850.

"Waterfront Lady" and a combination of "Rainmakers" and "Way Down East" also were on the profit side of the column, but elsewhere business was in a bad way.

Total first run business was $32,650. Average is $32,500.

Estimated takings for the week ending Nov. 11:

"RENDEZVOUS" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. 2nd week, extended run from Orpheum. **Gross:** $3,800. (Average, $4,000.)

"METROPOLITAN" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,250. (Average, $7,000.)

"GRAND EXIT" (Col.)
"GUARD THAT GIRL" (Col.)
LIBERTY — (1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,850. (Average, $4,000.)

"THIS IS THE LIFE" (Fox)
"LITTLE AMERICA" (Para.)
MUSIC BOX—(950), 25c-40c,-55c, 7 days. **Gross:** $3,100. (Average, $6,000.)

"HANDS ACROSS THE TABLE" (Para.)
ORPHEUM—(3,450), 25c-40c-55c, 7 days. **Gross:** $7,850. (Average, $6,000.)

"RAIN MAKERS" (Radio)
"WAY DOWN EAST" (Fox)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $5,100. (Average, $5,000.)

"WATERFRONT LADY" (Mascot)
REX—(1,500), 20c-30c, 7 days. Stage: "Stratosphere Flight" unit. **Gross:** $2,700. (Average, $2,500.)

New Racing Tax in Massachusetts Near

Boston, Nov. 15.—Massachusetts is after $1,000,000 more in taxes on pari-mutuel racing, per recommendations of a special commission now considering the tax problem in the Bay State. The Commonwealth's take on dogs may be jumped from 3½ to 10 per cent, while that on horses seems due for an increase from 3½ to 5 per cent. The state collected $1,450,000 from the dog and horse racing events during the current season.

This tax came from a total pari-mutuel handle of $19,028,793 on horses and $15,455,072 on dogs, not so bad for any first year. If the amounts taken in by bookies and board rooms were known, these totals would be jumped considerably.

Mrs. Newman Feted

Beth Newman, wife of Alfred Newman, who has just signed a three-year contract as musical director for Samuel Goldwyn, was the target of a cocktail party thrown for her yesterday by Nell and Lynn Farnol, old friends. Mrs. Newman, still smiling over the good fortune which has brought her east for the first time in a year, expects to stay a month. Among those at the party were: Bennett Cerf, who expects his bride, Sylvia Sydney, in a month; the Merritt Hulburds and the Blaus.

Lottery Case Dismissed

The lottery charge against the Rivoli, Brooklyn, one of the Weinstock houses, has been dismissed by Magistrate Rudich. The theatre had been using Lucky. Bernard S. Barr was counsel for the defendant.

Sues Columbia, U. A. On Cartoon Series

A suit for an accounting and injunction proceedings was filed in the N. Y. Supreme Court yesterday by Pedro Llanuza, newspaper cartoonist and artist, against Columbia Pictures, Winkler Film Corp. and Charles B. Mintz. Also named co-defendants in a second action were Walter Disney and United Artists.

In his complaint the cartoonist sets forth that in the summer of 1931 he conceived the idea of using caricatures of popular screen stars in animated shorts, which was an original and novel creation of his own. In September, 1931, he said he submitted a sample scenario accompanied by sketches to the defendants. He goes on to say that in the fall of 1932, in violation of the agreement which he had with the defendants, they wrongfully used for commercial purposes his scenarios and caricature sketches without his knowledge or consent. These were entitled "Seeing Stars," "Out of the Ether," "Auto Show," "Hollywood Babies" and "Hollywood on Parade," he alleged.

"The wrongful production and exhibition of the aforesaid animated screen shorts," according to the cartoonist's complaint, "had netted Columbia, Winkler and Mintz profits in excess of $500,000, no part of which has been paid to the plaintiff."

In the second action, which is directed against Walt Disney and United Artists, he states that Columbia, Winkler and Mintz wrongfully authorized Disney and United Artists to produce and exhibit animated screen shorts based on his idea. One, in particular, was entitled "Who Killed Cock Robin?" He is seeking an accounting of the profits and an injunction to restrain all of the defendants from making further use of his idea and also an award of money damages to whatever extent the court deems fit. No answer has been filed as yet.

Garnett, Ready on 1 Trip, Plots Second

HOLLYWOOD, Nov. 15.—Tay Garnett, on the eve of sailing for a year's 'round-the-world cruise, already has plans for another such trip for film backgrounds in 1937.

During the next year, a 200 foot sailing and auxiliary motor craft will be built to his order, he says. An outstanding feature will be a $50,000 laboratory for developing film. The new vessel will contain a projection room and adequate quarters for cutting rooms. C. F. Stancliff will be left here as port captain in charge of maintenance of Garnett's other boats and the construction of the new one. Asa J. Harris has been signed as master of the Athene which sails Nov. 17.

Garnett expects to return to Hollywood about this time next year when he will complete the six films for which he is collecting background shots on the current trip. His 1937 expedition probably will not sail until late in that year.

Form Two Companies

ALBANY, Nov. 15.—Two new incorporations here are Danlow Theatre Corp., New York City, by Benjamin Rich, Abraham Reiss and Morris F. Wiesenthal, and Brooklyn Negro Civic Corp., by George E. Wibecan, Walter A. Simon and John G. Brooks.

Looking 'Em Over

"Song of the Damned"

(*Columbia*)

The story of an escape from Devil's Island, the French penal colony in South America, with a romance woven in, the sacrifice of one man to insure the happiness of the girl he loves, and considerable of pursuit through snake and animal infested jungle, this picture has little in it that has not been done and done again, and rates therefore as only average entertainment, best suited to the smaller and neighborhood houses.

Heading the cast are Victor Jory, Florence Rice and Norman Foster. Jory and Miss Rice's father are espionage agents and her father, captured, is sentenced to Devil's Island. En route, he and Foster, sentenced though innocent of robbery, become fast friends, and when Jory, taking a post as guard at the colony, plans their escape, Foster joins them. The escape is of the sort which has been seen many times before.

The father is killed, Foster and Jory separate, and Foster first reaches the cabin of Miss Rice on the edge of the jungle. They fall in love, but Foster, mindful of Jory's love for her, will not speak. Jory joins them, they leave via boat, and Jory puts Foster ashore when he sees the lovers together. But when he learns she loves Foster, he brings him back to her and goes to Devil's Island himself, as Foster's innocence is established.

Rather routine material, it was directed by Albert Rogell.

Production Code Seal No. 1,621. Running time, 65 minutes. "G."

Clark Again Heads A Variety Chapter

COLUMBUS, Nov. 15.—For the fifth consecutive time, M. R. ("Duke") Clark, local manager for Paramount, has been elected president of the local Variety Cub. Other officers follow:

First vice-president—Robert S. French, Station WAIU.

Second vice-president—Kline L. Roberts.

Secretary—P. J. Wood, secretary, Independent Theatre Owners of Ohio.

Treasurer—Tom Lawson, Valley Dale.

Additionally, the following directors were named:

Max Stearn, Southern Theatre; W. W. Pierce, Jr., *Ohio State Journal;* Leo Haenlein, Olentangy Park; George M. Trautman, president, Columbus Baseball Club; Jacob Luft, Grand Theatre Co.; W. M. ("Billy") James.

Clark and Stearn were named delegates to the national club convention to be held here in April.

Philadelphia Delays

PHILADELPHIA, Pa., Nov. 15. — Date of the annual meeting for elections has been postponed to Nov. 25, because due notice, in line with the by-laws, was not given all members. Nominations and election of 11 canvassmen will be held at that time with names to be presented from the floor. This will take precedence over the names announced before.

Also postponed is the annual installation dinner. It will now be held in January with the committees in charge planning something big.

The annual entertainment of the club will be held as scheduled Nov. 18 at the Met with a feature picture and a stage show. Members are now working hard to put it over.

Carter Loses Son

NEW ORLEANS, Nov. 15.—"Red," young son of Norman ("Turk") Carter, Saenger official, died Thursday. Funeral services were held at 3 P.M. this afternoon.

Heads U. S. Theatre Plans in Indiana

BLOOMINGTON, Ind., Nov. 15.—Dr. Lee R. Norvelle, head of the division of speech and dramatics at Indiana University, has been named director of Federal theatre projects in this state. This came to light when the board of trustees gave him a leave of absence to pursue his new duties. A state theatre will be formed in Indianapolis. An Indianapolis legitimate theatre will be leased for plays, with a company of 150 to be selected from jobless stage hands, actors and other theatre workers.

Plummer in Music Post

EAST ST. LOUIS, Nov. 15.—Bert Wilmington Plummer of Alton, Ill., is WPA supervisor of music for the seventh district in Illinois. He will be in charge of organizing WPA orchestras, bands and other entertainment in his area.

A similar program is expected to be launched in St. Louis shortly, but on a more extensive scale.

Orpheum Going Dark

MEMPHIS, Nov. 15.—M. A. Lightman will close the Orpheum, largest and most pretentious house here, on Nov. 30 because of his inability to reach a satisfactory agreement for union employes.

Lightman said the Orpheum must have at least occasional stage attractions to remain open, but that he is unable to pay for a stand-by orchestra when most of the available shows carry their own music.

He said a compromise was attempted, but without success.

Sold to Golden States

SAN FRANCISCO, Nov. 15.—The entire Republic lineup has been sold to the Golden States Circuit, 64 theatres strong.

The Publix-Kincey circuit in the Southeast and the De Mordaunt and Drennan circuit in Idaho also have closed for the Republic list.

"Bounty" Sock Hit Up Providence Way

PROVIDENCE, Nov. 15.—One of the biggest smash hits ever to play here, "Mutiny on the Bounty" brought smiles and $20,000 to Loew's State, and will be held over for the second week. Usual take for the house is $12,000.

Curiously, all houses seemed to benefit and did better-than-average business. The RKO Albee, with "Two Sinners" and Olsen and Johnson on the stage, cracked out $11,500, which is $4,500 over par and the Majestic was $1,500 to the good with "Shipmates Forever," which garnered $8,500. Fays was $800 over with "His Night Out" and a stage revue, grossing $7,800 and the Strand was in the black with "Ship Cafe" and "Grand Exit," catching $6,800.

Total first run business was $55,600. Average is $40,500.

Estimated takings for the week ending Nov. 14:

"TWO SINNERS" (Republic)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $11,500. (Average, $7,000)

"SHIP CAFE" (Para.)
"GRAND EXIT" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $6,500)

"HIS NIGHT OUT" (W. B.)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Under Seas Ballet." **Gross:** $7,800. (Average, $7,000)

"SHIPMATES FOREVER" (W. B.)
MAJESTIC—(2,400). 15c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $20,000. (Average, $12,000)

"TWENTIETH CENTURY" (Col.)
RKO VICTORY—(1,600), 10c-25c, 7 days. **Gross:** $1,000. (Average, $1,000)

Phaneuf Loses Election

BALTIC, Nov. 15.—Henry Phaneuf, operator of the Jodoin and candidate for first selectman of the town, moved into a 12-room house occupied by the former first selectman while he was waiting for the votes to be counted. He lost by five votes.

Wall Street

Eastman Best Gain With 5¼ Points

	High	Low	Close	Net Change
Columbia	67½	67½	67½	.....
Consolidated	5⅞	5¾	5⅞	+ ⅛
Consolidated, pfd. 20	19½	19½	19½	+ ⅛
Eastman Kodak 172	167½	172	172	+5¼
Loew's, Inc.	53⅜	51¾	53⅛	+1⅞
Paramount	9⅝	9⅜	9⅝	+ ⅛
Paramount 1 pfd.	80⅞	80	80	— ¼
Paramount 2 pfd.	11⅞	11⅝	11¾	.....
Pathe Film	6⅜	6	6¼	+ ¼
RKO	5¾	5½	5½	— ⅛
20th Century-Fox	21¼	20¾	21	— ⅛
20th Century, pfd	29½	28½	29	— ⅜
Universal, pfd	54¾	53½	53¾	+ ¼
Warner Bros.	9½	9⅛	9¼	+ ¼
Warner, pfd	50¼	49	49⅝	— ½

Sentry, Trans-Lux Active on Curb

	High	Low	Close	Net Change
Sentry Safety	⅝	½	⅝	+ ⅛
Sonotone	2⅞	2¾	2¾	.....
Technicolor	18⅜	18	18	— ½
Trans-Lux	4¼	4⅛	4¼	+ ⅛

Substantial Gains on Bond Market

	High	Low	Close	Net Change
General Theatre 6s '40	16	15¾	15¾	— ¼
General Theatre 6s '40 ctf	16	15⅝	15⅞	+ ⅛
Keith B. F. 6s '46	94¼	93¼	94¼	+1¾
Paramount B'way 3s '55	59⅞	59	59⅞	+2⅞
Paramount Pict. 6s '55	93½	92	93	.....
Warner Bros. 6s '39 wd	89½	87¾	89½	+2

(Quotations at close of Nov. 15)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 118 NEW YORK, MONDAY, NOVEMBER 18, 1935 TEN CENTS

Skouras Pool With Loew Is Being Talked

Would Allocate Astoria, Upper B'way Product

Radical changes in the Astoria and upper Broadway booking setups loom in the event two important pooling deals now under way between George Skouras and Loew's in Long Island City and Skouras, RKO and Springer & Cocalis on upper Broadway are consummated.

In both Skouras pools operation of the houses will be retained by present management, the effect of the deals being to concentrate and allocate product of the various companies into the theatres declared to be most suited for each classification.

Skouras has the Broadway, Steinway and Grand in Astoria, while Loew's has the Tri-Boro and Astoria.

On upper Broadway, Skouras has the Riverside, Riveria and Nemo; Springer & Cocalis the Symphony,

(*Continued on page 6*)

Gov. Davey Asks for No New Ohio Levies

COLUMBUS, Nov. 17.—As predicted, Governor Davey delivered a special message to the General Assembly in which he said that if careful economy were practiced, Ohio would be able to meet its obligations without imposition of any new taxes.

He advocated reenactment of the taxes which lapse Dec. 31, which include sales, cigarette, liquid fuel and productive intangibles imposts.

Senator Paul M. Yoder, Democratic majority leader, says bills for reenactment of these levies, together with a bill to keep the current admission tax at three per cent instead of letting it automatically go back to 10

(*Continued on page 6*)

Wisconsin Reports Gain in Employment

MILWAUKEE, Nov. 17.—More than 1,000 people were given jobs in local plants between Aug. 15 and Sept. 15 the Wisconsin Industrial Commission has revealed in its October labor review pamphlet.

Milwaukee employment in manufacturing industries, as of Sept. 15, was listed as 66,275 for the 483 factories reporting, compared with 65,227 on Aug. 15. The increase, together with a longer work week, brought the average weekly payroll for these firms up to $1,579,277 from $1,480,874. Average per capita weekly earnings

(*Continued on page 6*)

Income Taxes Paid by 773 Film Groups

Total Levy $1,549,000; 2,076 in the Red

By BERTRAM F. LINZ

WASHINGTON, Nov. 17.—Only 773 of a total of 2,952 film corporations had a net income on which they paid income taxes for 1933, according to the Bureau of Internal Revenue.

Continuing a series of analytical reports of corporation activity during 1933, the bureau has disclosed that the 773 houses which operated "in the black" during the year had an aggregate gross income of $159,032,000 and a net income of $10,726,000 on which they paid income intaxes of $1,524,000 and excess profits taxes of $24,000, a total of $1,549,000.

The 2,076 theatre corporations which were in the red reported a gross income aggregating $284,884,000, but a

(*Continued on page 6*)

Expect Settlement Of E. M.Loew Suit

BOSTON, Nov. 17.—E. M. Loew and his attorney, George S. Ryan, declined to comment here yesterday on the possibility of an out-of-court settlement of Loew's $5,000,000 suit against Paramount, which District Judge Coxe has ordered liquidated here, following Ryan's petition. The damages agreed upon then will be presented to Coxe for approval.

It is understood a signed agreement was made some time ago between Paramount and Loew. A settlement is expected. Ryan also refused comment on the possibility of a settlement of the $5,000,000 suit he is handling for A. B. Momand of Oklahoma, also ordered liquidated in its own territory, where it was originally brought. It named practically all distributors and Regal Theatres, Inc., Griffith Amusement Co., Consolidated Amusement Co., and John B. Terry.

Start Sunday Films In Many Penn. Spots

PHILADELPHIA, Nov. 17. — Sunday pictures began today in theatres here and numerous other municipalities of the state as a result of the recent referendum on the matter. In Scranton, M. B. Comerford started showings, as well as the Strand, Riviera, Capitol, Family and Manhattan. In Pittsburgh, films start Nov. 24. The

(*Continued on page 6*)

Chicago Gaining

Chicago, Nov. 17.—Chicago's Rialto, better known as Randolph St. is taking on new life with the fall season in full sway. Theatres are showing improvement and the night clubs are going full blast. Randolph St. is the criterion by which business is judged in these parts and when business is on the upward trend there it is doing well elsewhere.

"Mutiny" Broadway Smash at $76,300

"Mutiny on the Bounty" was the outstanding attraction on Broadway last week, garnering a handsome $76,300 at the Capitol during its first stanza. The Roxy also saw plenty of profits with "Three Kids and a Queen." The take was $35,600 and warranted holding over a second week.

The second week for "Hands Across the Table" netted the Paramount around $19,000. "The Melody Lingers On" at the Rivoli grossed in the neighborhood of $15,000 for the first seven days. The Center was in the red with "She Couldn't Take It," which took in something like $9,000. "Way Down East" the week before ended with $8,500.

"I Found Stella Parish" for the first five days of the second stanza grossed around $17,000, while "A Midsummer Night's Dream" at the Hollywood wound up its fifth week with approximately $17,000, according to Warners. "Shipmates Forever" and "The Last Days of Pompeii" at the Palace were weak at $7,500. The second week of "The New Gulliver" at the Cameo hit $8,000, a good take for this house.

Giveaways in Sweep Of St. Joseph Spots

ST. JOSEPH, Mo., Nov. 17.—This Missouri city has become almost as "wide-open" on premiums, cash drawings, etc., as Kansas City. Dubinsky Brothers' three first runs all are using some form of promotion, as is the second run Crystal. The Missouri has Screeno and Bank Night, each once a week; the Orpheum and Electric use Bank Night once a week, and the Crystal has Bank Night.

R. A. Gregory of the Rivoli has Screeno on Tuesdays and Saturdays, and dishes on Friday.

Frank Cassil of the Rialto is using several forms of money giveaways and has one premium night, making four in all.

City Seeking Levy Upon All Film Rentals

Would Apply Sales Tax to Theatres Outside N. Y.

Under a new interpretation of the local sales tax the city finance department is endeavoring to assess distributors here on the basis of all film rentals received through New York exchanges, regardless of whether the revenue is paid by theatres located within the city, it was learned yesterday.

The city's proposed assessment, heretofore, has been confined to film rentals derived from theatres within the city limits. Under this interpretation of the tax the estimated assessment against all local distributors was approximately $700,000. The new interpretation, which holds all revenues received by New York exchanges to

(*Continued on page 6*)

RKO Not to Join in Move Against Judge

ST. LOUIS, Nov. 17.—RKO will not file an affidavit to disqualify Federal Judge George H. Moore from hearing the equity suit filed by the Government seeking a preliminary injunction against Warners, RKO and Paramount for allegedly refusing to service the Ambassador, Missouri and New Grand Central.

Attorneys for RKO feel that one affidavit is sufficient. Paramount and Warner have filed affidavits.

With all objectives covered in the notices already submitted, the matter of appointment of a new federal judge to hear the equity case now rests with Judge Kimbrough Stone, presiding justice of the U. S. Circuit Court of Appeals.

RKO Men to Confer At Hollywood Plant

Production conferences between RKO home office and studio executives will be held in Hollywood the latter part of the week when Leo Spitz, president of the parent company, and Ned E. Depinet, head of RKO Distributing Corp., arrive from the East. Discussions will revolve around the balance of this year's product and some of next season's plans.

Depinet left for the coast yesterday, but will stop over at Chicago today where Spitz will join him. Spitz left for the Windy City on Saturday to wind up personal business. The two presidents expect to be gone from three to four weeks.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 November 18, 1935 No. 118

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

"Wuthering Heights" On Wanger's Agenda

HOLLYWOOD, Nov. 17. — Although Walter Wanger has more story properties now than called for by his Paramount releasing contract, he is considering two more. There is a strong possibility that the next Sylvia Sidney film will be "Wuthering Heights" from the novel by Emily Bronte. Wanger also is bidding for "Tovarich," now running in London and produced there by Gilbert Miller. "Tovarich" will be a Charles Boyer film if Wanger succeeds in getting it.

Buster Keaton at Work

HOLLYWOOD, Nov. 17.—Buster Keaton, who was seriously ill, has recovered and is reporting to the Educational studios here to resume work on his shorts for that company.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane, New York
Los Angeles, 510 W. 6th Street, Cal.

Insiders' Outlook

By RED KANN

IN our, as usual, left-footed way, we find it difficult to agree with the statement telegraphed out of Detroit last week quoting Abram F. Myers in this wise:

"The verdict [in St. Louis] in itself is important to the defendants only. . . . The verdict settled no proposition of law as to the right of producers and affiliated chains to freeze out independents and it behooves those possessing great power to bear this in mind."

Myers is a lawyer and, it is this opinion, knows the law, or substantial about it. We are and do not and immediately, therefore, it may place this commentator in a position of not knowing what he is talking about. . . .

▼

But, while it may be a fact that the anti-trust case established no proposition in law, we fail to see how the "not guilty" decision is of importance only to the defendants. Here was a conspiracy case and a criminal action. It was tried lengthily and wearily and out of it the defendants emerged untouched except for the wear and tear, which was considerable, on their nerves and on their peace of mind. Yet the jury, hearing and deliberating over specific charges, by their verdict of innocence threw those charges out not only as they applied to the individual defendants, but to Warners, Paramount and RKO, the three companies enmeshed, as well. . . .

▼

Certainly, that concerns the industry and the rules of business conduct governing it. Certainly again, the matter must be one of vast interest to the business at large. When Myers said further, as he did, that he saw no good accomplished "by sending industry leaders to jail," it becomes far easier to agree, for nothing would have been accomplished by such an unfortunate procedure. It occurs to us now, as it has often over the years, that the bringing about of a greater accord in the relationship between buyer and seller, both of them at best steeped in traditional and natural conflict, might best be reached through adjudication arrived at on the inside and not through legalistic pressure induced on the outside. . . .

▼

Now that this has issued forth from the typewriter, we realize it appears like a clarion call sounding a quick path to Utopia. Yet we do not believe such a state of affairs is at all too mystical or too phantom-like to make concrete realization possible. The method is largely one of approach, an approach founded on understanding and cooperation of the sympathetic kind. Two men or two groups confronting each other with a genuine desire to jointly arrive at an acceptable middle ground can get there if they are so minded. Precedent insists that this has been so and that this can be so again. . . .

Greenblatt Honored

More than 250 local exhibitors and friends of Arthur Greenblatt attended a party staged at the New York G. B. exchange on Saturday in celebration of Greenblatt's promotion to manager of the branch. Greenblatt succeeds Phil Meyer, who today assumes the post of assistant to George W. Weeks, general sales manager.

Takes More Territory

CLEVELAND, Nov. 17. — Warren Irons, distributor of Sweepstakes in the Ohio territory, has also acquired the Michigan and Western Pennsylvania territories.

Lichtman Starting

Al Lichtman, who returned this weekend from a three weeks' vacation at Hot Springs, takes up his new M-G-M post today.

Connolly on Coast

HOLLYWOOD, Nov. 17.—Marc Connolly is in from New York with screen tests from "The Green Pastures." The Hall Johnson Choir has already been signed and the balance of the cast will be selected after Connolly confers with Jack Warner. Production is scheduled to start in about two weeks.

Kerns, Fields Sign

HOLLYWOOD, Nov. 17. — Jerome Kerns and Dorothy Fields have been signed to do the music and lyrics for the Astaire-Rogers film, "I Won't Dance."

Segal Using Crutch

BOSTON, Nov. 17. — Harry Segal, New England manager for First Division, is hobbling around on a cane as the result of a snapped cartilage in one of his legs.

Pinanski Made Head Of Bay State Allied

BOSTON, Nov. 17.—Samuel Pinanski of the Mullin & Pinanski theatres was elected president of Allied of Mass. at their annual meeting here this week. John H. Devlin of Loew's was elected vice-president and Stanley Sumner of University, treasurer and Joseph H. Brennan, secretary.

Elected to the board of directors were: Pinanski, M. J. Mullin, Edward A. Cuddy, Charles W. Koerner, George E. French, H. M. Addison, Devlin, Victor J. Morris, B. E. Hoffman, Max Mellincoff, Stanley Sumner, John J. Ford, Col. Al Somerby, James H. Doyle, John S. Giles, Franklin F. Plimpton, and Joseph H. Brennan. Members of the executive board are: Pinanski, Devlin, Koerner, Mellincoff, Mullin, Addison and Ford.

Arkansas Is Meeting

LITTLE ROCK, Ark., Nov. 17.—The M.P.T.O. of Arkansas held the first of a two-day convention at the Hotel Marion today. The convention concludes Monday evening.

Ohio Starts Tomorrow

COLUMBUS, Nov. 17.—The I.T.O. of Ohio will hold its annual convention at the Deschler-Wallick Tuesday and Wednesday. Sydney Samuelson, national Allied president, is expected.

Iowa Convention On

DES MOINES, Nov. 17.—Allied of Iowa and Nebraska launches a two-day convention at the Savery Monday.

Five in Work by Audio

Five Audio Prod. units are in work currently, according to Charles L. Glett, production manager. Two units are completing studio sequences at Astoria, L. I., one in Cleveland, one in Washington and one on location in New Jersey. The productions involved are for General Motors and Westinghouse.

Rosenblum Exploring

HOLLYWOOD, Nov. 17. — W. M. Rosenblum is here looking over the independent field with the idea of entering the production field. He formerly was an official of the Fleishacker banking interests in California and also backed independent producers in the past.

Briskin Mulling Offers

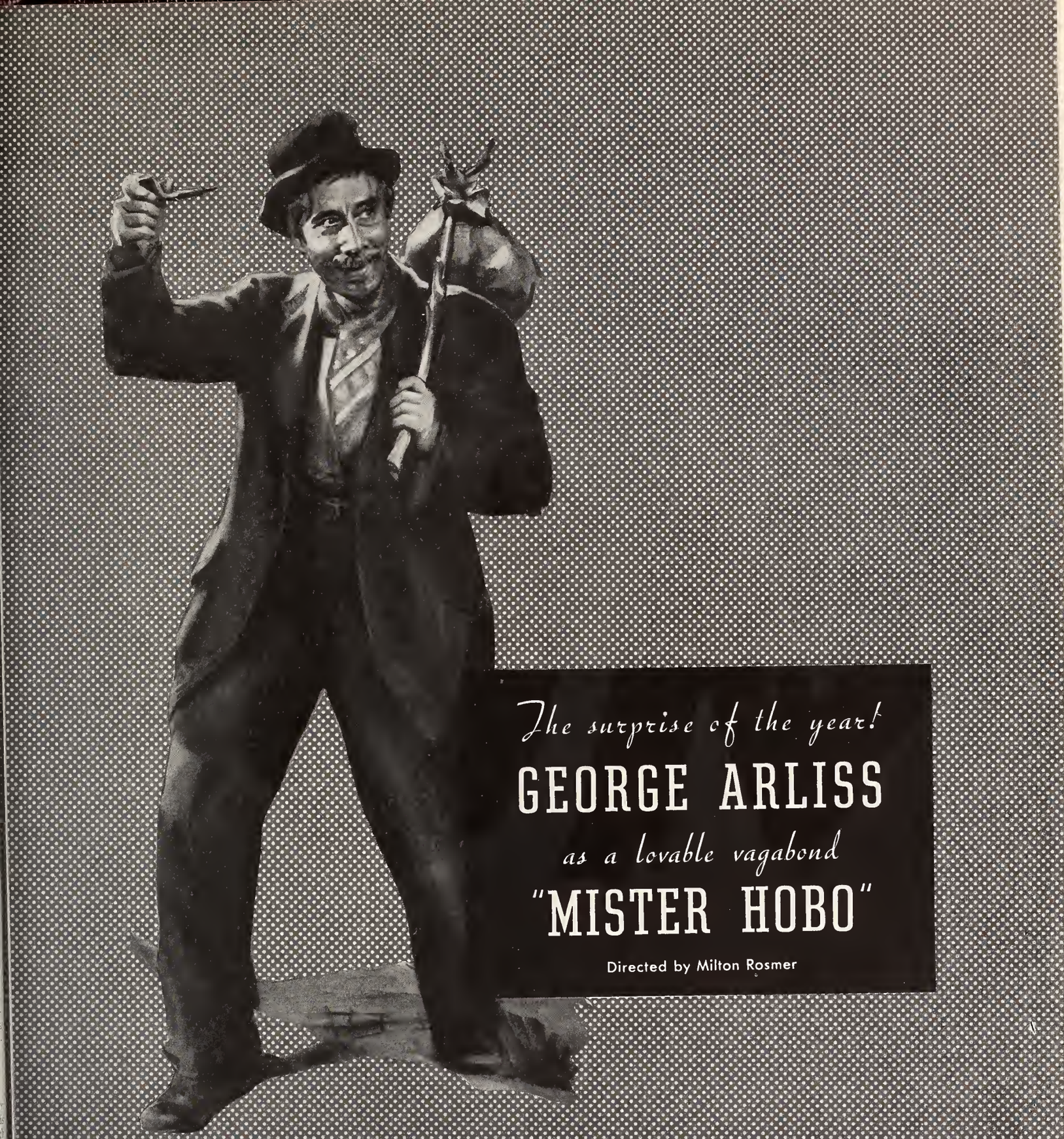
A deal by which Sam Briskin would produce for United Artists is under consideration together with several new proposals, Briskin said on Saturday. He plans to leave for the coast a week from today to go into the other proposals before making a decision, he said.

McCord Heads Section

HOLLYWOOD, Nov. 17.—Harold McCord, supervising film editor at Warners, has taken up his duties as chairman of the Film Editors' Section of the Academy to which he was recently elected.

Zeidman Buys Play

HOLLYWOOD, Nov. 17.—B. F. Zeidman, now operating under his own name with L. J. Schlaifer in charge of sales, has purchased "Rogues' Gallery," play by Willard Keefe.



The surprise of the year!

GEORGE ARLISS

as a lovable vagabond

"MISTER HOBO"

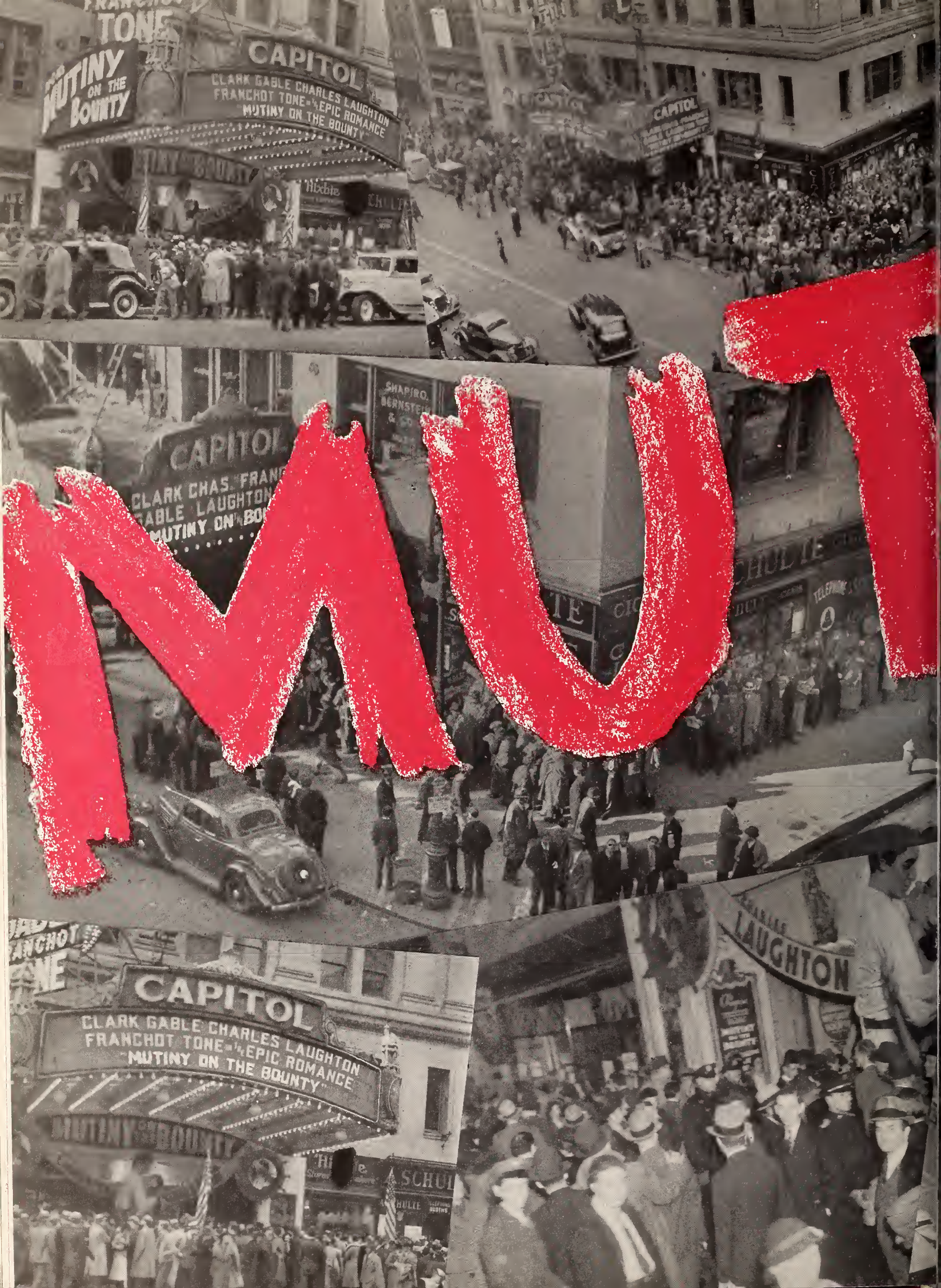
Directed by Milton Rosmer

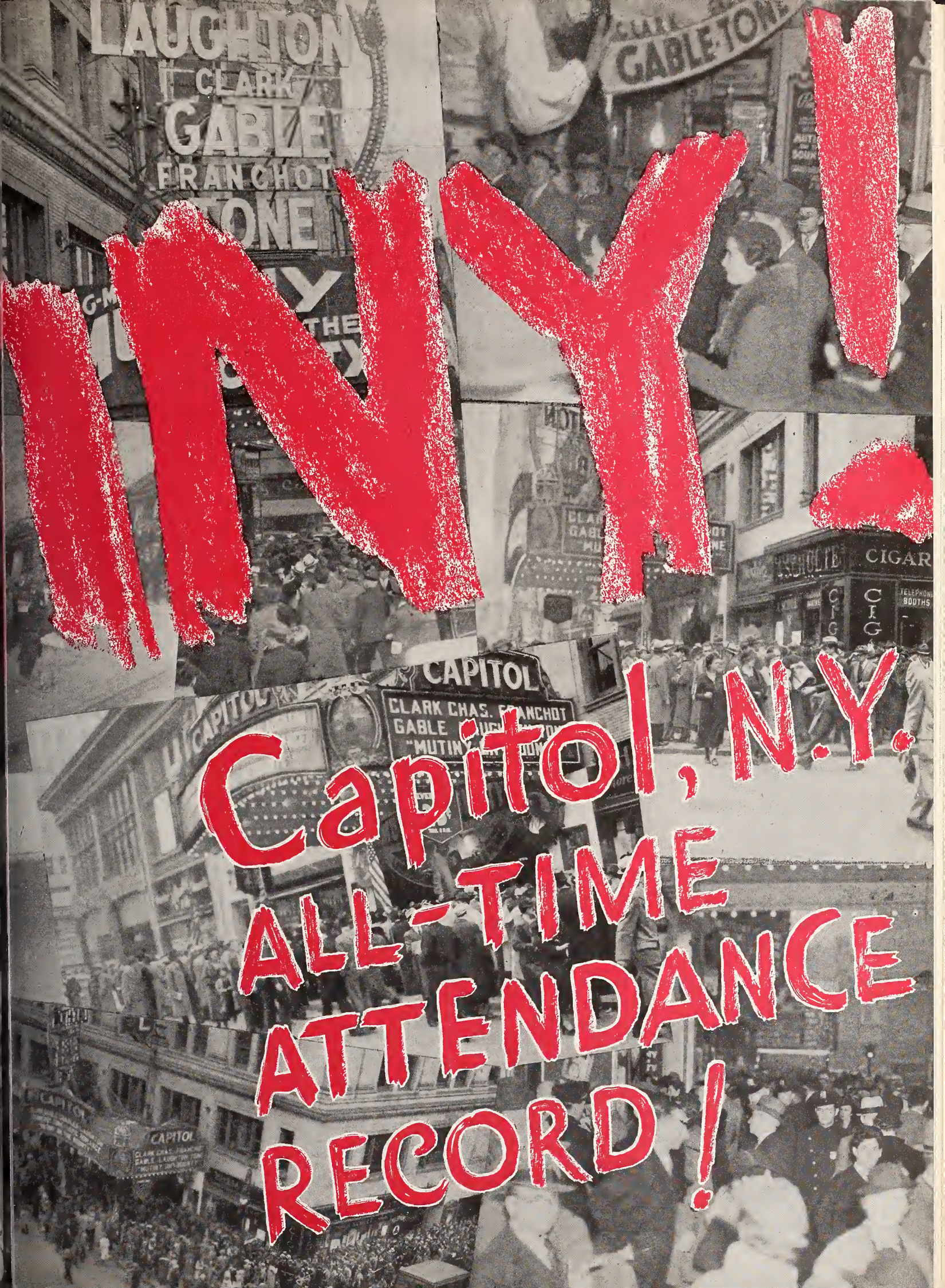
COMING TO RADIO CITY MUSIC HALL. EARLY NEXT MONTH . . . WATCH IT BREAK THE RECORDS OF "THE 39 STEPS" AND "TRANSATLANTIC TUNNEL"

TOPS 'EM ALL

GB

Physical Distribution Fox Exchanges • Canada, Regal Films, Ltd.


TONE
MUTINY ON THE BOUNTY
CAPITOL
CLARK GABLE CHARLES LAUGHTON
FRANCHOT TONE in "EPIC ROMANCE
MUTINY ON THE BOUNTY"
CAPITOL
SHAPIRO, BERNSTEIN & CO.
CAPITOL
CLARK CHAS. FRAN
GABLE LAUGHTON
MUTINY ON BO
MUTINY
CAPITOL
CLARK GABLE CHARLES LAUGHTON
FRANCHOT TONE in "EPIC ROMANCE
"MUTINY ON THE BOUNTY"
LAUGHTON



N.Y.!

Capitol, N.Y.

ALL-TIME ATTENDANCE RECORD!

Skouras Pool With Loew Is Being Talked

(Continued from page 1)

Olympia, Stoddard, 77th St., Thalia, Beacon and Carlton; RKO has the 81st St., Midtown and Yorktown.

Provided the Broadway plan is agreed upon, the recent suit instituted by Skouras against RKO and Fox alleging a breach of the clearance clause in his contract will be amicably settled, it is stated.

Under a reported allocation of product for the Broadway houses, it is understood one set of first class films will be booked into the 81st St., Stoddard, Riverside and Nemo. Another group of "A" films will go into the Beacon, Yorktown, Symphony and Olympia.

Two lists of second run theatres will be divided as follows, it is said. Riveria and Carlton in one group and the Midtown, Thalia and 77th St. in the second.

Skouras and RKO have jointly booked a number of houses in the local area. In addition to this, Skouras has for some time cooperated with Springer & Cocalis in dating pictures in theatres of the two circuits relatively in the same zones.

Several months ago, Skouras worked out a pooling arrangement with Warners in New Jersey. This deal had been on and off for three years and was finally consummated toward the end of the summer.

Wisconsin Reports Gain in Employment

(Continued from page 1)

were $23.83, which is a new depression peak.

In Milwaukee, the recovery has been slower than in the state. It is understood that this slower comeback is due to spreading of work here, which results in more employment but less hours for each individual. Another factor is that firms here operating in the capital goods, or heavy industries, have not come back as far on the recovery road as those in consumer lines.

Milwaukee relief rolls in October dropped 365 persons, the seventh consecutive month showing a decline. There is still a total of 101,356 persons on relief with the outlook reported more hopeful than in October, 1934.

Pitt House Drops Films

PITTSBURGH, Nov. 17.—Films, combined with burlesque, have been a failure at the Variety and, after a week's shutdown, George Jaffe will reopen his house with the old policy of a two-a-day burlesque. The scale will be reduced, however, from one dollar at night to 75 cents top.

Under the combination policy, the Variety was showing pictures two and three years old.

XXX
JAMES MELTON
"STARS OVER BROADWAY"
WILLIAM MORRIS OFFICE

Purely Personal

ALMA WILBY, secretary of the Immunity Club, organized on behalf of the Roosevelt bar during the M. P. T. O. A. convention in New Orleans some months ago, the other morning found delivered at her home in Atlanta a large bottle of Moet and Chandon. It all had to do with that refund which Mrs. Wilby returned to some of the original members who then determined to recognize her services as secretary with wine. RALPH ROLAN did the arranging, other contributing conspirators including SAM DEMBOW, HERMAN ROBBINS and HARRY THOMAS.

•

IRENE DUNNE will be the honor guest at a cocktail party to be given by Universal at the Pierre Wednesday. It all has to do with the fact she is starred in "Magnificent Obsession."

•

SI FABIAN, HARRY GOETZ and JOSEPH BERNHARD engaged in an informal chat in front of Walgreen's at 44th St. and Broadway on Saturday.

•

JAMES GELLER of the William Morris Hollywood office is due here tomorrow to look over stage and literary film potentialities.

•

MORRIS KUTINSKY. and MURRAY SCHOEN have a financial interest in "Satellite," which opens at the Bijou next Wednesday night.

•

LESTER COWAN was slated to leave for Hollywood yesterday. ANN RONELL stays on for a spell.

•

JOE MOSKOWITZ of Twentieth Century-Fox left for Hollywood on the Century Saturday afternoon.

•

LOIS JACOBY celebrated a birthday Saturday.

City Seeking Levy On All Film Rents

(Continued from page 1)

be subject to the tax, increases the assessment to an estimated $3,000,000.

The city is reported basing its new interpretation of the tax ordinance on the assumption that the delivery of films by carriers to any point from local exchanges completes a sales transaction and makes the revenues therefrom subject to the tax.

The city has assessed United Artists and Universal in an effort to apply the sales tax to film revenues and the U. A. assessment is being objected to as a test case. Arguments were heard by representatives of the city finance department a week ago and a decision is expected in the near future. It is expected that the city will approve the levy against film rentals and that an appeal will be taken by distributors to the appellate division.

McNab in New Post

BOSTON, Nov. 17.—Horace McNab, former publicity manager at the Majestic, has joined the Shubert advertising staff.

Robert Manley has returned to Loew's State as assistant manager.

Income Taxes Paid by 773 Film Groups

(Continued from page 1)

deficit, for tax purposes, of $44,927,000. The bureau also received reports from 103 corporations which were inactive.

In the production field, only 42 out of 256 incorporated producers showed taxable income, having an aggregate gross income of $27,176,000 and net income of $3,198,000, their tax payments of $477,000 including $455,000 in income tax and $22,000 on excess profits. Fifty-six concerns were reported inactive and 158 had no taxable income, their gross income of $135,231,000 resulting in a deficit of $40,354,000.

Returns from other incorporated theatres showed 87 out of 536 with taxable income, having gross income of $5,577,000 and net of $499,000, on which income taxes of $68,000 and excess profits taxes of $5,000, a total of $73,000. Returns were received from 141 inactive corporations and from 308 corporations which, with gross income of $16,392,000, had a deficit for tax purposes of $7,153,000.

Other amusements fared even worse than films, only 541 out of a total of 5,278 having net income, the aggregate of which was $2,140,000, on which they paid taxes of $316,000, while 3,845 with gross income of $88,217,000 reported a deficit of $19,863,000.

Start Sunday Films In Many Penn. Spots

(Continued from page 1)

law does not apply to stage show houses. The only one there, the Stanley, will run films from 2 P. M. to midnight, with stage shows after that.

With the results in Beaver County certified during the week, shows started today in six houses. Beaver Falls, Rochester, New Brighton and Monaca voted against Sunday shows. The voters in Eldred township voted for them, and they would have been shown today — if the town had a theatre.

Gov. Davey Asks for No New Ohio Levies

(Continued from page 1)

per cent under the nuisance tax act, were ready for introduction.

Meanwhile, despite executive opposition, income tax advocates are understood to be pressing their measure, which, it is considered, will have a chance in the House, but will likely be blocked in the Senate, as has been done on previous occasions. This may have some effect on the situation as outlined in the Governor's message.

Gets Three Leads

HOLLYWOOD, Nov. 17. — George Brent will have three leading women in "Snowed Under." They are Genevieve Tobin, June Travis and Glenda Farrell. The picture will be made from a *Liberty Magazine* story by Lawrence Saunders. Mary McCall, Jr., is writing the screen play. The cast will also include Frank McHugh and John Eldredge. No director has been assigned as yet.

Wall Street

Little Activity on Stock Market

	High	Low	Close	Net Change
Consolidated Film.	5½	5½	5½	- - 3/8
Consolidated, pfd..	19¾	19½	19¾	+ ¼
Eastman Kodak..	171	171	171	—1
Loew's, Inc.	53	52¾	52⅞	— ¼
Paramount	9¾	9½	9⅝	.....
Paramount 1 pfd..	80	79½	80	.....
Paramount 2 pfd..	11¾	11⅝	11¾	.....
Pathe Film.	6⅜	6¼	6¼	.....
RKO	5½	5⅜	5½	.....
20th Century-Fox.	21	21	21	.....
20th Century pfd.	29¼	28¾	29¼	+ ¼
Universal pfd.	52⅞	52⅝	52⅝	—1⅛
Warner Bros.	9¼	9	9	— ¼
Warner pfd.	50	49	49	— ⅝

Fractional Gains on Curb

	High	Low	Close	Net Change
Sentry Safety.	⅝	⅝	⅝	.....
Sonotone	2⅞	2¾	2⅞	+ ⅛
Technicolor	18¾	18⅛	18⅜	+ ⅜
Trans Lux.	4¼	4⅛	4⅛	— ⅛

Loew's Bonds Off ¼ Point

	High	Low	Close	Net Change
General Theatre Equip. 6s '40.	15⅞	15⅞	15⅞	+ ⅛
Loew's 6s '41 ww deb rights.	104¼	104¼	104¼	— ¼
Paramount Broadway 3s '35.	60	60	60	+ ⅛
Paramount Pictures 6s '55.	93	92¾	93	.....
Warner Bros. 6s '39 wd.	89⅝	89¼	89¼	— ¼

(Quotations at close of Nov. 16)

Intermountain Area Looks for a Spurt

DENVER, Nov. 17. — An improvement in theatre conditions is seen in this territory with the opening of several new houses and additions to chains.

Publix has opened a new house at Colorado Springs, replacing an old theatre. Fox has opened theatres in La Junta, Colo., and Las Vegas and Las Cruces, N. M., making their second houses in each of these towns.

Hawkins & Marr have taken over the Orpheum at Beuna Vista, Colo., and after remodeling and installing new equipment will open it. Beuna Vista has been theatreless for a number of years due to the absence of sound equipment.

Gibraltar Enterprises, headed by Charley Gilmour and composed of exhibitors in several states, are adding the Mission at Clayton, N. M. The theatre, purchased by Hubbard & Murphy, will be added to the Gibraltar string, undergoing reseating, redecoration and modernization.

Ross Labart has closed his house at Sagauche, Colo., and has bought the Pendick at Roy, N. M., from L. E. Folk.

Charles Yeager, head of the Atlas Theatre Corp. and owner of Bank Night, has sold one of his houses and purchased three others. The Rex at Rapid City, S. D., was sold to the Black Hills Amusement Co., and Yeager bought the Rialto at Brighton, the Granada at Monte Vista, and the Gem at Golden, all in Colorado. These houses will be remodeled and modernized before reopenings.

L. L. Dent, through his Westland Theatres Co., is building a new 450 seat house at Grand Junction, Colo., where Westland already has one house, and he will call it the Kiva. The Palm at Pueblo, a Westland house, is being reseated.

Detroit Medbury Closed

DETROIT, Nov. 17. — The Medbury, operated by Al Braver for the last few months, has been closed.

"Musketeers" Gets $7,500, Minneapolis

MINNEAPOLIS, Nov. 17. — "The Three Musketeers" was a red hot attraction at the Orpheum, the $7,500 take going $2,000 to the good. "Way Down East" at the State and "The Rainmakers" at the Time were each $500 to the good.

In St. Paul "Broadway Melody of 1936" took a good $6,000 in the Paramount and "Here's to Romance" was the same amount over the line on a $4,000 gross at the Riviera.

Total first run business in Minneapolis was $34,000. Average is $30,000. Total first run business in St. Paul was $17,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Nov. 13:

"BORN FOR GLORY" (G.B.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $2,000. (Average, $3,000)

Week Ending Nov. 14:

"THE CRUSADES" (Para.)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)
"WELCOME HOME" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Nov. 15:

"I LIVE MY LIFE" (M-G-M)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $10,000. (Average, $10,000)
"THE THREE MUSKETEERS" (Radio)
ORPHEUM — (2,000), 25c-40c, 7 days. **Gross:** $7,500. (Average, $5,500)
"WAY DOWN EAST" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"THE RAINMAKERS" (Radio)
TIME—(300), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

St. Paul:

Week Ending Nov. 15:

"BROADWAY MELODY OF 1936" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"HERE'S TO ROMANCE" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"THE VIRGINIA JUDGE" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"SHE COULDN'T TAKE IT" (Col.)
ORPHEUM — (2,000), 25c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)
"HIS NIGHT OUT" (Univ.)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)
"THE 39 STEPS" (G.B.)
WORLD—(400), 25c-35c, 7 days, 6th week. **Gross:** $1,700. (Average, $1,500)

Freeman in the Hub

BOSTON, Nov. 17.—Alton K. Freeman, former manager of the Scollay Square, who resigned from the M. and P.-Publix circuit a few months ago to go to the coast, is back after a bit of traveling. Once in California, Freeman reasoned that inasmuch as he had already come so far he might as well continue on to China. There he figured that it would be just as short to make his return via Africa, Europe, etc.

Skirball with Air Cure

CLEVELAND, Nov. 17.—H. R. Skirball, former local GB branch manager, has been appointed Ohio sales representative for Air Cure, an air purifier now used over the Paul Gusdanovic and the W. N. Skirball circuits. Joe Skirball, manager of First Division in Pittsburgh, is handling the process in western Pennsylvania.

Out Hollywood Way

HOLLYWOOD, Nov. 17.—Mrs. ALFRED NEWMAN in New York for a month's visit. Her husband has signed a new three-year contract as musical director with SAMUEL GOLDWYN. . . . MERLE OBERON has rented the MERIAN C. COOPER home in Santa Monica. . . . JOHN ZANFT and NAT GOLDSTONE dickering for a merger of their agencies. . . . Universal picks up an option on the contract of LOUIS FRIEDLANDER, director. . . . JOHN LEROY JOHNSTON, publicity head of Universal, latest influenza victim. . . . GLADYS Swarthout's car stripped of everything detachable by souvenir hunters last week. . . .

✚

Writers — EWART ADAMSON to Chesterfield to write treatment of SINCLAIR LEWIS's "The Last Trap." . . . EDWARD JOSEPHS adapting "Brilliant Marriage" by URSULA PARROT for Invincible. . . . DELMAR DAVES, screen play of "Slim," which will be the next for JAMES CAGNEY and PAT O'BRIEN. . . . Charles Kenyon, "The Golden Arrow" by Michael Arlen. . . . DALTON TRUMBO adapting "The Blue Moon Murder Case" from a story by S. S. VAN DINE. . . . BEN MARKSON adapting "Ready, Able and Willing" from a story by RICHARD MACAULEY, and Tom Reed is "The Case of the Velvet Claws," an ERLE STANLEY GARDNER thriller. . . . At Paramount, FRANK PARTOS put on "The Duchess." . . . VIRGINIA VAN UPP assigned to "The Old Maid" and JAMES GRUEN to "Border Flight." . . .

TISH TASH, creator of the cartoon character, "Van Boring," engaged as gag man by HAL ROACH, attached to the CHARLIE CHASE unit. . . . FRANK SCHULTZ at work on script of "The Good Earth" with TALBOT JENNINGS and TESS SCHLESSINGER. . . . AL DE MOND on the screenplay of "Speed" at same studio. . . . GENE FOWLER and BESS MEREDYTH assigned to adapt "Lightning Strikes Twice," at 20th Century-Fox. Production is scheduled to start late in December. . . .

WALLACE SULLIVAN and MARY MCCARTHY working on "Laughing Irish Eyes"; GORDON RIGBY and LESTER COLE adapting "Tiger Valley"; Ferdinand Reyher doing dialogue on "Legion of the Lost"; JERRY CHODOROV and JOSEPH FIELDS adapting "The Gentleman from Louisiana," all at Republic. . . .

✚

Casting—PAUL STANTON to play the mayor of New York and PIERRE WATKINS, the district attorney in "It Had to Happen" at Twentieth Century-Fox. . . . MICHEAL WHALEN assigned male lead in "The Country Beyond" at the same studio. . . . BONITA GRANVILLE, 12, signed by SAMUEL GOLDWYN for leading child role in "These Three." She is the daughter of BERNARD GRANVILLE and niece of ROLLO TIMPONI, manager of ths Erlanger theatre, Chicago. . . . THOMAS DUGAN and THOMAS POGUE signed for the next Our Gang short, "Divot Diggers" at Hal Roach. . . . THELMA WHITE added to "Two O'clock Courage" and NOEL MADISON and PAUL PORCASI cast in "The Green Shadow" at RKO. . . . MATTY KEMP will play in "Captain Commanding" at Universal.

MARTHA TIBBETTS to the "Singing Kid." . . . At RKO, HERBERT RAWLINSON added to "Follow the Fleet" and GASTON GLASS to "Two O'Clock Courage." . . . ELINORE WHITNEY recalled to Paramount for additional dances in "Millions in the Air."

✚

Directors—LEWIS MILESTONE to direct MARLENE DIETRICH's last under her present Paramount contract, "Invitation to Happiness.". . . HOWARD BRETHERTON signed by Republic. . . . To start about first of year. . . . CARL PIERSON on "The Singing Vagabond," Republic. . . . MAURY COHEN signs PHIL ROSEN to direct six for Invincible. . . . First to be "Tango.". . . SOL LESSER borrows ARTHUR GREVILLE COLLINS from Warners for "We Sing Again."

✚

Directors—JOSEPH SANTLEY to "Dancing Feet" at Republic. . . . MICHAEL CURTIZ to the Karloff picture "Walking Death" at Warners.

✚

Producer—HAROLD HURLEY to produce "Timothy's Quest" for Paramount.

Pittsburgh Fulton Is Being Remodeled

PITTSBURGH, Nov. 17.—The Fulton, owned by the Shea-Hyde interests, has closed to remodel the stage for presentations. The house has been squeezed for product, the result of the recent Warner-Loew pool and the Harris-Alvin's purchase of all G. B. product.

It is estimated that at least $10,000 will be necessary to fix the house for stage shows. Since reopening several weeks ago after a three-month shutdown, the Fulton has shown a profit only two weeks, first with pictures of the Baer-Louis fight and next with "Metropolitan."

Paramount to Build

HOLLYWOOD, Nov. 17.—Paramount will soon start construction on a new two-story building, which will be used for storage, and which will also house the paint department. The building will be constructed of steel, and will cost $75,000.

Warners Give Film Outfit to Hospital

PHILADELPHIA, Nov. 17. — Joseph Bernhard and Ted Schlanger, on behalf of Warner Theatres, have presented two complete sound projectors to the Philadelphia General Hospital where there are 2,300 patients.

Bernhard became interested in the plan through Variety Club. He was greatly impressed at the presentation ceremonies.

Wolfson on Script

HOLLYWOOD, Nov. 17.—RKO has signed P. J. Wolfson to do the adaptation of "A Sliver in God's Eye" from the play by Mildred Knopf. The studio is planning the picture as a vehicle for Helen Gahagan.

French Film Held Over

Lenauer International Films' release of "Crime and Punishment," in French, is being held over for a second week at the Cinema de Paris here.

"Bounty" Is Heavy In Cincy, $16,500

CINCINNATI, Nov. 17.—The outstanding gross of the week was registered by "Mutiny on the Bounty," which topped average by $4,500 on a $16,500 take at the RKO Albee. It was shifted to the Capitol for a second stanza.

The combination of "Grand Exit" on the screen and "Sunkist Revue," featuring Henry Armetta, on the stage, came within shouting distance of par at the RKO Shubert. The RKO Palace broke even with "Hands Across the Table," which continues at the Grand. Keith's pulled "Personal Maid's Secret" after five days, advancing "I Found Stella Parish" two days ahead of regular opening. Business at the other stands was subnormal.

Total first run business was $57,600. Average is $60,200.

Estimated takings:

Week Ending Nov. 13:

"SPANISH CAPE MYSTERY" (Republic)
"CAPPY RICKS' RETURN" (Republic)
STRAND — (1,300), 15c-25c, 7 days. **Gross:** $1,400. (Average, $1,500)
"FIGHTING YOUTH" (Univ.)
RKO LYRIC—(1,400), 25c-40c, 7 days. **Gross:** $4,800. (Average, $6,500)

Week Ending Nov. 14:

"MUTINY ON THE BOUNTY" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $16,500. (Average, $12,000) Moved to RKO Capitol.
"HANDS ACROSS THE TABLE" (Para.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $10,000. (Average, $10,000) Moved to RKO Grand.
"GRAND EXIT" (Col.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Sunkist Revue" with Henry Armetta. **Gross:** $11,500. (Average, $12,000)
"RENDEZVOUS" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd week. **Gross:** $5,200. (Average, $6,500)
"HERE'S TO ROMANCE" (Fox)
RKO GRAND—(1,200), 25c-40c, 7 days. **Gross:** $2,600. (Average, $2,750)
"WESTWARD HO" (Republic)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,250)
"AFFAIRS OF SUSAN" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,200)
"PERSONAL MAID'S SECRET" (W.B.)
KEITH'S — (1,500), 30c-40c, 5 days. **Gross:** $3,500. (Average, 7 days, $6,500)

"Solomon" Omaha's Top with "Bounty"

OMAHA, Nov. 17.—"Mutiny on the Bounty" and "King Solomon of Broadway" kept a steady stream of customers flowing into the Omaha all week, with the result that the $8,100 take was a walloping profit.

The other two first runs stood up well under the competition. "Rendezvous" and "The Virginia Judge" were over normal on an $8,400 take at the Orpheum, and "The Case of the Lucky Legs" hit a par $4,000 at the Brandeis.

Total first run business was $20,500. Average is $17,000.

Estimated takings:

Week Ending Nov. 13:

"MUTINY ON THE BOUNTY" (M-G-M)
"KING SOLOMON OF BROADWAY" (Univ.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $8,100. (Average, $5,000)
"THE CASE OF THE LUCKY LEGS" (F.N.)
"A FEATHER IN HER HAT" (Col.)
BRANDEIS—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

Week Ending Nov. 14:

"RENDEZVOUS" (M-G-M)
"THE VIRGINIA JUDGE" (Para.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,400. (Average, $8,000)

THE CRITICS RAVED!



Here's why the N.Y. Roxy ha
against Broadway's tou

"THE FILM IS GRAND FUN. MUST BE CONSIDERED A DECIDED SUCCESS."
—William Boehnel, WORLD-TELEGRAM

"DELIGHTFUL, BRINGING LAUGHTER AND TEARS...'THREE KIDS AND A QUEEN' WILL REACH THE HEARTSTRINGS OF THE VAST MASS OF PICTURE PATRONS."
—Regina Crewe, N. Y. AMERICAN

"YOU'LL FIND YOURSELF LIKING IT IMMENSELY... IT'S WARM AND HUMAN, AND DOWN-TO-EARTH AND AMUSING, AND EVEN-IN ITS CLIMACTIC SEQUENCES —THRILLING."
—Irene Thirer, N. Y. POST

"AUDIENCES ARE AMIABLY LAUGHING AND THRILLING AT JUST THE EXPECTED MOMENTS. YESTERDAY NOON'S CROWDED HOUSE WAS ONE TO DO A DIRECTOR'S HEART GOOD."
Eileen Creelman, N. Y. SUN

3 KIDS and

ANOTHER UNIVERSA

THE CROWDS STORMED!

hold it over a second week

competition in years!



"THOROUGHLY GOOD FUN. THE STORY IS GAY AND TENDER. RICH WITH LAUGHS, SURPRISES, STRONG SITUATIONS AND TENDER MOODS, IT IS A COMPLETELY ENTERTAINING, REFRESHING, UNUSUAL FILM."

—Bland Johaneson, DAILY MIRROR

"'THREE KIDS AND A QUEEN' IS SENTIMENTAL, HOMELY, HUMAN."

—Marguerite Tazelaar, HERALD-TRIBUNE

★ ★ ★ "MAY ROBSON SCORES IN KIDNAP COMEDY. IN HER BEST ROLE SINCE 'LADY FOR A DAY,' DEMONSTRATES THAT ALL SHE NEEDS IN THIS MOVIE WORLD IS ONE THING—A GOOD PICTURE."

—Wanda Hale, DAILY NEWS

a QUEEN

BOX-OFFICE WINNER!

"Goose" Gets Good $19,400 On the Loop

CHICAGO, Nov. 17.—"The Goose and the Gander," with a revue, "Life Begins at Minsky's," was the big profit-maker of the week here. It hit $19,400, over normal by $4,400, at the Oriental.

"Rendezvous" also was in the money at the Chicago with a take of $35,200, above average by $3,200.

Both of these grosses were outstanding in an otherwise dull week, the only other attraction on the profit side of the line being "King Solomon of Broadway," which took $13,400 at the State-Lake.

Total first run business was $117,600. Average is $117,000.

Estimated takings:

Week Ending Nov. 12:

"I LIVE MY LIFE" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 2nd week, 5 days. **Gross:** $3,500. (Average, $4,500)

"CRUSADES" (Para.)
ROOSEVELT — (1,591), 40c-60c-$1.00, 7 days, 2nd week. **Gross:** $9,600. (Average, $11,000)

"BARBARY COAST" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 5 days, 3rd week. **Gross:** $10,800. (Average, $17,000)

Week Ending Nov. 14:

"RENDEZVOUS" (M-G-M)
CHICAGO—(4,000), 35c-50c-58c, 7 days. Stage: Stage revue. Jesse Crawford at the organ. **Gross:** $35,200. (Average, $32,000)

"GOOSE AND THE GANDER" (W.B.)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: "Life Begins at Minsky's." **Gross:** $19,400. (Average, $15,000)

"SHE COULDN'T TAKE IT" (Col.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,700. (Average, $5,500)

"REMEMBER LAST NIGHT" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: El Brendel and Art Kassel and his Band. **Gross:** $19,000. (Average, $19,000)

Week Ending Nov. 15:

"KING SOLOMON OF BROADWAY" (Univ.)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: "Bolero Nights" revue, Verne Buck and vaudeville. **Gross:** $13,400. (Average, $13,000)

Paramount Meeting Changed to Chicago

CHICAGO, Nov. 17.—Because Paramount sales executives considered this city a better location, the annual midwinter sales meetings of division and district managers will be held in Chicago instead of Los Angeles. The dates, Dec. 1-3, remain unchanged. The Edgewater Beach Hotel will be convention headquarters.

Seek Joint Oil Buying

BOSTON, Nov. 17.—A buying combine for fuel oil is being formed by the Independent Exhibitors of Massachusetts, Inc., affiliated with the Allied States Ass'n. Information is now being secured by Business Manager Arthur K. Howard from member theatres regarding the number of gallons of oil used per year, the grade, and the price paid.

Preparing "Sutter"

HOLLYWOOD, Nov. 17. — Albert D'Agostino, Universal set designer, and Jack Lawton are in Sacramento to find locations for "Sutter's Gold." Production is scheduled to start within two weeks.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"I Dream Too Much"

(Radio)

HOLLYWOOD, Nov. 17.—The successful blending of a high-calibre production with the artistry representative of all the departments, plus excellent portrayals by the new potential screen star, Lily Pons, and Henry Fonda, assures this one as mass entertainment. The operatic and musical comedy vocal numbers by Miss Pons are superb and smooth. Finely etched characterizations by both Miss Pons and Fonda round out a meaty, well-balanced story. Showmen should enjoy a musical jingle at the box-office wherever the film is booked.

A humanly interesting story, located in Europe, deals with Miss Pons, who becomes a famous opera star but who would rather raise babies, and her newly wedded husband, Fonda, who aspires to be a famous operatic composer, but isn't. Fonda becomes a fixture moving in the social and musical circles where Miss Pons' fame carries her under the management of Osgood Perkins. Fonda's pride finally breaks the bounds and he deserts his wife to become a tax driver, with a series of humorous situations bringing them together, placing them in jail and splitting them up again. The climactic windup finds Miss Pons changing Fonda's composed opera into a musical comedy which becomes a London sensation. Miss Pons temporarily retires to raise her baby and Fonda basks in his newly found limelight.

John Cromwell's direction is intelligently human and balanced with showmanship. The lyrics by Jerome Kern and Dorothy Fields are catchy, particularly "The Jockey on the Carrousel" and "I Dream Too Much." The excellent story by Elsie Finn and David Wittles is successfully adapted by Edmund North and James Gow. Eric Blore supplies droll humor with good performance dances by Hermes Pan creditably directed. Mischa Auer handles a small comedy part well.

Exhibitors should get behind this one with their heavy exploitation guns.

Production Code Seal No. 1604. Running time, 95 minutes. "G."

"My Marriage"

(Wurtzel-Twentieth Century-Fox)

HOLLYWOOD, Nov. 17.—Essentially melodrama, this is a combination of situations and action that usually appeal to average audiences. Lacking ace personalities, the picture's well-acted story phases, sometimes in conflict and making for complications, all blend for suspense and set the stage for a happy ending.

It is the yarn of a girl, Claire Trevor, whose supposedly respected father is revealed at his death as a gangster czar. She marries into a snobbish socialite family and is loved by her husband, Kent Taylor, whose hypocritical mother, Pauline Frederick, makes the pair's existence a continual torment. It develops Miss Trevor's brother-in-law, Thomas Beck, led murderers Ralf Harolde and Noel Madison to her father. Her only friend is her father's old pal, detective Paul Kelly. Harolde is killed by Beck while making an effort to make Miss Trevor pay for his silence. Kelly rounds up Miss Madison, whose confession, clearing Beck of complicity, abets the efforts of Miss Trevor to keep within the law. The family name unsullied, the finale is Miss Frederick's confession of her error in estimating the kind of girl Miss Trevor is and her reconciliation with Taylor.

Miss Trevor, Taylor, Paul Kelly and Beck work hard to put sock and interest in the show. Miss Frederick overacts in the melodramatic, stricken woman style that was outmoded years ago. Harolde and Noel Madison are the typical racketeer menaces. Henry Kolker essays to inject meager comedy in contrast to Beryl Mercer, who won the audience's applause in a bit. The film was directed by George Archainbaud.

The story is an original screenplay by Francis Hyland.

Production Code Seal No. 1,743. Running time, 68 minutes. "G."

"Call" Series Set Here

Advance Film Exchange, Inc., has acquired distribution rights for the New York territory to the new series of "Port o' Call" subjects, according to Lester W. Adler of Advance.

"Stars" Held Over

Warners' "Stars Over Broadway" is to be held for a second week at the Strand. National release date is Nov. 23.

On "Desert Guns"

HOLLYWOOD, Nov. 17. — Mitchell Leichter starts shooting "Desert Guns" on Wednesday. Conway Tearle is featured in the Beaumont Pictures' production.

Spanish Film to RKO

The RKO Export Corp. will handle foreign distribution of "Contra la Corriente," Spanish film produced by Ramon Novarro on the coast.

"Mutiny" Sets Philadelphia Pace, $24,000

PHILADELPHIA, Nov. 17.—"Mutiny on the Bounty" registered big at the Stanley this week, doubling the average take with a splendid $24,000. The film is set for two and probably three weeks.

"Metropolitan" maintained its pace at the Fox, grabbing $16,000 for its second and last week. Were it not for "In Old Kentucky" and "Thanks a Million" pressing for release, it probably would have been retained.

G. B.'s "Transatlantic Tunnel" surprised at the Stanton with a neat $6,500 and came within an ace of being held over. "Rainmakers" and a stage show held their own at the Earle with $12,500, slightly above average. The rest of the town slumped but the total gross was well up in the black.

The week marked the last six-day week in Philadelphia. Sunday movies come in this week.

Total first run business was $81,900. Average is $71,300.

Estimated takings for the week ending Nov. 14:

"MELODY LINGERS ON" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. 2nd week. **Gross:** $6,000. (Average, $7,000)

"BIG BROADCAST OF 1936" (Para.) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,300. (Average, 6 days, $2,400)

"I FOUND STELLA PARISH" (F.N.)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $9,500. (Average, $12,000)

"THE RAINMAKERS" (Radio)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Al Norman, Joaquin Garay, Bernice Claire, Libonti Trio, Prosper and Marat. **Gross:** $12,500. (Average, $12,500)

"METROPOLITAN" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days, 2nd week. Stage: Patricia Bowman, Bellett and Lamb, Gauthier's Toy Shop, Helen Reynolds and Girls. **Gross:** $16,000. (Average, $12,000)

"THREE MUSKETEERS" (Radio) (2nd run)
KARLTON — (1,000), 25c-30c-40c, 6 days. **Gross:** $2,700. (Average, $3,500)

"SHIP CAFE" (Para.)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,400. (Average, $4,000)

"MUTINY ON THE BOUNTY" (M-G-M)
STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $24,000. (Average, $12,000)

"TRANSATLANTIC TUNNEL" (G.B.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $6,500. (Average, $6,000)

Higgins at Worcester

WORCESTER, Nov. 17. — Herbert Higgins, Warner Boston exchange manager, was the guest of the Worcester Academy last night when the latest model in sound equipment was used for the first time at the Warner Memorial. Before the gathering Higgins spoke on the high quality of present day films and of the better pictures of the future. He described "A Midsummer Night's Dream" as the sum total of all the fine productions that have been made since films were offered as entertainment.

Take Shots on the Ohio

CINCINNATI, Nov. 17.—Joseph McDonough, assistant director; John J. Mescall, cameraman, and William Dodds, assistant cameraman, of Universal, made a boat trip up and down the Ohio river taking shots for "The Beautiful Ohio," the new musical version of Edna Ferber's "Showboat."

Capt. Billy Bryant's showboat was included.



HOT MAMAS AND COOL MINT JULEPS, SUH!

Reach below the Mason-Dixon line with the members of the Universal Club for your gala-est Dinner and Dance this year! You don't have to be a Colonel for a hot time at "A Night in Old Kentucky." The ticket committee will settle for $7.50 per person — cash in advance. Two — count 'em — two big orchestras will play. Tell the cat to put herself out; you'll come home in time to let her in.

Time: December 7, 1935, at 8:30 P.M.

Place: Universal Plantation, Grand Ballroom, Hotel Astor, New York City



The REEL STAR



★DU PONT NEGATIVE



DU PONT
REG. U.S. PAT. OFF.

DU PONT FILM MANUFACTURING CORPORATION

35 WEST 45TH STREET
NEW YORK CITY

PLANT . . . PARLIN, N. J.

SMITH & ALLER LTD.
6656 .. SANTA MONICA BLVD.
HOLLYWOOD, CAL.

THE DU PONT TRADEMARK HAS NEVER BEEN PLACED ON AN INFERIOR PRODUCT

REG. U.S. PAT. OFF.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 119 NEW YORK, TUESDAY, NOVEMBER 19, 1935 TEN CENTS

Halved Music Tax is Urged For Canadians

Judge Parker Reports on Government Probe

TORONTO, Nov. 18.—Judge James Parker, who conducted an investigation of the fees charged by the Canadian Performing Rights Society, has rendered an opinion that the rate of 20 cents per seat annually charged Canadian theatres is excessive and that the 10-cent rate established in 1931 under the Copyright Act is a fair return and should be restored.

Parker expressed the opinion, too, that reports to the society by theatres and other users of protected compositions on individual programs, are necessary to enable distribution of funds to composers or agents, but recommends that report forms for licenses should be greatly simplified.

The recommendations run to 25,000 words and deal with radio stations, hotels, fall fairs, orchestras and other public users of music, in addition to theatres.

Hearings were held in Toronto, Montreal, Ottawa, Halifax, Winnipeg and other cities earlier in the year.

Film Materials Get Canada Tariff Cut

WASHINGTON, Nov. 18.—A reduction from various higher figures to 15 per cent ad valorem is granted on film machinery, arc lamps, screens, sound equipment, etc., and parts, entering Canada from the United States, under the new reciprocal trade agreement consummated last week.

The Canadian duty on films for serial photography is reduced from 15 to 10 per cent ad valorem, and the rate on photographic instruments is cut from 30 to 22½ per cent.

American periodicals, which have been subject to duty, will be duty-free.

Injunction Delays Paper-Lincoln Case

LINCOLN, Neb., Nov. 18.—A temporary injunction holding up settlement of the Augusta Paper-Lincoln Theatres Corp. suit has been obtained by Homer Burket, Annie Leonard, Willard Folsom and Phoebe Miller.

Paper recently was awarded a verdict of $11,754 for breach of contract, but the plaintiffs in the new action claim that they hold a judgment for $7,597 against him which has remained unpaid since prior to the transfer of his property to his wife, Augusta.

Regional Boards Big Little Rock Topic

LITTLE ROCK, Ark., Nov. 18.—Formation of regional boards to settle all differences arising with film distributors was the subject of general discussion among the hundred delegates to the I.T.O. of Arkansas convention which opened yesterday at the Hotel Marion.

The first day's session was devoted entirely to screening of shorts and features at the Arkansas Theatre by various distributors.

A meeting of the board of directors scheduled for yesterday was postponed to today because of the late arrival of a majority of the members.

Speakers today included Ray Morrow, state president, who reviewed six months' business; Ely Whitney Collins, first Arkansas president and former president of the M.P.T.O.A.; Very Rev. John J. Healy, who talked of films and the Legion of Decency;

(Continued on page 8)

Set Up No Date On Loew-Skouras Pool

No date has been set for the start of the Loew-Skouras pool in Astoria, it was learned yesterday although an agreement has virtually been reached between both circuits.

Loew's has the Astoria and Tri-Boro while Skouras operates the Broadway, Steinway and Grand. Management of the houses will not be disturbed, each circuit operating its own theatres. Only the product will be pooled and allocated into various houses.

Metamorphosis

Boston, Nov. 18.—The building formerly occupied by Fox here is being transformed into a Slade's Barbeque. The exchange is now located across the street in new quarters.

Goetz Heads MGM Production Abroad

HOLLYWOOD, Nov. 18.—Ben Goetz, executive vice-president of Consolidated Film Industries, today was appointed in charge of M-G-M production abroad by Nicholas M. Schenck and Louis B. Mayer. Goetz will report to the studio Dec. 1 for conferences before sailing for his headquarters in London.

The appointment crystallizes M-G-M European production. No plans have been completed as yet relative to the number of pictures to be made abroad or what writing or directing talent will be employed.

Swope's KAO Duties Undergo No Change

The resignation of Herbert B. Swope from the RKO board, which was accepted at the board meeting last Thursday, ended Swope's association with all RKO companies with the exception of Keith-Albee-Orpheum. Swope continues as chairman of the board of K-A-O, a post to which he

(Continued on page 8)

H. G. Wells Reveals He Is An Enthusiastic Film Fan

By SHERWIN A. KANE

H. G. Wells, British novelist and one of the most prolific living writers, revealed himself at a mass interview with the press at United Artists' headquarters yesterday as a dyed-in-the-wool "movie" fan and one of the screen's sprightliest champions.

Facing 40 interviewers for as many minutes Wells had much to say about the virtues and the as yet unrealized possibilities of the screen, but not one cross or even critical mention of its shortcomings—if, indeed, he admits films have them. Wells has just seen his first two stories, "Things to Come" and "The Man Who Could Work Miracles," produced by Alexander Korda in London, for United Artists release. He will leave here next week for Hollywood, where he will be the guest of Charlie Chaplin while he observes production organization and functioning.

Wells regards the screen as "the very greatest art" and sees in the possibilities for its development a medium which eventually will supplant both the stage and opera. Nor has he any regret for the possibility of the two older entertainment forms being routed. "The old must give way to the new," and that sort of thing, he remarks rather placidly when questioned about this. He expects that the screen will influence but not do away with the novel form. He believes that the most "tragic" thing about films is that they all disappear. "After only a few weeks it is too difficult to see them."

He hopes that a new treatment of films will develop that will include

(Continued on page 8)

Philadelphia Jubilant Over Sunday Shows

Despite Storm, About 200,000 Attend

PHILADELPHIA, Nov. 18.—Theatre men here are jubilant over the start of Sunday shows. In the face of a northeast storm that whipped rain at gale force and flooded streets in some places it is estimated that more than 200,000 attended shows in 300 houses.

Matinees were poor, but evening shows picked up. The Stanley was outstanding with "Mutiny on the Bounty." The theatre was forced to stop selling tickets for two hours during the evening.

Neighborhood business in congested districts was good. In Kensington and South Philadelphia it was big. In Germantown business was light, as was the case in West Philadelphia, where theatres are scattered.

Unofficial estimates from Warners

(Continued on page 8)

Weisman to Stay in Metropolitan Post

Milton C. Weisman, vice-president, secretary and a director of Metropolitan Playhouses, Inc., will be continued in that post, according to William Phillips, vice-president and treasurer.

Federal Judge Martin T. Manton recently refused to issue an order to Fox Theatres for exercise of an option for the purchase of 50 per cent of the stock in Metropolitan Playhouses. Weisman is receiver for Fox Theatres. United Artists Theatres acquired the 50 per cent stock interest under terms which provide RKO can purchase 10 per cent.

Phillips yesterday told MOTION PICTURE DAILY that "Weisman is too valuable a man to let go."

First Division Set To Start New Lineup

Announcement of the completed nationalized First Division distribution setup is expected late this week or early next, following a meeting of the board of directors.

Harry H. Thomas, president, and Al Friedlander, vice-president, spent several weeks on the road effecting tieups with local independent exchanges in addition to the 16 already maintained by the company. Thomas returned yesterday from a four-week trip while Friedlander breezed into town last week, culminating a six-week tour of the south and west.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 19, 1935 No. 119

MARTIN QUIGLEY
Editor-in-Chief and Publisher

MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

"Thanks a Million" Heads for $35,000

"Thanks a Million" is heading for a $35,000 week at the Center, based on the business already in hand since its opening.

"The Man Who Broke the Bank at Monte Carlo" will probably end its seven-day run at the Music Hall in the neighborhood of $65,000.

Ampro Gets Big Order

CHICAGO, Nov. 18.—Ampro is working full blast to deliver an order from Edwin Carewe for 1,000 projectors. This is the largest order ever placed for 16 mm. machines, it is said, and six months will be needed to fill it.

The machines are being sent to Hollywood where complete equipment is assembled.

Roxy Preview Tonight

"Remember Last Night?" Universal film starring Edward Arnold, will be previewed at the Roxy tonight, replacing the usual Thursday night preview. The regular run begins tomorrow.

RAYMOND WALBURN
"THANKS A MILLION"
WILLIAM MORRIS OFFICE

Purely Personal

M. G. MAYER, owner of the Madison and known to his intimates by the friendly, if undignified, appellation of "Popsy," virtually beamed Sunday evening as he surveyed the crowd gathered at his inn for the third amateur society show. CHAPPIE and MRS. HYAMS, MRS. JACK ALICOATE, "TOOTSIE" BARTLETT and GUS EDWARDS were glimpsed. The NED DEPINETS, the SAM DEMBOWS, the HERMAN ROBBINS and the WILLARD MCKAYS, while not actually and visibly evident, made their presence felt, nevertheless.

•

AL LICHTMAN, NEIL F. AGNEW, J. J. UNGER, CHARLES REAGAN, MILT KUSELL, WILLIAM RODGERS, WILLIAM SCULLY, CLAYTON BOND, AL FRIEDLANDER, BEN ROSENBERG, MORTON VAN PRAAG, LOUIS NIZER, SAM SHIPMAN and MILTON C. WEISMAN were among those patronizing the Astor Hunting Room yesterday during the mid-day recess.

•

HARRY BRANDT, who has been ill for the past month, is back at his desk again. Brother WILLIAM is to be operated upon for the third time at the Jewish Hospital in Brooklyn.

•

IRVING GUMBERG, continuing in charge of New Jersey sales for G. B., will also act as assistant to ARTHUR GREENBLATT, New York branch head.

•

JAMES MELTON, radio singer and in "Stars Over Broadway," will be the honor guest of TED FIO RITO at the Hotel New Yorker tonight.

•

ARTHUR W. KELLY, vice-president in charge of sales at United Artists, returns from the coast Thursday.

•

HAROLD HECHT is back from an extended Hollywood stay and says he will produce an intimate stage revue.

•

EDWIN BURKE, long a Fox scenarist, is back east with plans to buy a farm in Jersey and write plays.

•

GEORGE GERSHWIN has forsaken these parts for a vacation in Mexico. Back for Christmas.

•

IKE LIBSON, RKO partner in Cincinnati, arrived yesterday to spend a few days here on personal business.

•

LEO SPITZ, who will arrive on the coast in the next few days, may not return until after Christmas.

•

ARTHUR LOEW is planning a trip abroad after the first of the year which may include South America.

•

RITA WEIMAN'S "The Witness Chair" reported sold to RKO.

•

JEAN ARTHUR arrived from the coast yesterday.

•

STANLEY LUPINO arrives on the *Berengaria* today.

•

WILLIAM K. HOWARD finally has reached New York.

•

CHARLES KOERNER, RKO division head in Boston, is in town.

•

JULES LEVY is in Boston for a few days.

•

EDWARD GOLDEN, general sales manager of Republic, left for Columbus yesterday to attend the two-day annual convention starting today of the Independent Theatre Owners of Ohio. He is one of the scheduled speakers. GOLDEN will spend Thursday and Friday in Pittsburgh conferring with JIM ALEXANDER and on Saturday will visit the company's exchange in Washington.

•

BOB MCNEIL of Golden State Theatres, accompanied by his wife and daughter, PEGGY, is due here from San Francisco on the *Santa Rosa* today. The Havana mail advises of his impending arrival. He will be here for a couple of weeks.

•

HARRY A. ROSS, president, and CLAUD SAUNDERS, general manager of Ross Federal Service, are attending the annual convention of the Outdoor Advertising Ass'n. of America, Inc., at New Orleans.

•

WALTER PLUNKETT, Hollywood style creator, will be guest of honor at a special session of the Fashion Academy in the RCA Building tomorrow.

•

MEYER WEISGAL, producer of "The Eternal Road," MAX REINHARDT spectacle, left yesterday by plane for the coast on a hurry call.

•

"PAN" BERMAN, BETTY FURNESS, BETH NEWMAN, WILLARD MCKAY, braving Sunday's tornado, for cocktails and such at "21."

•

MURRAY HARSTN is attorney for Allied M. P. Operators and not the I. T. O. A., as reported.

•

DON MERSEREAU, general manager of *The Film Daily*, returned from Hollywood yesterday.

•

JOHNNY WALKER midnighting it at The Stork Club.

Pantages Issue Filed

WASHINGTON, Nov. 18.—The SEC lists registration of an issue of certificates of deposit for first mortgage six per cent bonds, dated June 1, 1926, to a principal amount of $425,000 by the Committee of Depositors of Alexander Pantages First Mortgage Bonds of Portland, Ore.

West Va. Appeal Up

CHARLESTON, W. Va., Nov. 18.—The appeal from a decision of the Circuit Court seeking to force sale of Warners' Capitol at Wheeling to protect the Cleveland Trust Co. as trustee for a bond issue will be heard tomorrow.

Goldwyn in Warner Deal

HOLLYWOOD, Nov. 18.—Samuel Goldwyn today concluded a deal to release his program locally through the Warner circuit. The houses are in Santa Barbara, San Bernardino, Fresno, Huntington Park, San Pedro and Beverly Hills.

Muni Seeking Talent

PORTLAND, Nov. 18.—Paul Muni is here looking for 30 Orientals to fit into parts of "The Good Earth." He is accompanied by Max Siegel.

Ohio ITO to Start Annual Meet Today

CLEVELAND, Nov. 18.—The third annual convention of the Independent Theatre Owners of Ohio gets under way at 1 P.M. at the Deshler Wallick Hotel tomorrow. The new feature of this convention is that it is open to all exhibitors, irrespective of their membership in any state exhibitor organization.

A regional meeting of Allied States Ass'n. for exhibitors of Ohio, Indiana, Kentucky and West Virginia will also be held.

Among industry issues to be discussed will be the preferred playing time bill, music tax, Bank Nights, giveaways, sales policies of various distributing companies, restriction of feature pictures due to mergers, state sales tax on film rentals and a close-up of the legislative situation with respect to the present three per cent admission tax which expires Dec. 31, and, unless reenacted, will automatically go back to 12 per cent on Jan. 1.

The program started unofficially tonight at the Deshler-Wallick with a meeting of the board of directors of the I. T. O.

James Toastmaster

W. M. James, nine times president of the organization, will act as toastmaster at the annual banquet to be held tomorrow evening.

Among the speakers scheduled are Abram F. Myers, general counsel; Sidney E. Samuelson, president of Allied; George W. Weeks, general sales manager of G. B.; Edward Golden, Republic general sales manager; Gov. Martin L. Davey; E. L. Bowsher, state director of education; Attorney General John W. Bricker; Lieut.-Gov. Harold G. Mosier; Carlton S. Dargusch, vice-chairman of the Ohio Tax Commission, and Henry W. Worley, Mayor of Columbus.

Final business session and election of officers will take place Wednesday.

Paramount Product Up at Chicago Meet

Product, as well as sales, will be discussed at Paramount's impending Chicago meeting, slated for the Edgewater Beach Hotel Dec. 1-3. Ernst Lubitsch will head a studio delegation.

The roster of those who will attend includes John E. Otterson, Adolph Zukor, George J. Schaefer, Neil Agnew, J. J. Unger, Charles Reagan, Russell Holman, R. M. Gillham, Alec Moss, Al Wilkie and Don Velde from the Paramount home office and also Lubitsch, Watterson R. Rothacker, Chandler Sprague and Bill Pine from the studio.

The following district managers will be present: M. S. Kusell, P. A. Bloch, Harry Goldstein, William Erbb, Oscar Morgan, Jack Dugger, J. E. Fontaine, R. C. LiBeau, Hugh Braly, M. H. Lewis and Ben Blotcky.

These pictures will be shown: "The Bride Comes Home," "Collegiate," "Rose of the Rancho, "The Milky Way," "Her Master's Voice" and "Millions in the Air."

Preparing 11 More

HOLLYWOOD, Nov. 18.—Eleven pictures will go into work at Paramount in the final six weeks of the year, including "Invitation to Happiness," which will star Marlene Dietrich.



PAHDON OUR SOUTHE'N A-C-C-E-N-T

When **STARK YOUNG'S** novel--**"SO RED THE ROSE"**--topped the best-seller lists last year, we had a hunch that the country was ready for a really big picture about the "War Between the States". So we bought the novel. We got Laurence Stallings and Maxwell Anderson to do the screen play, and King Vidor to direct. (You'll remember that ten years ago Stallings and Vidor got together on another great picture--"The Big Parade.")

We cast **MARGARET SULLAVAN, WALTER CONNOLLY** and Randolph Scott in the leading roles. We spent six months giving the picture the production values it deserves.

Now, in day-and-date world premieres in nine Southern capitals, **"SO RED THE ROSE"** has played to actual cheers. **"SO RED THE ROSE"**, we believe, is slated to top the year's best-seller lists in the picture business.

So please **PARDON OUR SOUTHERN ACCENT** as we add this to the long list of reasons why

It Pays to Play a Paramount Picture!

Charges Bankruptcy Of FWC Was "Fake"

Hollywood, Nov. 18.—William H. Neblett, attorney, testifying before a Senatorial committee investigating bankruptcies, declared today the F.W.C. bankruptcy was a "fake." He said Wesco, parent company, formed F.W.C. to declare an $8,000,000 dividend which Wesco carried on its books as a debt owed when F.W.C. entered bankruptcy. He declared Wesco, under another name, later bought the company back from the bankrupt estate, using the debt, an approved claim, as a major part of the purchase price.

Neblett said the bankruptcy was used for the purpose of disavowing leases and other contracts. He charged the real losers were the theatre building lessors and bondholders of two F.W.C. properties. He said he did not believe Federal Judge William P. James knew the circumstances when he granted the bankruptcy petition.

Committee Created To Pick Kid Shows

Parents connected with about 40 public and private schools in the city have formed a Schools' Motion Picture Committee to select complete programs—newsreels, shorts, features—as suitable film fare for children.

Five theatres—the Plaza, Little Carnegie, Lenox, Eighth St. Playhouse and Sutton—have agreed to run the films between 1:45 and 4:30 Saturdays.

Flynn, Hull Renewed

Hollywood, Nov. 18. — Warners have lifted the options of Errol Flynn and Warren Hull. Because of his work in "Captain Blood," it is planned to use Flynn only in big romantic pictures. He will be idle until "The Charge of the Light Brigade" is ready.

Modernize Essanay Plant

Chicago, Nov. 18.—Wilding Picture Co., makers of business films, will open the former Essanay studios about Dec. 1. The plant is being modernized.

New recording equipment, an electrical power plant, new offices and a grill are being installed.

D.P.Semmelroth,Jr.,Dies

Cincinnati, Nov. 18.—Dayton Phillip Semmelroth, Jr., 25, general manager of the Semmelroth Circuit, operating theatres here, died today after a four-day illness of pneumonia. Burial will be held in Dayton on Wednesday. His parents survive.

More Join Selznick

Hollywood, Nov. 18.—David O. Selznick, further rounding out his organization, has signed William Tuttle as head of the make-up department of Selznick International Pictures and Beth Langston as head of the hair dressing department.

Albert Warner East

Hollywood, Nov. 18.—Major Albert Warner left here for New York last night. Harry M. Warner will leave on Wednesday. The brothers were here for the funeral of their father, Benjamin Warner.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Dangerous"

(Warners)

Hollywood, Nov. 18.—This is a dramatic romance. Convincingly portrayed in an atmosphere of directness, the intelligent handling of its sometimes intimate dramatic situations should preclude the possibility of moral objection from all but the most prudish. Pointed dialogue serves as the principal interpretative medium and action is at a minimum. A class feature with unusual feminine appeal, it has entertainment essentials that good showmanship may make interesting to the masses.

Bette Davis, once-famous actress, has descended to the gutter. Her glamorous career has brought tragedy to all who came within its fatal charm. In a drunken stupor, she is recognized by Franchot Tone and taken to his country home. There is conflict at first, but his kindness inspires her to siren-like affection. She fears it, but Tone, knowing its danger, is unafraid. He breaks his engagement to Margaret Lindsay. Jeopardizing his future, Tone backs Miss Davis in a show which promises to reestablish her. He pleads for marriage, but it is revealed she is married to John Eldredge. When he refuses to divorce her, she plans to kill him in an auto crash. When both escape, the finale brings the promise of future happiness with her return to Eldredge and Tone to Miss Lindsay. Miss Davis is outstanding. Tone is convincing.

The picture was directed by Alfred E. Green with intelligence and understanding, from an original screen play by Laird Doyle. Selling should capitalize the name and story values.

Production Code Seal No. 1,554. Running time, 80 minutes. "A."

"The Sagebrush Troubadour"

(Republic)

Hollywood, Nov. 18.—They seem to be putting everything into Gene Autry westerns as time goes on. Not satisfied with songs between all of the chases, Autry turns detective and solves a murder mystery in the newest of his series.

The film opens with Autry spanking Barbara Pepper for nearly running him down with her stage coach. She falls in love with him. Her grandfather has been garroted with a guitar string, but, in spite of all evidence, she will not believe that Autry would use any of his musical equipment for such a serious crime. Barbara is in line for the next fatal choking, but hard riding saves her as well as the swayback nag which is trained to head straight for the secret gold mine.

Smiley Burnette supplies comedy with a high and low voice and some misadventures with a mule. The cast includes Fred Kelsey, Hooper Atchley, Frank Glendon, Denny Meadows, Julian Rivero and Tom London under direction of Joseph Kane. Ths story is by Oliver Drake and the screen play by Drake and Joseph Poland. Armand Schaefer supervised.

The cowboy songs are the best angle to plug.

Previewed without production code seal. Running time, 68 minutes. "G."

Looking 'Em Over

"Splendor"

(Goldwyn-U. A.)

Samuel Goldwyn has attempted to blend the after-marriage emotional problems of a couple of youngsters into the struggles of an aristocratic family to maintain appearances in the face of genteel poverty for purposes of mass entertainment. It is smart and sophisticated, and presented with all the attention to lavish production values that Goldwyn always gives. These assets may make up for the fact that all the drama is motivated by the selfish conspiracies of a group with no troubles at all from the point of view of the average moviegoer.

Trying to keep the wolf away from the port cochere of a Fifth Ave. mansion by attempting to force a son into a money marriage or trying to maneuver his bride into a compromising situation isn't apt to stir the deeper emotions of young men and women saving for their winter overcoats.

Joel McCrea gums the plans of his family for a financial marriage by bringing home Miriam Hopkins as his bride. His mother, Helen West-

(Continued on page 6)

"Mutiny" Is Denver Smash With $15,000

Denver, Nov. 18.—"Mutiny on the Bounty" was a sensation at the Denver. The $15,000 take tripled the normal gross of the house.

There was a boom all along the line. "Transatlantic Tunnel" was $2,500 to the good on a gross of $7,500 at the Orpheum and "Rendezvous," at the Broadway after one week at the Denver, was $2,000 up on a gross of $6,000. "Metropolitan," at the Aladdin, was more than 100 per cent above par at $4,500.

Total first run business was $40,300. Average is $22,500.

Estimated takings for the week ending Nov. 14:

"METROPOLITAN" (Fox)
ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $4,500. (Average, $2,000)

"RENDEZVOUS" (M-G-M)
BROADWAY—(1,500), 25c-40c, 7 days. Following week at Denver. **Gross:** $2,000. (Average, $1,000)

"SMILIN' THRU" (M-G-M)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

"MUTINY ON THE BOUNTY" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $15,000. (Average, $5,000)

"TRANSATLANTIC TUNNEL" (G.B.)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $5,000)

"WAY DOWN EAST" (Fox)
PARAMOUNT—(2,000), 25c-40c, 5 days. **Gross:** $900.

"SHE COULDN'T TAKE IT" (Col.)
PARAMOUNT—(2,000), 25c-40c, 2 days. Followed week at Aladdin. **Gross:** $900. (Average for week, $2,500)

"MOONLIGHT ON THE PRAIRIE" (W.B.)
TABOR—(2,000), 20c-25c, 7 days. Stage show. **Gross:** $3,500. (Average, $3,000)

May Drop Vaudeville

Boston, Nov. 18.—Musicians at the RKO Boston have been given notice that they may be released next month. This is only a protective measure, however, according to Manager Ben Domingo. It is not expected that vaudeville will go out of the house during the holiday weeks. Shows billed into the Boston a year ago from that time numbered some of the biggest of the year.

Wanger Signs Seiter

Hollywood, Nov. 18. — Walter Wanger has signed William A. Seiter to direct "The Moon Is Our Home," Faith Baldwin story which he will soon place in production. Isabel Dawn and Boyce De Gaw made the adaptation. No cast assignments have been made as yet.

Pioneer Signs Ihnen

Hollywood, Nov. 18. — Pioneer has signed William B. Ihnen as associate art director. He was formerly with the company and worked on "La Cucaracha" and "Becky Sharp," but has been in Mexico for the past few months. Ihnen will work under Robert Edmond Jones.

Beats Own Schedule

Hollywood, Nov. 18.—John Blystone finished "Gentle Julia" at 20th Century-Fox five days ahead of his 24 day schedule. Jane Withers heads the cast which also includes Tom Brown, Marsha Hunt and Astrid Allwyn. The company did no night work during the shooting.

When?...

When will the greatest trade showing in motion picture history be held?...Universal is keeping the date a guarded secret until arrangements have been completed for every exhibitor to see it at the same time!

Where?...

Simultaneously in 38 of the biggest cities on the continent—from Florida to Alaska and from the Atlantic coast to the Pacific!

Watch!...

Watch these announcements for your most important date—for the names of all the cities, and for the special theatres now being selected for the massive occasion.



IRENE DUNNE and
ROBERT TAYLOR in
JOHN M. STAHL'S

MAGNIFICENT OBSESSION

With
CHARLES BUTTERWORTH
BETTY FURNESS » Sara Haden » Ralph Morgan
Henry Armetta
From the read-by-millions novel
by Lloyd C. Douglas

- - It Will Write New Motion Picture History! - -

Wall Street

Short Losses Mark Big Board Trading

	High	Low	Close	Net Change
Columbia	66⅝	64½	66¼	—1¼
Consolidated	5⅞	5½	5½	.....
Consolidated, pfd	19⅞	19⅛	19⅛	— ⅝
Eastman Kodak	172¼	170¾	172¼	+1¼
Loew's, Inc.	53⅞	52⅞	53	+ ⅛
Paramount	9⅝	9⅜	9⅜	— ¼
Paramount 1 pfd	80½	79¼	79⅞	— ⅛
Paramount 2 pfd	11¾	11½	11½	— ¼
Pathe Film	6⅜	6	6	— ¼
RKO	5½	5¼	5⅜	— ⅛
20th Century-Fox	21¼	21	21	.....
20th Century, pfd	29½	28⅞	28⅞	— ⅜
Universal, pfd	52½	52⅛	52½	+ ⅜
Warner Bros.	9¼	8⅝	8⅝	— ⅜
Warner, pfd	49¾	49	49	.....

Little Curb Trading

	High	Low	Close	Net Change
Sentry Safety	13/16	¾	¾	.....
Sonotone	2⅞	2¾	2⅞	.....
Technicolor	18	17½	17¾	— ¼
Trans-Lux	4¼	4⅛	4¼	.....

Keith Bonds Up ½ Point

	High	Low	Close	Net Change
General Theatre 6s '40	15½	15¼	15¼	— ½
General Theatre 6s '40 ctf	15⅝	15½	15½	.....
Keith B. F. 6s '46	94½	94	94½	+ ½
Loew's 6s '41 ww deb rights	104½	104¼	104½	+ ¼
Paramount B'way 3s '55	60	60	60	.....
Paramount Pict. 6s '55	93½	93	93	— ¼
RKO 6s '41 pp	79¼	77¼	77¼	—1¼
Warner Bros. 6s '39 wd	89	88½	88½	— ¾

(Quotations at close of Nov. 18)

"Mutiny" Triples Normal in Buffalo

BUFFALO, Nov. 18.—"Mutiny on the Bounty" took this town by storm, drawing $22,000 in its first week at the Great Lakes. Par for the house is $7,300.

This top-heavy drawing card failed to slice other grosses below normal, the Century's dual, "Rainmakers" and "This Is the Life," topping average by $1,800 with a take of $7,600.

Total first run business was $53,600. Average is $38,400.

Estimated takings for the week ending Nov. 18:

"HANDS ACROSS THE TABLE" (Para.)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $12,200. (Average, $12,000)

"METROPOLITAN" (Fox)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5,800. (Average, $7,300)

"MUTINY ON THE BOUNTY" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $22,000. (Average, $7,300)

"RAINMAKERS" (Radio)
"THIS IS THE LIFE" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $7,600. (Average, $5,800)

"TRANSATLANTIC TUNNEL" (G.-B.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,000. (Average, $6,000)

Extra Girls Win Case

HOLLYWOOD, Nov. 18.—As a result of their appeal to the State Industrial Welfare Board, 30 extra girls have been handed checks for $15 each, and have been tendered the regrets of M-G-M over any inconvenience.

The girls appeared in a storm scene for "Riff Raff," and, after being buffeted by water and wind machines, felt that they were entitled to stunt workers' minimum of $35 instead of extras' pay. Mrs. Mabel Kinney, commissioner of the Welfare Board, barred press and public from her hearing of the case. The Screen Actors' Guild is interested in the case to the extent of asking why the hearing was secret, and why the girls were not paid the full $35.

Looking 'em Over

(Continued from page 4)

ley, then maneuvers so the girl stirs the interest of Paul Cavanagh. He puts McCrea in the way of making a lot of money, aided by Miss Westley's other son, David Niven, and her daughter, Katherine Alexander.

In the end McCrea discovers how he has been used by his family and returns to Miss Hopkins, who has gone to work in a gown shop.

Miss Hopkins is impressive at all times. She presents her role with earnestness and sincerity. McCrea is convincing, and Cavanagh does a fine piece of work in a difficult part. Billie Burke furnishes some of the few laughs. Elliott Nugent directed and kept his material up to the technical standards to be expected of a Goldwyn picture.

An audience at the Tri-Borough, Astoria, where the picture was previewed last night, applauded three of McCrea's more vigorous speeches. The picture is scheduled to open at the Rivoli Friday.

Production Code Seal, 1766. Running time, 77 minutes. "A."

"Racing Luck"

(*Republic*)

Conventional neighborhood fare centered about the turf track. It contains the usual amount of suspense, love interest and under-cover tricks which constitute horse racing. In addition, George Ernest has been cast as William Boyd's partner to hold the juvenile attention. Barbara Worth carries the feminine charm adequately, while Ernest Hilliard is the unscrupulous villain.

The story centers about Boyd and his trials and tribulations on the race track because of the dirty work of Hilliard. Ben Hall, who carried out one of the villain's assignments, confessed on his death bed and from this point on Hilliard is on the pan. Through the boy, Ernest, Boyd meets Miss Worth, the sister, and as you would suspect the moment the two lay eyes on each other, the final shot shows both embraced in a love touchdown. Sam Newfield directed.

Previewed without a production code seal. Running time, 59 minutes. "G."

"The Land of Promise"

(*Urim Palestine Picture Corp.*)

The return of the Jews from oppression and the rebuilding of their national life in Palestine in the past 25 years forms the theme for this record of their progress.

Juda Leman, a German refugee, has done a fine job in his handling of the theme, skillfully applying his directing talent to make this a splendid production.

Sincerity is evident in the portrayals by the pioneers in this reclamation of the Promised Land, for even in the film is the spirit of the project pronounced.

The camera work by Charles W. Herbert of the Fox Movietone Far East staff, achieves a high quality evident in the closeups of the various types and the earthy quality of labor. He has used light and shadow effectively.

Starting somewhat like a travelogue, the film shows the arrival of the refugees, their immediate application to the task before them, the gradual change, the building of a new life replete with a new culture and recognition among nations. The pace of the picture never lags, skillful cutting makes every frame count. The end shows the new Palestine, a modern city and a credit to the spirit that built it.

The musical accompaniment was under the supervision of Boris Morros and there is a narrative delivered by David Ross which is effective.

The picture is not regulation entertainment and, as such, will have a limited appeal among average audiences.

Previewed without a production code seal. Running time, 60 minutes. "G."

Bob Hart to Houston

NEW HAVEN, Nov. 18.—Bob Hart, assistant manager at the Bijou, has been made manager of the Loew, Houston, Texas. Hart has been with the Poli New England circuit during the past three years.

A farewell dinner will be tendered him at Kaysey's Wednesday night, with Bill Henson, manager of the Bijou, acting as toastmaster, and Erle Wright, Bob Russell and Ben Cohen the committee in charge.

Ballyhoo Ted Lewis

SAN FRANCISCO, Nov. 18.—Phil Phillips, FWC publicity head here, has been heavily exploiting Ted Lewis and his band, sharing the Warfield Theatre bill with "Hands Across the Table." Lewis, always a favorite in San Francisco, was put on the air in a special broadcast, and has been used in tie-ups with hatmakers, men's clothiers and on several other stunts which registered well in the news sections of local papers.

"Bishop" and Show Milwaukee Leader

MILWAUKEE, Nov. 18.—Biggest bet above par for the week here was "The Bishop Misbehaves" with Benny Davis' "Stardust" Revue at Fox's Palace, a 7,000 gate, $2,000 above par.

"The Last Days of Pompeii" and "The Rainmakers" were good for $6,000 at the Warner with "Metropolitan" and "Here Comes Cookie" nicking the Wisconsin box-office for $8,800, or $800 to the good.

Prime reason for the perk in business was a teachers' convention with over 10,000 with better lined pocketbooks in town due to restored salaries in part or in full. It was one of the best attended conventions in the 82-year history of the group.

Total first run business was $29,300. Average is $24,200.

Estimated takings for the week ending Nov. 14:

"THE BISHOP MISBEHAVES" (M-G-M)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Benny Davis' "Stardust" Revue. **Gross:** $7,000. (Average, $5,000)

"CONDEMNED TO LIVE" (Invincible)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Gee! Women" Joe E. Marks, Mae Wynn Zeller, The Briants, Ben Strong, Dorothy Williams, Dorothea Johnson. **Gross:** $6,000. (Average, $5,000)

"FRECKLES" (Radio)
"THE CLAIRVOYANT" (G.B.)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,200)

"LAST DAYS OF POMPEII" (Radio)
"RAINMAKERS" (Radio)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"METROPOLITAN" (Fox)
"HERE COMES COOKIE" (Para.)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

"Bounty" Smashes Oklahoma Records

OKLAHOMA CITY, Nov. 18.—"Mutiny on the Bounty" broke all records at the Midwest with $8,800. Normal for the house is $4,000.

In spite of this terrific competition one of the other downtown houses succeeded in going over normal. "Fighting Youth" and Henry Santrey and his stage unit garnered $2,600 in four days at the Liberty. This is $100 over par for a week.

Total first run business was $17,350. Average is $13,500.

Estimated takings for the week ending Nov. 16:

"I FOUND STELLA PARISH" (F. N.)
CRITERION—(1,700), 10c-20c-36c-55c, 6 days. **Gross:** $4,000. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $8,800. (Average, $4,000)

"WAY DOWN EAST" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,600. (Average, $2,000)

"FIGHTING YOUTH" (Univ.)
LIBERTY—(1,500), 10c-26c-40c, 4 days. Stage: Henry Santrey and His Soldiers of Fortune. **Gross:** $2,600. (Average for week, $2,500)

"VIRGINIA JUDGE" (Para.)
LIBERTY—(1,500), 10c-26c-36c, 3 days. **Gross:** $350. (Average for week, $2,500)

Rites for J. K. Burger

Funeral services for the late J. K. Burger, United Artists purchasing agent, will be held at Campbell's Funeral Parlor tomorrow. Burger died early Sunday morning following a major operation at the Doctors' Hospital. He is survived by his widow, a son and a daughter.

Prior to joining United Artists in 1927, Burger was associated with Famous-Players.

You Asked For It---

And Here It Is!

The annual 1936 Booking Calendar of Quigley Publications with handy special tie-up dates for live-wire showmen.



NO OFFICE SHOULD BE WITHOUT ONE

Price—25c

------USE THIS BLANK------

Managers' Round Table Club
MOTION PICTURE HERALD
1790 BROADWAY, N. Y.

Kindly send me one Booking Calendar for 1936. I enclose 25c to cover cost of calendar and postage.

*Name*_____

*Theatre*_____

*Address*_____

*City*_____ *State*_____

Regional Boards Big Little Rock Topic

(*Continued from page 1*)

Ed Kuykendall, M.P.T.O.A. head; Col. Charles S. Pemburn, FHA representative, who talked on "Housing Problems"; U. S. Senator Hattie W. Caraway of Arkansas, and State Senator Sam M. Levine, who was guest of honor at a banquet tonight.

David Palfreyman of the Hays office arrived with Kuykendall.

Allied Unit Meets

DES MOINES, Nov. 18.—About 200 theatre owners today attended the opening session of a two-day meeting of Allied of Iowa and Nebraska, presided over by Leo F. Wolcott, president. Better attendance in the Middlewest was reported by Wolcott, who said the better films movement has brought results. A business session and election of officers will take place Tuesday. Wolcott declared the unit ready to cooperate with national Allied.

More Stars to Join Radio Benefit Show

Walter O'Keefe, Helen Morgan, Gertrude Niessen, Roland Young and Fred Waring will be among the stars to appear at the eighth annual dinner of the Radio and Refrigeration Division of the Federation for the Support of Jewish Philanthropic Societies' Drive Sunday night at the Waldorf-Astoria.

Louis Sobol and Ed Sullivan will be joint masters of ceremonies. The division has promised to raise $50,000 for the Federation.

More Loew Houses Will Show Screeno

Loew's will add Screeno in a number of its neighborhood theatres, it was learned yesterday. The particular theatres have not yet been set, but will be in a week or so.

Although the circuit recently dropped duals the big half of the week in 12 theatres, no plans are on foot to spread the single feature policy to other houses, it was stated. There also is no inclination on the part of the circuit's executives to return vaudeville.

Despite Loew's action, RKO holds adamantly to its idea of shying clear of giveaways and games. Duals in all of the circuit's units will be continued without change.

Swope's KAO Duties Undergo No Change

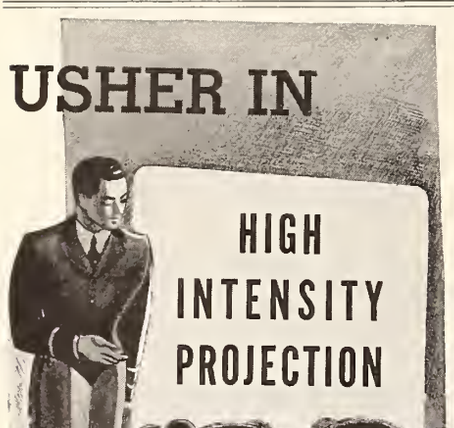
(*Continued from page 1*)

was elected jointly by RCA and M. J. Meehan interests.

Swope had resigned earlier from the RKO executive committee and from the boards of RKO Radio Pictures and RKO Pathe News. His resignation from the RKO board, although offered a year ago, was not accepted until last week's meeting which was the first to be held in more than a year.

Comerford to Build

SCRANTON, Pa., Nov. 18.—Comerford Theatres, Inc., will break ground soon for construction of a $50,000 theatre in Throop, near here. It will seat 900, and will be completed by March 1.



There is a High Intensity Lamp A.C. or D.C. for every theatre large or small

There is a NATIONAL Projector Carbon for every Projection Lamp

THEATRE patrons desire enough supplementary lighting for comfortable vision from the moment of entrance. They are annoyed when a dark theatre compels them to stumble and grope blindly for their seats.

High Intensity Projection permits ample side lighting for a comfortable level of general illumination. It improves the quality of black and white projection and brings out the full beauty and realism of color productions.

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation
Branch Sales Offices:
New York • Pittsburgh • Chicago • San Francisco

Install High Intensity Lamps in your theatre. They insure sustained patronage.

Philadelphia Jubilant Over Sunday Shows

(*Continued from page 1*)

are that 175,000 attended in spite of the rain. This is better than an average day.

It may have been the novelty of Sunday shows, but crowds stood in line for a half hour or more before the scheduled opening of box-offices at 2 o'clock. In a few neighborhoods where proprietors were uncertain of the attitude of their patrons theatres did not open.

Clergymen, who had fought the openings, did not fail to criticize. Some of them pointed out that the storm was an indication that "the heavens were weeping over the surrender of Christianity." Rev. William B. Forney of the Lord's Day Alliance, who has talked legal action to halt Sunday shows, said Sunday School attendance was suffering.

Rev. Dr. Charles H. Long, rector of Zion Episcopal Church, took an opposing view.

"People who want to come to church will come anyway," he said. "I do not expect the Sunday movies to have any effect upon my congregation."

Larry Graver, manager of the Stanley, surveyed the crowds waiting for the opening, and said: "This proves the people want Sunday shows." He had 2,000 inside within a half hour. The Fox reported 2,000 at the first show and about 2,500 at the evening. Frank W. Buhler, manager, said he had noticed whole families were attending.

The Boyd had about three-fourths of capacity at its first show; the Aldine reported 1,200; the Arcadia was about half full during the afternoon; the Stanton, Europa, Earle, Keith's and the Palace also ran to about one-half their capacity.

Scranton Turnout Heavy

SCRANTON, Pa., Nov. 18.—With motor traffic practically paralyzed by a snow storm and trolley cars running on uncertain schedules, film theatres open for the first time here on Sunday reported large attendances.

Five Central City houses were in operation. In several of the boroughs on the outskirts of Scranton, theaters have been presenting Sabbath performances for several years without interference from either municipal or county authorities because of charities sharing the receipts.

Attendance at the afternoon performances in the Scranton theatres was large, but fell off slightly at night because of the snow.

The storm started at 8 o'clock Sunday morning and continued for more than 12 hours.

Storm Hurts Wilkes-Barre

WILKES-BARRE, Nov. 18.—Attendance at Wilkes-Barre and other Luzerne County theatres was limited because of the snow storm Sunday, the first open Sunday for films.

Managers declared the day could not be considered a test, since the weather prevented many persons from leaving their homes. The Shawnee Theatre, Plymouth, reported a larger attendance than on Saturday.

Wells Reveals He Is a Real Picture Fan

(*Continued from page 1*)

in the script everything that is in the picture—including its music—and that these treatments will be published and become the permanent records of screen production. Wells, himself, is endeavoring to develop such treatments of screen stories now, he said.

The novelist, who is under contract to Korda and who will devote the next three years to writing exclusively for the screen, proclaimed early in the interview that his remarks on films were those of an "enthusiast." He proved it by his replies to questions subsequently. One interviewer wanted to know what Wells thought of the "tripe" from Hollywood.

"The subjects of love and anger and other passions fill a perennial need," the novelist replied. "You're never going to be rid of what you call 'tripe' and," looking now at his youthful-appearing questioner, Wells said, "you probably call it that because you are an old and disillusioned man."

Sees Color Specialized

The novelist said that he felt color should be avoided by the industry for another 10 years except in short subjects. "Color has a specialized function," he said, "that limits its usefulness and therefore makes the already difficult telling of a story more difficult." Asked whether he thought producers "played down" to audiences, Wells told the assembled representatives of the press that he believed publishers of newspapers, books and magazines and the producers of films all play down to the public and play "too low."

"The public will accept better than it gets from any of them," he remarked.

A questioner wanted to know whether Wells regarded anything that had been done for the screen as "lasting art." "Give the medium a chance," was his reply. "It's only 25 years old. It's only now beginning to find itself."

Asked what had "sold" him so completely on films Wells indicated that the screen's possibilities as a new and greater entertainment medium enthused him. At first he believed films to be "hopeless," he said; then found it was possible to "come in and help a little," and gradually his enthusiasm grew. He said that the effects obtained in "The Invisible Man" contributed much of his interest in production. Admitting that this interest was comparatively recent, he insisted, however, that he had been a "fan" for years, seeing three or four pictures a week. Replying to his questioners at this juncture, the novelist said he was not a reader of the "fan" magazines and declined to state whether he liked "marble bath tubs with gold-plated fittings."

Will Hurry West

HOLLYWOOD, Nov. 18.—Elissa Landi, now working in London, is expected to return here as quickly as transportation will allow in view of the death on Sunday of her mother, Countess Caroline Zanardi Landi, aged 53.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 120 NEW YORK, WEDNESDAY, NOVEMBER 20, 1935 TEN CENTS

Distributors Approve New Reel Length

All Except Universal; Is Effective April 1

HOLLYWOOD, Nov. 19.—The 2,000-foot reel length has been approved by all major distributors except Universal, with actual adoption of the new standard becoming effective April 1, 1936, it was announced by Gordon Mitchell, Academy Research Council manager, here today.

The companies which will begin use of the new length on that date are Columbia, M-G-M, Paramount, RKO, Samuel Goldwyn, Twentieth Century-Fox, United Artists and Warners. They are now making the necessary changes in exchange vaults, shipping equipment and the like. Sample reels, with a 15-inch diameter and five-inch hub will be shipped to New York in a few days by the Council for inspection by the committee representing distributors.

Specifications of the new reel are

(*Continued on page 6*)

U. S. Ticket Tax Gains in October

WASHINGTON, Nov. 19.—Marked improvement in theatre attendance with the advent of the fall season is indicated by figures on October admission tax collections made public tonight by the Bureau of Internal Revenue.

Treasury receipts from this levy last month, the bureau announced, totaled $1,488,922.68 against $1,173,507.03 in September. The ratio of improvement was greater than last year, when tax collections increased from $1,202,599.74 in September to $1,496,492.91 in October, the gain being $315,415 against $293,893.

New Booking Group Started in Phila.

PHILADELPHIA, Nov. 19.—Associated Theatres of Pennsylvania, viewed as a new booking combine, has been organized here. Its inception is believed to be the result of other booking combine moves in this area. Charles Segall is reported slated to head the organization, which is said to embrace more than 20 theatres, principally within city limits.

Ex-Congressman Ben Golder, attorney for the plaintiff in the recent double feature test case against local distributors, is expected to be the organization's counsel.

United Artists Exchange to Reveal All Funds for Tax

Accountants for the city finance department are completing new audits of the books of the United Artists exchange here for the purpose of preparing a sales tax statement based on the entire revenue of the exchange, it was learned yesterday. The action follows a week of unsuccessful efforts by accountants for U. A. to agree with the city's representatives on items of exchange revenue to which the tax might be applied in the event film rentals are found to be taxable under the enabling act for the city sales tax.

Originally the city attempted to levy only against revenues derived from theatres located within the city limits, but under a recent and broader interpretation of the sales tax ordinances it has held that all local exchange revenue, even that derived from theatres outside the city and state, is taxable. As the United Artists' assessment is in the nature of a test case the new interpretation of the tax pro-

(*Continued on page 6*)

To Talk Merger

Philadelphia, Nov. 19.—Committees representing the M.P.T.O. of Eastern Pennsylvania and Southern New Jersey and the I.E.P.A. meet here Friday to discuss a possible merger of the two exhibitor organizations, currently in no way connected.

H. M. Warner to Be Renamed President

Harry M. Warner is expected to be reelected president of Warners at the annual election on Dec. 17. In addition, Warner is scheduled to be continued as a director with Albert and Jack Warner, Abel Carey Thomas, Waddill Catchings and Henry A. Rudkin at the stockholders' meeting in Wilmington on Dec. 9.

Routine matters were discussed at a regular meeting of directors yesterday.

The annual financial report for the year ended Aug. 31 will be issued the end of the week, it was stated yesterday.

Although no estimates of the total could be given, proxies for the annual stockholders' meeting are declared to be pouring in daily. It is anticipated that more than the necessary amount required will be on hand when the Wilmington session is called to order.

Thomas, who has been seriously ill during the past few months, put in an appearance at the directors' conclave yesterday. He is secretary.

Hal Roach to Plan His New List Soon

HOLLYWOOD, Nov. 19. — With two features in production and a third planned, Hal Roach will outline his new feature schedule after the first of the year.

Currently before the cameras are "The Bohemian Girl" and "Three on a Bench," the latter starring Jimmy Savo. The next feature will be "Kelly, the Second," with Patsy Kelly and an all-star cast. An Our Gang short, "Divot Diggers," is in work.

Production Holds Up with 38 Going

HOLLYWOOD, Nov. 19.—Production held to a fair level last week, showing slight change from the previous week's figures. Cutting rooms slowed down noticeably. Thirty-eight features and six shorts were in work. The previous week's checkup showed 39 features and three shorts on the sound stages and locations.

Columbia had four features shooting, three in preparation and five in the cutting room. Fox had five, two and three; Goldwyn, two, zero and one; M-G-M, six, zero and 12; Paramount, five, two and nine; Radio, five, three and six; Roach, two, zero and zero; Universal, two, one and two; Warners, seven, zero and seven; independents, zero, two and two.

Short subject production registered a gain. Columbia had one working, two in preparation and four editing. M-G-M had two, four and four; Radio, one, one and four; Roach, zero, one and three; Warners, one, zero and one; independents, one, one and one.

Petition Seeks End Of Betting in Mass.

BOSTON, Nov. 19. — Repeal of the horse and dog racing laws in Massachusetts has been proposed in an initiative petition filed with the Secretary of State on behalf of 20,000 signers in Revere and Boston.

The issue will be put before voters at the next state election if the legislature in the meantime fails to act. An additional 5,000 signatures will be necessary to get the question on ballots.

Hoblitzelle's Deal Extended To Year's End

Talk New Deal Later; No Schaefer Move Yet

Karl Hoblitzelle's operating agreement for the Interstate Circuit has been extended by Paramount to the end of the year, it was learned yesterday. The extension comes after week's of negotiation both here and in Hollywood between Hoblitzelle and John E. Otterson, Paramount president.

Interstate is one of the largest and most important of the Paramount theatre units, being centered in Texas and the neighboring southwest. Hoblitzelle has operated the unit for several years under an agreement which expired Sept. 28. Negotiations for a new agreement or the renewal of the old have been under way since several weeks prior to that date. They will probably be resumed again next month. Hoblitzelle has returned to

(*Continued on page 6*)

Northern Electric, RCA Join in Canada

MONTREAL, Nov. 19.—Two leading sound engineering organizations in the Dominion, Northern Electric and the RCA Photophone, have combined forces and will operate under the name of Dominion Sound Equipments, Ltd., with head offices here. Northern Electric has represented Western Electric interests in Canada until the present move.

O. R. Harvey, formerly of the Northern Electric, is managing director of Dominion Sound Equipments, Ltd., and H. S. Walker is chief engineer. Branch offices and service depots of the new company have been opened across Canada.

The Canadian combination covers sales and servicing and has no bearing on the domestic activities of either company, it was explained at Erpi yesterday.

New Answer Is Asked In Seidman-Fox Case

A motion for permission to serve a supplementary answer to the suit brought by Louis L. Seidman against Fox Theatres Corp. was filed in N. Y. Supreme Court yesterday. Also named as defendants in the action are Broad & Park Realty, Inc., William E. Atkinson and John F. Sherman, as receivers of the Fox Theatres Corp.

An affidavit signed by Herbert S.

(*Continued on page 6*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 November 20, 1935 No. 120

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Petty Heading East

HOLLYWOOD, Nov. 19.—Tom Petty, who has been substituting for Lupton Wilkinson as public relations head of the producers' association, goes East next week and is slated to establish contacts with exhibitors and newspapers in key cities en route. Wilkinson is scheduled to leave New York for Hollywood on Monday.

Republic to Randforce

Randforce Amusement Circuit has closed for the Republic lineup, as has the Danz chain in Seattle.

HOLLYWOOD, Nov. 19.—Republic has added five new writers to its staff. They are H. W. Hanneman, Sidney Sutherland, Wallace Sullivan, Mary McCarthy and Ferdinand Reyher.

Out of Consolidated

HOLLYWOOD, Nov. 19.—Ben Goetz's appointment as head of M-G-M production abroad necessitates his retirement from the affairs of Consolidated Film Industries, Inc., where he is now executive vice-president.

YACHT CLUB BOYS
"THANKS A MILLION"
WILLIAM MORRIS OFFICE

Purely Personal

GRAD SEARS, PANDRO BERMAN, HERBERT J. YATES, PHIL REISMAN, BILL GERMAN, MARK OSTRER, ARTHUR LEE, N. L. and Mrs. NATHANSON, looking well after that trip to White Sulphur which they did not make after all; BOB MOCHRIE, ANDY SMITH, CARL LESERMAN, ROY HAINES, HAROLD S. BAREFORD and JIM WINN were included among those at "21" yesterday. The NATHANSONS left last night for Toronto, their home. SEARS goes to Boston the end of the week; BERMAN back to Hollywood in a week to be around for the final month's shooting of "Follow the Fleet," the next Astaire-Rogers; OSTRER to meet his wife in Milwaukee and then back to New York by the first of the week.

•

LIONEL BARRYMORE arrived from the coast yesterday and plans to return Thursday. It's his first visit to the Empire City in five years. It's a vacation. He has just signed a new long-term contract with M-G-M.

•

JOE VOGEL, MARVIN SCHENCK, LEOPOLD FRIEDMAN and HARRY BERNSTEIN are the latest members of the Loew Equestrian Fraternity. CHARLIE MOSKOWITZ is holding out for bigger and better horses.

•

J. H. SKIRBALL, sales manager for Educational, left yesterday for Chicago. E.W. HAMMONS, president, will leave today and will join SKIRBALL in Chicago. They will proceed to the coast together.

•

The BOB MCNEILS arrived from the coast yesterday and repaired at once to Essex House. JIMMY GRAINGER was among those at the pier to welcome the San Franciscans.

•

Major EDWARD BOWES entertained in the expansive manner at his apartment in the Capitol Theatre Bldg. last night for radio and trade paper scriveners.

•

J. C. COFFEY, formerly with the sales department of Frigidaire, has joined the Jam Handy Picture Service at Detroit in an editorial and contact capacity.

•

TOM WALLER so expert on his crutches after four weeks of them that he can cross Times Square against the lights.

•

F. H. RICHARDSON spent yesterday autographing copies of his new Blue-book of Projection just off the presses.

•

FRED QUIMBY is due to return to his office today after several days at home getting over a bad cold.

•

MARTIN BECK among the callers at the RKO theatre department's legal offices yesterday.

•

JOHN D. HERTZ was a caller at JOHN E. OTTERSON's office at Paramount yesterday.

•

MAX WEISFELDT left for the coast yesterday.

•

MINNA GOMBELL is here for a brief vacation.

•

HARRY GOETZ leaves for the coast today to confer with EDWARD SMALL.

JAMES A. FITZPATRICK, MARQUIS HENRI DE LA FALAISE DE LA COUDRAYE, JACK SICHELMAN, HAL HORNE, IRWIN KLEEBLATT, ED FAY, MONTE PROSER, JAMES SMLTH and A. P. WAXMAN, at the Tavern; S. L. (ROXY) ROTHAFEL, AL LICHTMAN, AL FRIEDLANDER, LOUIS F. BLUMENTHAL, JOE VOGEL, DAVE CHATKIN, CHARLES EINFELD, MAX COHEN, SAM SHIPMAN, VINCENT MCFAUL, ROBERT GILLHAM, HERB CRUICKSHANK and HERBERT EBENSTEIN at the Astor, during yesterday's lunch hour.

•

DR. RICHARD BURTON, Warners' literary advisor on "A Midsummer Night's Dream," will be one of the speakers at the annual convention and lunch of the Shakespeare Ass'n. of America at the Hotel New Yorker today.

•

BEN Y. CAMMACK, general manager for RKO in South America, is on his way here from Rio de Janeiro to spend the holidays.

•

HARRY M. GOETZ canceled his plane reservations to the coast yesterday and instead leaves today for Hollywood by train.

•

ARCH REEVE and PAUL BENJAMIN conferred informally yesterday afternoon under the temporary marquee of the Astor Hotel.

•

MAX REINHARDT will be guest of honor tonight at a dinner to be tendered by the Columbia University faculty.

•

HARRY MOSKOWITZ is scheduled to return from South America about the first of the year.

•

RAMON RAMOS and his orchestra have been signed by SAM SAX for a Vitaphone short.

•

RICHARD BROWN, city salesman, has been appointed to the First Division Philadelphia exchange.

•

. . . *Pittsburgh*

GEORGE TYSON, the Alvin manager, is building a band unit around HENRIETTA LEAVER, "Miss America of 1935," whom he is managing.

JOE FELDMAN, Warners' advertising chief, is in New York for a few days' rest following his strenuous campaign in behalf of Sunday movies.

JANE FROMAN learned for the first time in Pittsburgh that Warners had renewed her option for three more pictures.

BEN BROWN has as his house guest his sister, MRS. WILLIAM ROSENTHAL, from Toronto.

MARK BROWAR, an independent exhibitor, is going into the night club business, opening the Harlem Casino on the site of the Roosevelt.

MANNIE GREENWALD opened with new pictures at the Art Cinema on Sunday, the only downtown first run house to start on this day.

Dismiss Reade Charge

Charges of malicious mischief against Walter Reade, circuit operator, were dismissed yesterday in General Sessions. No evidence was submitted to show he was in the Astor, which he formerly leased, when fixtures were damaged there some time ago.

Allied Unit Forms Protective Combine

DES MOINES, Nov. 19.—Formation of a business combine of 48 independent owners of Iowa and Nebraska was announced here today at the closing session of the Iowa-Nebraska Allied convention. The group, in which each man invested $1,000, will act as a protective agency against circuit theatres, building houses when competition demands. Leo F. Wolcott was relected president of the unit, H. A. Larson vice-president, and Chares Peterson secretary.

The board of directors includes: Wolcott, Larson, H. A. Taylor, Phil Marsh, William Miller, Jacob Rosenthal and Clifford Niles. Resolutions demanded circuit houses be included in the state chain store tax, state laws for protection against Ascap, and favored good single features rather than weak duals, and portions of the motion picture code but not reestablishment of the code as a whole.

Ohio I. T. O. Meets

COLUMBUS, Nov. 19.—The third annual convention of the Independent Theatre Owners of Ohio started here today at the Deshler-Wallick Hotel, with 125 members present. Louis Senn explained methods of insurance savings. Secretary P. J. Wood reviewed the work of the I.T.O. during the year, citing reduction of the admission tax from 12 to three per cent, passage of anti-marathon and anti-preferred playing time bills, setting aside of the ruling that film rentals are taxable under state law, and holding in committee the two-men-in-a-booth bill.

William M. James was toastmaster at the banquet tonight. The business program continues tomorrow, with Abram Myers and Sidney Samuelson of national Allied scheduled to speak. The chief topic will be an Ohio cooperative booking plan similar to that in Michigan.

Actors' Guild Plans To Fight WPA Wages

HOLLYWOOD, Nov. 19.—The Screen Actors' Guild plans to call a mass meeting of all players within a few days to set a plan of action on the wage scale proposal included in the Government's contemplated subsidizing of all "little" theatres in the country, under the W.P.A. Although Ken Thompson, Guild president, has not yet issued the meeting call, the session is expected this week. Meanwhile the Guild is studying the Government's planned standard wage scale.

R. S. Bell Passes

ST. JOHN, N. B., Nov. 19.—The death has occurred here of R. S. "Chick" Bell, manager of the Maritime Branch of United Artists. He was in his 48th year. He was one of the veterans of the film business in Canada and was widely known in various exchange centres.

Macdonald Cremated

The remains of Ballard Macdonald, well known music and lyric writer who died Sunday, were cremated yesterday. Macdonald was under contract to M-G-M in 1929, and among his more recent work were the lyrics for last year's stage musical "Thumbs Up." He was 53 and is survived by his widow and an adopted child.

THE NEXT TOAST-OF-THE-INDUSTRY!

AH WILDERNESS"

HAVE ANOTHER ON LEO! M-G-M's 1935-36 BOX-OFFICE PARTY GOES MERRILY ON AND THE FUN HAS BARELY BEGUN!



This one is for
ght at the Opera"



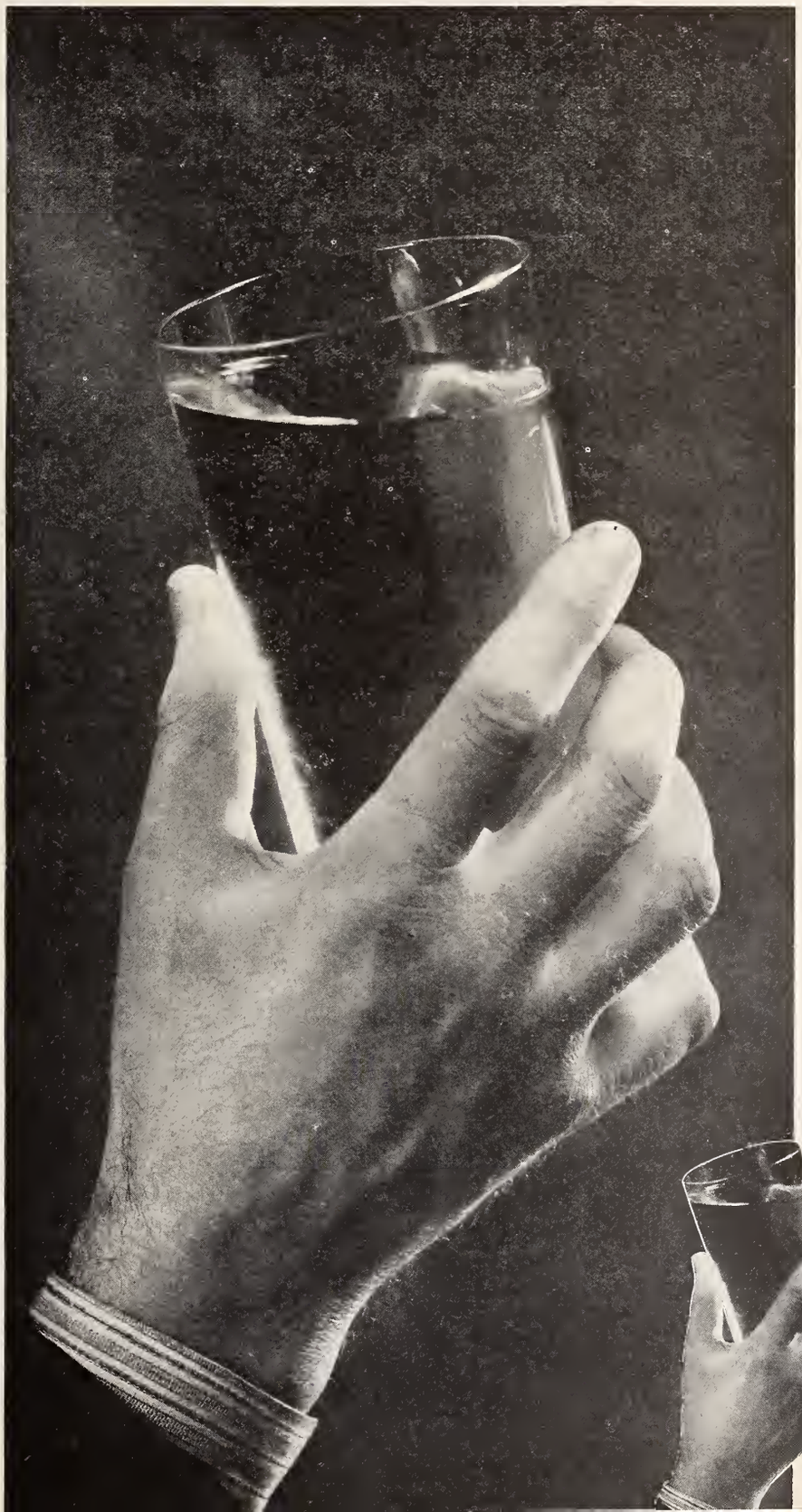
his one is for
'China Seas"



his one is for
It's in the Air"



his one is for
a way Melody of '36"





This one is for
"Mutiny on the Bounty"



This one is for
"Rendezvous"



This one is for
"I Live My Life"



This one is for
"Anna Karenina"

And Merry Christmas!

"A TALE OF TWO CITIES"

TAKE THEIR W

"HERE'S SOMETHING BRAND NEW IN THE LINE OF MURDER MYSTERY ENTERTAINMENT...DISTINCTIVELY UNIQUE ...SPICY, THRILLING AND SOMETIME DARING . . . WILL SEND THEM OUT OF THE THEATRE TALKING IN SUCH A MANNER THAT WORD-OF-MOUTH ADVERTISING WILL BRING IN MUCH ADDITIONAL BUSINESS".

. . . Motion Picture Herald

"NO EXPENSE HAS BEEN SPARED IN PROVIDING THIS PICTURE WITH ONE OF THE GREATEST DRAW CASTS ASSEMBLED IN ONE PRODUCTION, NOR HAS THERE BEEN A LIMIT TO THE BUDGET FOR LAVISH SETS AND RICH MOUNTINGS. IT REPRESENTS THE LIMIT IN PRODUCTION VALUE SPLENDOR... CAST MATCHLESS".

...Showmen's Trade Review

"JUNIOR LAEMMLE AGAIN DEMONSTRATES HIS SHOWMANSHIP PRECISION IN PRODUCING THIS MURDER MYSTERY-MELODRAMA...GAY AND FULL OF FUN".

. . . Motion Picture Daily

"A RIOT OF COMEDY SPOTS SUPERIMPOSED ON A RIOT OF CRIME DETECTING . . . MURDER IS PROMPTLY CAPPED

"REMEMBER

Carl Laemmle presents a Universal Picture. A James Whale Triu

with EDWARD ARNOLD • CONSTANCE CUMMINGS • SALLY EILERS • ROBERT







ORDS FOR IT!

BY A WISECRACK OR A COMEDY BIT ...FAST SUCCESSION OF EFFECTIVELY AMUSING COMEDY BITS. THE CAST IS HEADED BY FOUR GOOD NAMES, ALL OF WHOM SHOULD SELL AT THE BOX-OFFICE. EDWARD ARNOLD, FRESH FROM HIS SUCCESS AS DIAMOND JIM BRADY, IS A CRIME SPECIALIST WHO SUAVELY AND SKILLFULLY CAPTAINS THE DETECTING. CARL LAEMMLE JR.'S PRODUCTION STANDS UP AS SOMETHING TO BE TAKEN SERIOUSLY AT THE BOX-OFFICE".

. . . Hollywood Reporter

"GOOD NEWS FOR BOX OFFICES... GOOD ENTERTAINMENT AND BOX-OFFICE . . . PICTURE HAS BEEN SMARTLY MOUNTED WITH PLENTY FLASH"

. . . Daily Variety

"BOTH COMEDY AND MURDER MYSTERY, AND MUCH ABOVE AVERAGE FOR BOTH . . . RECOMMENDED . . . AMONG THE MOST ENTERTAINING AND BEST DRESSED SERIES OF MURDERS TO BE FOUND IN MANY A PROWL THROUGH CELLULOID CRIME. IT HAS A KIND OF INSANE FASCINATION".

. . . Screen & Radio Weekly

AST NIGHT?"

roduced by Carl Laemmle Jr. From the novel by Adam Hobhouse.

• ROBERT ARMSTRONG • LOUISE HENRY • REGINALD DENNY • GREGORY RATOFF







U. A. Exchange To Reveal All Funds for Tax

(Continued from page 1)

visions means that local exchanges might be subjected to a $3,000,000 tax instead of one of $700,000, as originally contemplated by the city.

Failure of the U. A. and city accountants to agree on taxable items of exchange revenue is understood to have decided the city finance department on proceeding with the assessment against all local exchange revenue regardless of the place of its origin.

In this connection the city contends that film carriers are the agents of the distributor and the delivery of film to the carrier by the exchange completes a sales transaction. Distributors point out, in turn, that most pictures are now played on percentage and the exchange's revenue is determined at the theatre and, therefore, in the case of theatres outside the city limits, the returns are not taxable.

The city finance department is expected to rule this week that exchange revenue is subject to the sales tax, but distributors are prepared to take an appeal of an adverse decision to the appellate division.

Radio Issues Unique Pons' Picture Book

Radio studio has just issued a limited edition of a book of photographs and text that is probably unique in the history of picture exploitation, the purpose apparently being to impress the 500 recipients with the class angles of Lily Pons' "I Dream Too Much."

It has 24 pages, exclusive of heavy covers, all with photographs except the first and last. Each is autographed to the recipient by Miss Pons. The photographs were made and assembled by Ernest A. Bachrach, most of them being clever combinations of closeups with background effects.

On the back of each, so that it appears on the left as the pages are turned, is text giving a lightly written synopsis of the story. The front cover has a photograph of Miss Pons. The book is bound with wire.

Lights After 3 Years

DAYTON, O., Nov. 19.—The RKO State, 1,000-seat house dark for approximately three years, opened last week with "Fighting Youth" as the initial feature after which the policy will be second runs, changing twice a week. Matinee prices will be 15 cents, with evening rate 15 and 25 cents. The house has been completely redecorated and new sound and seats installed at a cost of $20,000.

RKO also operate Keith's and the Colonial here. The latter plays stage shows and pictures.

Plan "Silas Marner"

HOLLYWOOD, Nov. 19. — Joseph Manckiewicz will produce "Silas Marner" for M-G-M. Samuel Hoffenstein and Harvey Gates have been assigned to adapt the script from the George Elliot novel. No cast has been selected as yet.

Wall Street

Warner, Loew's Big Board Gains

	High	Low	Close	Net Change
Columbia	72½	69	72½	+6¼
Consolidated	5⅜	5½	5½	.....
Consolidated, pfd	19½	19¼	19⅜	+ ¼
Eastman Kodak	172¼	172	172	— ¼
Eastman, pfd	155½	155	155	.....
Loew's, Inc.	53⅞	53	53¾	+ ¾
Loew's, Inc., pfd.	106¼	106¼	106¼	+ ¼
Paramount	9½	9⅜	9½	+ ⅛
Paramount 1 pfd.	80¾	79	79	— ⅞
Paramount 2 pfd	11⅝	11½	11½	.....
Pathe Film	6⅜	6⅛	6¼	+ ¼
RKO	5⅜	5⅛	5⅜	.....
20th Century-Fox	20½	20⅞	20⅝	— ⅜
20th Century, pfd	29⅛	28½	28½	-- ⅜
Universal, pfd	54	53⅛	53½	+1
Warner Bros.	9	8⅝	9	+ ⅜
Warner, pfd	50	49	49½	+ ½

Fractional Curb Gains

	High	Low	Close	Net Change
Sentry Safety	⅞	¾	⅞	+ ⅛
Sonotone	2¾	2½	2⅝	— ¼
Technicolor	18¼	18	18	+ ¼
Trans-Lux	4⅜	4⅛	4⅜	+ ⅛

RKO Bonds Gain 2¾ Points

	High	Low	Close	Net Change
General Theatre 6s '40	15¼	15¼	15⅜	+ ⅛
General Theatre 6s '40 ctf	15½	15⅜	15½	.....
Keith B. F. 6s '46	94	93½	93½	—1
Loew's 6s '41 ww deb rights	104½	104¼	104¼	— ¼
Paramount Pict. 6s '55	93	92½	92¾	— ¼
RKO 6s '41 pp	80	78½	80	+2¾
Warner Bros. 6s '39 wd	88½	88	88	— ½

(Quotations at close of Nov. 19)

Companies Approve New Length of Reel

(Continued from page 1)

being sent to all reel manufacturers who, between now and April 1, will prepare for making the new reels and cases. During the transition period, studios will cut all productions for changeover at 1,000-foot lengths to accommodate theatres not equipped for the new reel. The Academy believes the changeover will be necessary for only a year after adoption. To protect theatres receiving the 2,000-foot reel from getting false changeover cues in the middle of the reel, the Council recommends two alternative methods, one to be handled in the exchange, the other the making of a dupe negative of part of each reel in the laboratory.

The successful adoption of the new reel was negotiated over a long period by the Reel Length sub-committee of the Academy, a New York distributors' committee and the Academy Research Council.

Sidney Kent Sends Messages to Manila

Greetings to Philippine exhibitors were sent by S. R. Kent, president, and Irving Maas, acting forign manager of Twentieth Century-Fox, for the first flight of the China Clipper from San Francisco to Manila. The greetings are to be distributed by D. B. Lederman, Twentieth Century-Fox manager at Manila.

Charter Two Companies

ALBANY, Nov. 19.—Feature Distributors, Inc., New York City, has been formed by Mildred Keller, Ruth Kaltman and Elinor Kantor.

Kenroe Theatres, Inc., has been chartered by Betty Finkelstein, Kate Heichman and Jeanne Greengold.

New Answer Is Asked In Seidman-Fox Case

(Continued from page 1)

Keller, president of Fox Theatres Corp., explained that Seidman filed suit on Sept. 26, 1933, to recover $35,000 alleged to be brokerage commission earned by Seidman.

On Oct. 9, 1934, in proceedings entitled "In the Matter of Fox Theatres Corp., Debtor," in Federal court, Seidman, according to Keller, was one of the petitioning creditors seeking to have Fox Theatres Corp. adjudged an involuntary bankrupt. To establish his status as creditor, Keller explained, Seidman relied on the same cause of action set forth in this complaint. Objection having been made to the claim in Federal court, Seidman was required to prove his cause of action.

On last Oct. 22, averred Keller, after a trial on that claim, a decision was rendered in favor of the defendant. Keller said, "I am advised that the aforesaid adjudication constitutes a complete defense to Seidman's present action. Accordingly the defendants desire to incorporate that defense in the supplementary answer."

Hearing was set for this morning.

Hoblitzelle Deal Runs to Year's End

(Continued from page 1)

his Dallas headquarters and is not expected back here for some time.

Negotiations for an extension of A. H. Blank's operating agreement for Iowa and western Illinois theatres are continuing here, with no decision having been made yet. The agreement under which George J. Schaefer, Paramount vice-president, would take over operation of Minnesota Amusements for Paramount is still in the discussion stage also.

Louis Dent, former operator of Paramount theatres in the Salt Lake City territory, will not be reassigned, it was stated officially at Paramount.

Rogers Memorial Set

LOS ANGELES, Nov. 19.—The Will Rogers memorial benefit has been set for the Shrine Auditorium, Dec. 1. Sid Grauman will direct the show. The memorial committee, headed by Rupert Hughes, reports it is having no difficulty in lining up front rank industry names for personal appearances in sketches adapted from their new pictures. The program also will include entertainment by the chorus now working at M-G-M in "The Great Ziegfeld."

Norman Manning heads the local publicity committee with studio publicists from each company assisting.

Dyrness in New Post

PORTLAND, Nov. 19.—Marvin Dyrness has been put in charge of distribution here for the Star Film Co. He will handle Spectrum and Liberty product and Harry Webb's new Reliable Prod.

Theodore Smalley Quits

LAWRENCE, Mass., Nov. 19.—Theodore Smalley has resigned as publicity manager for the Paramount in New Haven to manage a Warner house here.

Columbia's Quarter Net Up Over 100%

Columbia Pictures' net for the quarter ending Sept 28 is reported as $495,083.54, an increase of $259,371.35 over the same period last year, or more than 100 per cent.

This net, after all charges and provisions for Federal income tax, and after deducting preferred dividends, is equal to approximately $2.64 a share on 182,382 shares of common outstanding. Last year for the same quarter the earnings were equivalent to $1.29 per share on 172,073 shares outstanding.

The consolidated balance sheet as of Sept. 28 shows current assets of $7,744,353.50 and current liabilities of $1,381,271.65. Earned surplus totals $3,857,258.39 and working capital has been increased to $6,363,081.85.

A quarterly dividend of 25 cents has been declared on the common and voting trust certificates payable Jan. 2 to stockholders of record Dec. 18. Two semi-annual dividends of 2½ per cent, are payable in common stock, first to be disbursed Feb. 3 to holders of record Jan. 3. The second will be payable Aug. 3 to holders of record July 23.

The directors have amended the company's charter to eliminate the old convertible preference stock at a redemption price of $47.50, with accrued dividends from Dec. 1 to Jan. 20.

H. B. Franklin Dickering

HOLLYWOOD, Nov. 19.—Harold B. Franklin will join Columbia in an executive capacity this week if current negotiations are concluded. Their consummation awaits the arrivel here of Jack Cohn from New York. Franklin said today the potential post would not be that of an associate producer. The understanding is he will succeed Ralph Kohn. Franklin and his associate, Alexander S. Kempner, will close their Beverly Hills office. They had joined some months ago in a theatre circuit venture.

St. Louis Fox Plan To Be Sent Out Soon

A reorganization plan for the Theatre Realty Co., owners of the Fox, St. Louis, will be mailed to bondholders for approval within two or three weeks, Donald Henderson of Halsey, Stuart & Co., one of the three members of the bondholders' committee, stated yesterday.

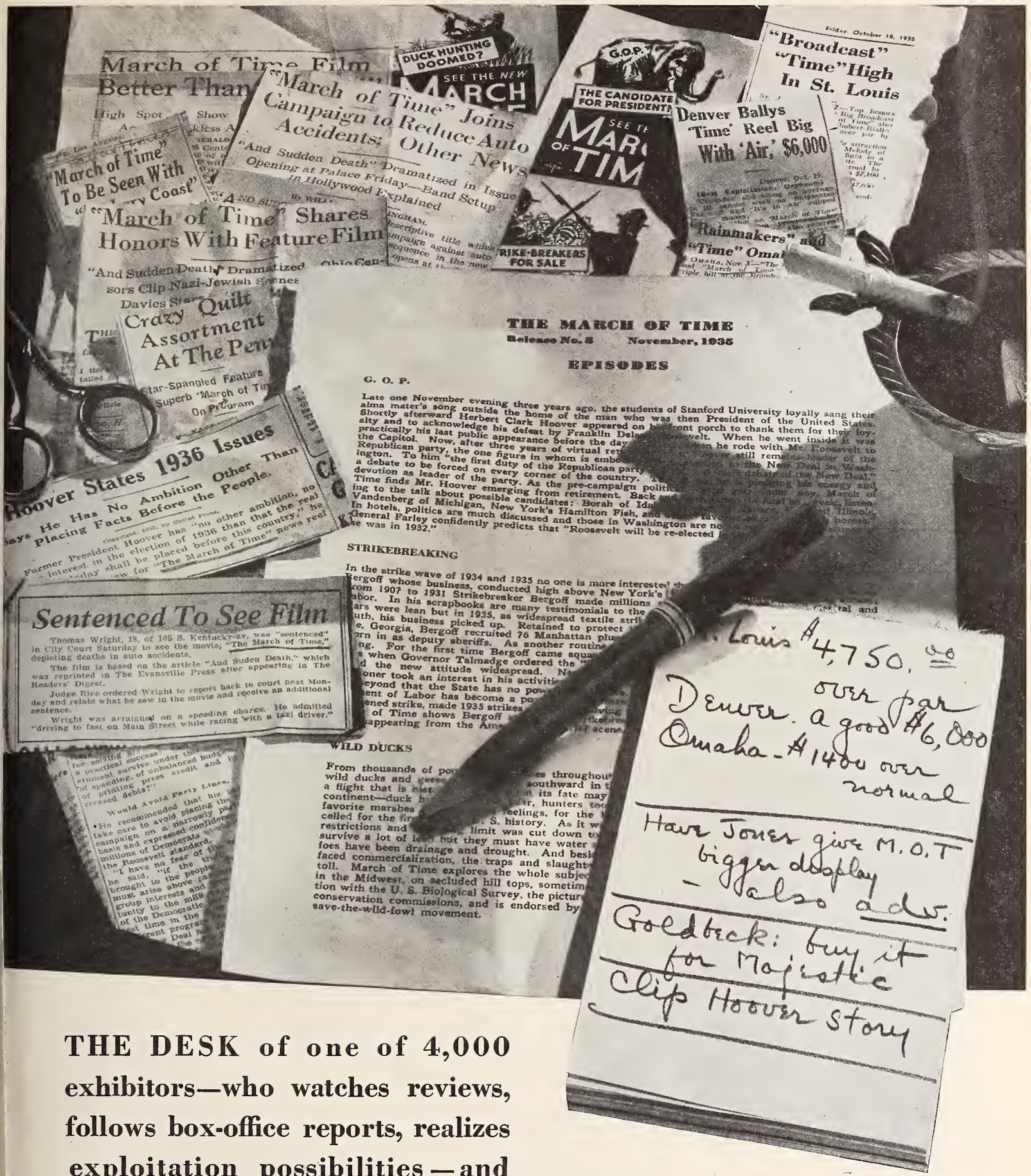
Shortly after the proposed setup has been sent out, the plan will be submitted to Federal Judge George H. Moore at St. Louis.

More than 75 per cent of the bondholders have deposited certificates with the committee, Henderson told the court about a month ago when Judge Moore approved an application to place the company, formerly in receivership, in bankruptcy.

Fanchon & Marco operate the Fox. Edmond Koeln and James Blair are the trustees. John S. Leahy is attorney for them.

Series for Miss Morris

HOLLYWOOD, Nov. 19.—Mitchell Leichter of Beaumont Pictures and Black King Prod. has signed Margaret Morris to appear in the rest of a series with Conway Tearle called "Desert Guns" and also to play the lead in the Black King series.



THE DESK of one of 4,000 exhibitors—who watches reviews, follows box-office reports, realizes exploitation possibilities — and makes money each month on THE MARCH OF TIME.

RELEASED BY RKO RADIO PICTURES

NEW 8TH ISSUE NOW SHOWING COAST TO COAST

"Mutiny" Hits $49,500 in 2 Boston Spots

BOSTON, Nov. 19.—This city saw grosses last week that recalled the good old days. "Mutiny on the Bounty," playing day and date at Loew's Orpheum and Loew's State, more than doubled par with $25,000 at the former and did equally as well at $24,500 in the latter.

"Bad Boy" was also in the sensational hit class at $21,500, with a revue to help at the RKO Boston. This kept takes down at other spots.

Total first run business was $116,000. Average is $80,500.

Estimated takings for the week ending Nov. 15:

"DANCE BAND" (First Division)
"TWO FISTED" (Para.)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"REMEMBER LAST NIGHT" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $11,500. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $25,000. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $24,500. (Average, $12,000)

"THE CRUSADES" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: "The Buccaneers" with "The Three Sailors," Gus Van, Elida Ballet. **Gross:** $22,000. (Average, $22,000)

"DANCE BAND" (First Division)
"TWO FISTED" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"BAD BOY" (Fox)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: "Let's Swing It" Revue with Edward Rosenwald and his orchestra. **Gross:** $21,500. (Average, $11,000)

Indianapolis Tips "Mutiny" $12,000

INDIANAPOLIS, Nov. 19.—In a week of low grosses in all other first runs "Mutiny on the Bounty" was a sensation at Loew's. It almost tripled average with a take of $12,000.

Only one other house succeeded in making average. This was the Lyric, where "Personal Maid's Secret" reached $7,000. "Hands Across the Table," "Red Salute" and "Last Days of Pompeii" were all in a bad way.

Total first run business was $30,500. Average is $26,500.

Estimated takings for the week ending Nov. 16:

"RED SALUTE" (U.A.)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"HANDS ACROSS THE TABLE" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. Second run from Indiana. **Gross:** $3,000. (Average, $4,000)

"LAST DAYS OF POMPEII" (RKO)
INDIANA — (3,100), 25c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $12,000. (Average, $4,500)

"PERSONAL MAID'S SECRET" (W.B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)

"Remember" Big in Hub

BOSTON, Nov. 19.—Just as Paramount's "Hands Across the Table" proved a surprise at the Metropolitan a few weeks ago, Universal's "Remember Last Night?" is pulling a similar stunt at Keith's Memorial, where it opened big and is building, largely from word-of-mouth publicity.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Littlest Rebel"

(Twentieth Century-Fox)

HOLLYWOOD, Nov. 19.—Shirley Temple is this picture's prime entertainment and commercial asset. The singing, dancing and smiling Shirley scores a personal triumph, her first straight, starring dramatic role.

The picture, in common with all Civil War stories, is melodramatic. Miss Temple so dominates that with few exceptions, sequences in which she does not appear tend to drag. However, her work blending tears with smiles, so atones for this shortcoming that it should not prove a handicap. The atmosphere of international conflict is vivid. It is war as it affects Shirley's father, John Boles, and her mother, Karen Morley. Narrated from a child's viewpoint, it is the story of a girl who is loved by her friends, who charms the enemy's heart.

A buffeted child of storm, war's horror is first impressed upon her when her mother dies. Boles is captured by a Union officer, Jack Holt. Her childish plea so touches him that Holt arranges Boles' escape. Boles, fleeing with Shirley, is recaptured. Holt is incriminated and both soldiers are sentenced to death. With Bill Robinson, Shirley gets an audience with Abraham Lincoln, played by Frank McGlynn, Sr. Her simple, straightforward story to the Emancipator of why her father was captured and Holt's part impels him to write a pardon for both.

The drama is handled with deftness. Miss Temple's singing and dancing with Robinson are fine amusement and commercial values.

With interest centered on her, David Butler's sympathetic, understanding direction of Boles, Miss Morley, Holt, Guinn Williams, Robinson, Willie Best and Frank McGlynn fills all showmanship requirements. Edwin Burke's screen play preserves the full emotional appeal of Edward Epeple's play.

Production Code Seal No. 1,727. Running time, 70 minutes. "G."

"Miss Pacific Fleet"

(Warners)

HOLLYWOOD, Nov. 19.—Warners' stock comedians struggle valiantly with a slight story and turn in a routine comedy. The comedy of a tough girl's troubles in a navy town is the best angle to plug.

Joan Blondell and Glenda Farrell play stranded chorus girls who are running a pier concession. Allen Jenkins is the middleweight champ of the Pacific fleet and champion ring tosser and cleans out their stock of prizes. Jenkins is a Lord Bountiful at heart, however, and sets out to deliver the entire navy vote when Miss Blondell enters a popularity contest conducted by henpecked Hugh Herbert. Mina Gombell, as Herbert's suspicious wife, attempts to have Miss Blondell kidnapped, but is taken for a ride herself with Jenkins and his pal, Eddie Acuff, in a speedboat chase through the harbor. Warren Hull carries the romantic interest as Jenkins' rival for Miss Blondell. Marie Wilson stands out as a dim-witted navy chaser. Raymond Enright directed. The story is by Frederick Hazlitt Brennan and the screen play by Lucille Newmark and Peter Milne with additional dialogue by Patsy Flick.

The popularity of the comic foursome should be emphasized to put this one over.

Production Code Seal No. 1,555. Running time, 75 minutes. "G."

Bar "Bolero" in Ohio

COLUMBUS, Nov. 19.—After considering for nearly two weeks, the Ohio censor board has barred "Bolero," foreign short subject. Specific reasons were not cited, other than "the film contains objectionable features."

The short, an elaborate ballet interpretation of Ravel's musical composition, devised by Ida Rubenstein, with musical backgrounds by the Orchestre Symphonique de Paris, was booked into the Mayfair, Cincinnati, to open Saturday in connection with "Loves of a Dictator," and was heavily advertised and exploited.

Sam Bailey Elected

NEW HAVEN, Nov. 19.—Sam Bailey of the Whalley Theatre Co., has been elected alderman from the 24th Ward on the Republican ticket.

Wood Goes to Ashland

CINCINNATI, Nov. 19.—James Wood has resigned as manager of the Strand, Newport, Ky., across the river, to become manager of the Paramount, Ashland, Ky., recently taken over by Boyd Theatres, Inc., formed by Ben L. Hiedingsfeld, Abe Libson and Maurice White to operate the house.

Martin Shearer, who has been managing the Nordland, local neighborhood, operated by Forland Theatres, Inc., the same interests as the Boyd organization, will succeed Wood at Newport.

After 'Frisco Scenes

SAN FRANCISCO, Nov. 19.—Ben Ninenberg is here from Hollywood making arrangements to film "The King's Highway" exteriors.

"Bounty" At $27,500 Mark In Cleveland

CLEVELAND, Nov. 19.—"Mutiny on the Bounty" broke all attendance records in its opening week at Loew's State, and also established a new high gross at prevailing admission prices of $27,500. More than 100,000 people saw the picture during its first seven days. The engagement is being continued at the Stillman.

"It's in the Air" went 50 per cent over average at Loew's Stillman to $6,000, where $4,000 is par.

"Way Down East" took in $1,000 over average to a $4,000 gross at the Allen. "Three Musketeers" dropped $1,600 from the Warners' Hippodrome average gross of $8,000. "Remember Last Night" on the RKO Palace screen with a stage show headed by Eddie Peabody, banjoist, made only a fair showing with $13,000 gross, which is $2,000 under the house $15,000 average.

Total first run business was $56,000. Average is $40,000.

Estimated takings for the week ending Nov. 15:

"WAY DOWN EAST" (Fox)
ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $4,000. (Average, $3,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $27,500. (Average, $10,000)

"IT'S IN THE AIR" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $6,000. (Average, $4,000)

"REMEMBER LAST NIGHT" (Univ.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Eddie Peabody in "Hit Parade of 1936." **Gross:** $13,000. (Average, $15,000)

"THE THREE MUSKETEERS" (Radio)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $6,400. (Average, $8,000)

"Mutiny" a $4,200 Leader at Lincoln

LINCOLN, Neb., Nov. 19.—"Mutiny on the Bounty" at the Stuart, without much heralding, but even with this handicap took $4,200, a very strong $1,100 over average.

The Orpheum, with six days, splitting between "Cellophane Scandals" and "Transcontinental Revue," ran up the highest stage show gross this season. Total take on the run was $5,100, which is $3,400 over par.

Total first run business was $14,000. Average is $9,850.

Estimated takings:

Week Ending Nov. 12:

"MUSIC IS MAGIC" (Fox)
"IT'S IN THE AIR" (M-G-M)
ORPHEUM—(1,200). 10c-15c-20c-25c, 6 days. First three days with "Cellophane Scandals" on stage, last 3 days, "Transcontinental Revue" headlining Roy Atwell. **Gross:** $5,100. (Average, $1,700).

Week Ending Nov. 13:

"MAN FROM GUNTOWN" (Puritan)
"NEW ADVENTURES OF TARZAN" (Burroughs)
COLONIAL—(750), 10c-15c, 7 days. **Gross:** $1,100. (Average, $850)

"LITTLE AMERICA" (Para.)
"TWO FOR TONIGHT" (Para.)
LINCOLN—(1,600), 10c-20c-25c, 6 days. **Gross:** $2,300. (Average, 7 days, $2,200)

"CLAIRVOYANT" (G. B.)
VARSITY—(1,100), 10c-15c-20c-25c, 4 days. **Gross:** $1,100. (Average, 7 days, $1,700)

Week Ending Nov. 15:

"MUTINY ON THE BOUNTY" (M-G-M)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $4,200. (Average, $3,100)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 121 NEW YORK, THURSDAY, NOVEMBER 21, 1935 TEN CENTS

Davey Assures Ohio ITO 3% Tax Will Stay

Promise Dispels Fear of Return of 12% Levy

COLUMBUS, Nov. 20.—Reenactment of the three per cent gross receipts tax for another year upon its expiration Dec. 31 was pledged to Ohio exhibitors by Gov. Martin L. Davey at the annual I.T.O. banquet last night. The announcement was received with enthusiasm because it dispelled fear of a 12 per cent levy.

Governor Davey said he was opposed to discriminating against films in imposing higher taxes because smaller theatres cannot pass them on. He intimated that he will favor graduating the tax to fit the type of theatre to which it is applied.

By exercise of strict economy and with the cooperation of the Legislature, he said, the State Treasury will establish a record in Ohio history

(*Continued on page 4*)

New Taxes at Next Session Unlikely

By CLARENCE LINZ

WASHINGTON, Nov. 20.—Probabilities of new tax legislation at the coming session of Congress today were held to have been dimmed as a result of intimations yesterday by President Roosevelt, in his meeting with the conference of mayors, that he was not desirous of having taxes made an issue in the Presidential campaign next year.

Inasmuch as Congress also is desirous of postponing as long as possible the disagreeable duty of informing the people that taxes are to be increased, present expectations are that the revenue question will be held in abeyance until Congress meets in 1937,

(*Continued on page 4*)

Sixth Bluebook on Projection Issued

Containing over 700 pages of text and illustrations, and with its material so organized that both the highly trained projectionist and the student are equally served, the sixth edition of F. H. Richardson's "Bluebook of Projection," just published, reveals a painstaking effort to combine an exposition of underlying principles with detailed explanations of approved projection practice.

Throughout the book the funda-

(*Continued on page 4*)

British-RCA Deal Aims at Re-Sale There

Stock to Be Transferred Again, It Is Reported

By BRUCE ALLAN

LONDON, Nov. 11.—Confirmation of New York reports that British interests are buying from RCA the latter's holding in Electrical Musical Industries, Ltd., has been given officially, and it is indicated that the shares from America will be re-sold here to parties not mentioned.

The British Treasury has sanctioned the purchase, which is believed to involve £2,250,000. RCA holds 1,700,000 ordinaries of E.M.I. at present valued at 22/6 each on the market.

E.M.I., a merger of His Master's Voice (Victor) and Columbia gramophone companies and Marconiphone is one of the two British companies dominating the television field, Baird being the other. E.M.I. and Baird transmission are to be used 50-50 by the British Broadcasting Corp. Baird is controlled by Gaumont British.

Kent Is Called in Para. Stock Suit

Sidney R. Kent, president of Twentieth Century-Fox, yesterday was subpoenaed for examination before trial of the Paramount trustees' suit against former officers and directors of the company to recover large sums alleged to have been involved in participations in a so-called employes' stock purchase plan approved by the Paramount board in 1931.

The subpoenaing of Kent followed upon Federal Judge Alfred C. Coxe's denial on Tuesday of a motion to quash a similar subpoena issued for Sir William Wiseman, partner in Kuhn, Loeb & Co. and a former Paramount director. Wiseman, the only defendant in the trustees' action to

(*Continued on page 4*)

Move Against Warner Meeting Set Nov. 27

Hearing on Martin J. Clougherty's move to prevent Warner stockholders from confirming a stock agreement with the Warners at their annual meeting was postponed yesterday by Federal Judge Mortimer W. Byers in Brooklyn to Nov. 27. This is 12 days before the Warner meeting in Wilmington.

Clougherty had applied for an in-

(*Continued on page 4*)

Chaplin for Xmas

Los Angeles, Nov. 20.—Fox West Coast has purchased the new Chaplin comedy, "Modern Times," and plans to release it throughout the circuit during Christmas Week provided the film is ready by that time.

New GTE Plan Gets Approval In Wilmington

WILMINGTON, Nov. 20.—Chancellor Josiah O. Wolcott today approved the proposed plan of a committee of debenture holders to reorganize General Theatres Equipment, Inc., in receivership since 1932.

Under the plan all assets of the corporation will be transferred for the benefit of creditors.

Chief Justice Daniel J. Layton today also approved a settlement between U. S. Senator Daniel O. Hastings, receiver for General Theatres, and

(*Continued on page 4*)

Share of "U" Deal Proffered Western

HOLLYWOOD, Nov. 20.—Standard Capital has offered Western Pictures Corp. a portion of the Universal buy deal, William L. Fiske, Hollywood representative of the company told MOTION PICTURE DAILY today.

Fiske stated that his company is considering several deals and that he will probably leave for the east within the next few weeks to discuss them with his partner, Nicholas Ludington, Jr. Lawrence Fox of Standard Capital owns an interest in Western's contract with Harry Sherman, and the two organizations work in harmony.

Para. Demands Crew To East Quit IATSE

HOLLYWOOD, Nov. 20.—Paramount late today demanded the resignation from the I.A.T.S.E. of all members of a crew going to New York to film scenes for "Thirteen Hours by Air." Part of the crew left for New York tonight, others leaving tomorrow. Local union heads were bewildered by the action.

It was said in some quarters that the move was planned to block union difficulties similar to those experienced by independent producers recently as a result of differences between the I.A.T.S.E. and I.B.E.W.

Five Houses Going Up in Greater N.Y.

Plans for Two More Are Awaiting Action

Five new theatres are in various stages of construction in the Greater New York territory and plans for two others have been filed within the last few weeks.

An 800-seat house, to be called De Luxe, is being built at Bath & 20th Aves., Brooklyn. It will be operated by Randforce when completed. George Skouras will operate a new 1,500-seat theatre being built in Teaneck, N. J. Ben Knoble has closed for a 21-year lease on the Greenwich in Greenwich Village, construction on which was started recently.

A new house is going up at Lefferts Ave. & Austin St., Kew Gardens, L. I., and the Drake, being completed at 62nd to 90th St. on Woodhaven Blvd., Rego Park, L. I., will be op-

(*Continued on page 4*)

Trendle to Build 5 Detroit Houses

DETROIT, Nov. 20.—George W. Trendle, president of United Detroit Theatres Corp., operators of the Paramount houses here, says his company will build five de luxe neighborhood theatres in the coming year. They will range in size from 1,200 to 2,000 seats.

First of the five will be built in the University of Detroit section and will be a 2,000-seater. Work is to be started immediately and it is planned to open the house by next Easter. This theatre will be in opposition to the 1,500-seat University, which the Sam Brown circuit is now building.

Trendle would not say where the other four houses are to be built, but

(*Continued on page 4*)

Union Merger Delay Until New Year Seen

Completion of negotiations for a merger of Local 306, Allied M. P. Operators and Empire State unions is not expected before the first of the year, it was stated yesterday. Slow progress is being made toward bringing the various factions together, but these are expected to be ironed out by the end of next month.

Members of Local 306 yesterday held a semi-monthly session at the

(*Continued on page 4*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Vol. 38 November 21, 1935 No. 121

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrigbted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higasbi Gokencbo Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at tbe Post Office at New York City, N. Y., under Act of Marcb 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Supply Men's Board Begins Meet Today

First session of a three-day quarterly meeting of the board of directors of the Independent Theatre Supply Dealers' Assn. will get under way today at the organization's headquarters in the Paramount Bldg.

B. F. Shearer, Seattle, president, will preside. Others attending will be K. R. Douglass, Boston, vice-president; Clem Rizzo, Philadelphia, treasurer; J. E. Robin, executive secretary; George McArthur, Detroit; J. M. Graham, Denver; A. F. Morrone, Pittsburgh; Joe C. Hornstein, New York.

Graham arrived last night and the other out-of-town men will reach the city this morning. General business topics will be discussed.

Party for Irene Dunne

Irene Dunne was guest of honor yesterday afternoon at a cocktail party given by Universal at the Hotel Pierre. Among those present were Betty Furness, Oscar Hammerstein, Jerome Kern and Fannie Hurst.

About 100 newspaper and magazine writers were among the guests.

RUBINOFF
"THANKS A MILLION"
WILLIAM MORRIS OFFICE

Purely Personal

FILMDOM, large segments of it, were represented at Jack and Charlie's yesterday. For instance, there were:

JOHN D. CLARK, CHARLIE MCCARTHY, M. A. SCHLESINGER, HERMAN ROBBINS, SAM DEMBOW, MARK OSTRER, ARTHUR A. LEE, PHIL REISMAN, HERB YATES, EDDIE CHURCHILL, GEORGE SKOURAS, BOB GOLDSTEIN, SEYMOUR WEISS, LOU IRWIN, WILLARD MCKAY, whose continued presence there is touching, but no longer news; CHARLES B. PAINE and JULES LEVY.

•

A. H. BLANK, A. J. RICHARD, WILLIAM RODGERS, WILLIAM SCULLY, HERMAN GLUCKMAN, AL SUCHMAN, HENRY RANDEL, LOUIS FRISCH, HERB EBENSTEIN, BOB WOLFF, MAX COHEN, LOUIS NIZER, ROBERT BENJAMIN and BERNARD KRANZ, among those congregating at the Astor for lunch yesterday. TOM WALLER also was there with the aid of a crutch and a cane.

•

LUPTON WILKINSON is in Oklahoma City on his return trip to the coast. TOM PETTEY, who has been batting for WILKINSON in the latter's absence, starts an east-bound schedule next week with stopovers that will keep him on the road until Christmas.

•

HAL HORNE left for Hollywood yesterday to confer with WALT DISNEY. He will be gone about two weeks. On the same train was HARRY M. GOETZ, president of Reliance.

•

MAURICE MCKENZIE of the M.P.P.-D.A. is convalescing from his recent illness at Miami Beach, Fla., where he will probably spend the winter.

•

JEROME KESSLER of Mascot Pictures was that proud over the arrival of the new son at Doctors' Hospital yesterday.

•

COL. BILL MALLARD, chief of the RKO legal staff, has moved from the 12th to the 15th floor in the RKO Bldg.

•

MARK OSTRER left for Milwaukee yesterday. He plans to be gone a week. He will not sail for England for another month.

•

ISADORE BRODY, who has just returned from Dallas and Los Angeles, leaves next week for Denver. He handles independent films.

•

E. L. ALPERSON returned from Milwaukee yesterday. He was gone about 10 days.

•

GEORGE SKOURAS is planning to make a tour of United Artists theatres around the country shortly.

•

FRANK BUCK is grooming some of his choicest Malayan monsters for exhibition at the Pet Show.

•

J. J. MCCARTHY decorating a luncheon table at the Algonquin yesterday.

•

MOE STREIMER is back on the job and fit as a fiddle.

•

ARTHUR MAYER looking for tickets for the Dartmouth-Princeton game.

•

LEON ROSENBLATT was on the sick list yesterday.

HERB CRUIKSHANK entertained BILL HOWARD, the well-known coast director, at cocktails early last evening. Again the scene was the host's sky apartment at the Century.

Among those present were BILL BOEHNEL, of the *World-Telegram;* ANDRE SENNWALD, *Times;* RICHARD WATTS, *Herald Tribune;* THORNTON DELEHANTY, *Post;* IRVING HOFFMAN, *American;* AL WILKIE and LOU SMITH, Paramount; LARRY REID and NORBERT LUSK. Later: WATTS catching the first act of "Satellite," which opened at the Bijou last night, and SENNWALD to the *Times* office to brood over Dostoievsky for his Sunday column.

•

MAURINE and BOB MCNEIL were guests of The-Off-the-Record Club at "21" yesterday, marking for the second time the crumbling of that exclusive organization's bylaws, which specifically set forth no women are to be admitted within its portals. The McNeils, however, are visiting and also celebrated their 16th wedding anniversary yesterday. Later in the week, they travel to Washington with Jimmy Grainger.

•

ROCCO MARONE, in charge of night transportation of copy for MOTION PICTURE DAILY, took time off last night to attend the 25th wedding anniversary of Signor and Signora MARONE.

•

ILKA CHASE has left for the coast to work in Radio's "The Indestructible Mrs. Talbot." The deal was handled by the William Morris Agency.

•

ELIZABETH ALLEN sailed yesterday on the *Washington* for a vacation in England.

•

LIONEL BARRYMORE will leave for the coast today to start work in M-G-M's "The Voice of Bugle Ann."

•

PAULA GOULD'S novel, "Constance Carey: Publicity" is to be published in February by A. L. Glaser & Co.

•

The PANDRO BERMANS are, as W. Winchell would put it, blessed eventing.

•

ARCH SELWYN has arrived from the coast and is stopping at the Warwick.

•

JULES LEVY back from Boston.

•

BOB GILLHAM'S coast trek is off.

ITOA Gets Marsh Ruling

Members of the I. T. O. A. yesterday heard a report on Referee Robert McCurdy Marsh's recent opinion declaring Allied M. P. Operators a non-company union. The meeting was held at the Astor with Harry Brandt presiding. The president received many felicitations on his rapid recovery from a recent breakdown. The next session will be held Dec. 4.

Koenig Settlement Due

HOLLYWOOD, Nov. 20. — William Koenig has discontinued his activities at the Warner studio, although a settlement of his contract has not yet been reached with Jack Warner. Koenig's duties have been divided between Tenny Wright and Joe Gilbert.

Can Zanuck Do New Film? Fortune Asks

"Can Darryl Zanuck do as well with the expensive, polished type of picture that he is now making as he did with the hasty melodramas of his apprenticeship?" asks *Fortune,* monthly magazine, in its latest issue.

Zanuck's rise to power rests upon two qualities: (1) the ability to create sensational dramas out of the day's news, and (2) the knack of making paying pictures cheaply, the article states. He has a "flair," says *Fortune,* "for hard, swift-moving masculine pictures which hold a double appeal for his employers; they shocked the public into coming to see them, and they were inexpensive to produce. Zanuck lived up to his reputation for economy by discouraging costly retakes, holding rigidly to his production schedules. He keeps one eye constantly on the budget."

"Will Twentieth Century-Fox need another producer with subtler tastes to supplement the peculiar Zanuck talent?" the article continues. "No answer to that question can be made until the box-office returns are in from a variety of sources. For though the cream of the domestic sale of a picture (around 80 per cent) is skimmed within three months after its release, the rest may take another year or two years to dribble in. The British theatres wait a few months and watch how a picture sells at home before they buy it. And then another six months may elapse before they show it."

Academy Bank Night Case Is Postponed

Hearing of the Bank Night complaint against Skouras' Academy, scheduled for Tuesday, has been put over until tomorrow in the Essex Market Court. Magistrate Anna Kross may hear the case.

About 12 of the 50 theatres in the Skouras string of Metropolitan Playhouses, Inc., are featuring Bank Night. None of the New Jersey group is included as games are banned in that state.

Newsreels, Tieups Up at Ampa Meeting

Newsreel angles and merchandising tieups will feature the Ampa meeting today at Jack Dempsey's. The newsreel part of the program will be taken care of by Lowell Thomas, editor of Fox Movietone News; Truman Talley, producer, and Lew Lehr, announcer.

Bernard Waldman of *Modern Merchandising* will talk on tieups.

Warner Employes Dance

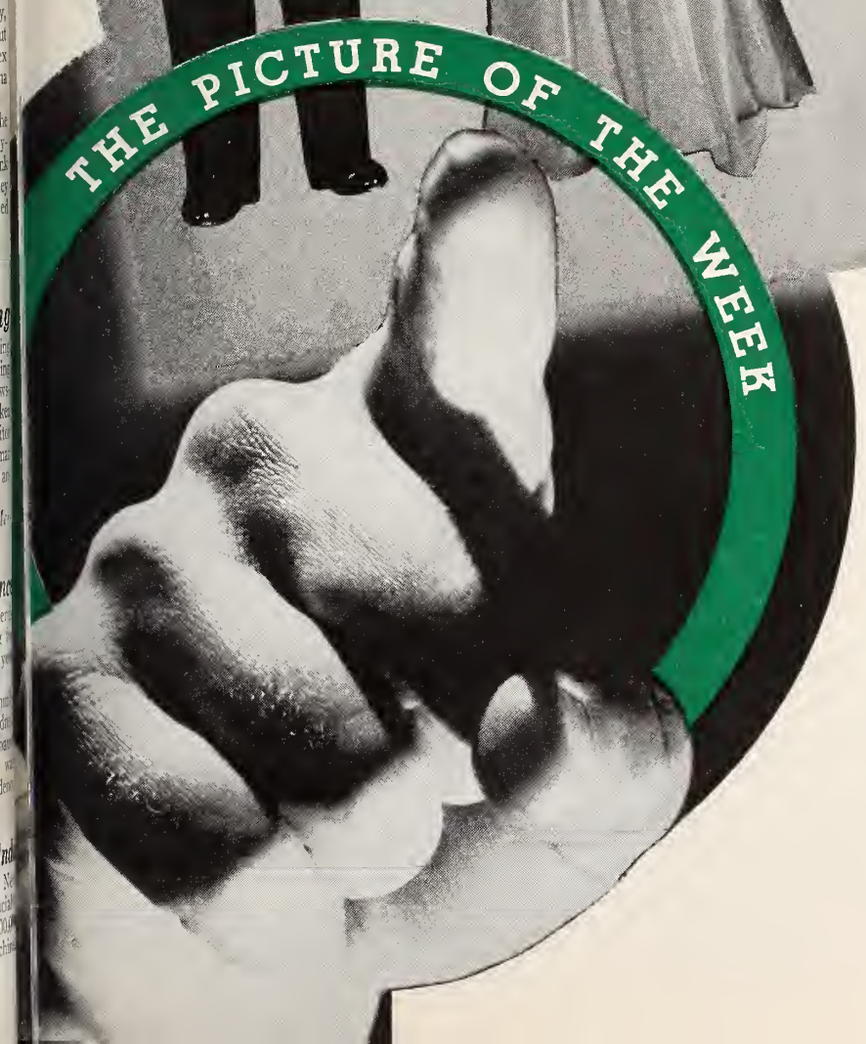
Warner employes and their friends turned out more than 2,000 strong for the first informal dance of the year at the Astor last night.

Steve Trilling headed the committee in charge, with Harold Rodner, John T. Holmes, Irving Birnbaum and Marie Carrol as aides. It was the first affair under the presidency of H. M. Doherty.

N. E. Racing Season Ends

PROVIDENCE, Nov. 20. — The New England racing season was officially closed yesterday with about $500,000 handled at the pari mutuel machines at the Narragansett track.





Besides being what the *N. Y. Daily Mirror* calls 'a musical treat,' **"STARS OVER BROADWAY"** serves to introduce to moviegoers two popular young radio singers, James Melton and Jane Froman, in debuts presaging great cinema futures for both. Warner Bros. have surrounded their newest stars with a great cast led by Pat O'Brien, Jean Muir, Frank McHugh, a colorful story, and the usual superlative direction of William ('G-Men') Keighley. Released Nov. 23rd for Thanksgiving week.

Five Houses Going Up in Greater N.Y.

(Continued from page 1)

erated by an unnamed independent circuit when it is opened next week.

Plans have been filed for a new theatre at Broadway and 96th St. on the site of a church. The Dick Meyer Construction Co., has made known its intentions to build in Woodside, L. I., on 31st Ave., from 51st to 54th Sts.

David Manheimer has taken over the Alben, Brooklyn, and Paul Joseph has acquired Moe Rosenberg's interest in the West End, Newark. The Lido, Yonkers, is being remodeled after a small fire recently. Leff & Meyers have reopened the 72th St. Playhouse as the Granada. Stanley W. Lawton will handle bookings for the Lyric, on West 42nd St., when the landlords relight the theatre. He has the Wallack and George M. Cohan.

Barr Brothers have taken out the projectors and removed the seats from the Peerless, Brooklyn. Mathew Chrystamos will reopen the Park, New Hyde Park, L. I. Rugoff & Becker are operating the new 600-seat theatre at 4301 Ave. D., Brooklyn. Pearl Amusement Co. will reopen the Orpheum, Newark, with vaudeville and pictures. L. Windisch, president, and Howard Lesser, vice-president of Ideal Amusement Co., will open the Mermaid, Coney Island, soon. Theodore Gluck is the new operator of the Park, East Orange, N. J.

Max Rudnick, who operates the Eltinge on West 42nd St., has acquired the State, Albany. It will be renamed Follies.

Move Against Warner Meeting Set Nov. 27

(Continued from page 1)

junction to prevent the holding of the Warner meeting. Judge Byers has issued an order for Warners to show cause why this stay should not be granted.

Warner attorneys have applied for a counter order to have Clougherty show cause why the case should not be dismissed on the ground that the court has no jurisdiction in the matter and none of the parties involved reside in the district. The point was argued and decision was reserved pending the filing of briefs before Nov. 25.

Trendle to Build 5 Detroit Houses

(Continued from page 1)

it has been learned that one will be near the Eastown, formerly operated by Trendle, but now under the Wisper & Wetsman banner. Transfer of the Eastown to W. & W. became involved in court. Wisper bought the bonds for the building, while Trendle was negotiating with the bondholders for a renewal of his contract to operate the house.

Trendle says the recent agreement he reached with Paramount for operation of its houses here runs until July 1, 1940.

Sixth Bluebook on Projection Issued

(Continued from page 1)

mental sciences represented in the projectionists' craft, such as electricity and optics, receive theoretical attention as well as practical application to the everyday problems and processes of projection and sound reproduction. There are 32 chapters, and in addition, sections devoted to definitions of technical terms, mathematical quantities, etc.

Making the volume particularly handy for reference as well as for general study, is a system of paragraph identification designed to facilitate cross-reference and the finding of the answers to the study questions which precede each chapter.

This edition of what has become through the years a standard work on projection, is published by the Quigley Publishing Co. It is handsomely printed on coated paper and is profusely illustrated with diagrams and photographic reproductions.

In a foreword, Adolph Zukor, pioneer producer and chairman of the board of Paramount Pictures, Inc., gives glowing recognition to the part the skilled projectionist plays in the effectiveness of the motion picture as an amusement medium. Richardson has dedicated the book to the IATSE and MPMO, with the approval of George E. Browne, international president of the organization.

Kent Is Called in Para. Stock Suit

(Continued from page 1)

be subpoenaed up to yesterday, contended that neither he nor other defendants could be required to submit to examination by the trustees in bankruptcy now that Paramount has been reorganized and is operating as a new company. Judge Coxe overruled this contention in denying Wiseman's motion to vacate the subpoena. Indications are, however, that Wiseman will seek an appeal from Judge Coxe's ruling in the U. S. Circuit Court of Appeals.

The examination of Wiseman is scheduled to begin tomorrow before Special Master John E. Joyce, but will be postponed if a decision to appeal to the higher court is made.

Union Merger Delay Until New Year Seen

(Continued from page 1)

Manhattan Opera House. Routine matters only were discussed. No mention of the three-union amalgamation was made. The next meeting on Dec. 4 will be held in Brooklyn.

Cross picketing is virtually out with the exception of the State and Astor theatres on Broadway. Allied has its sandwich men parading the former house while Local 306 has its pickets at the Astor. This is not regarded as serious and in no way affects the merger talks, it was stated.

Consolidated to Pay 25c

Consolidated Film Industries has voted a dividend of 25 cents a share on the $2 preferred, payable Jan. 2. On Oct. 1, when the last payment was made, the arrears totaled $4 per share.

Davey Assures Ohio ITO 3% Tax Will Stay

(Continued from page 1)

by having an unencumbered balance of $10,000,000 Jan. 1. This was greeted with cheers.

Other banquet speakers included Toastmaster William M. James, George W. Weeks, general sales manager for G.B.; Carlton Dargusch, vice-chairman of the Ohio Tax Commission; Sidney Samuelson, who issued an invitation to the Allied Bermuda trip Dec. 7; Attorney General John W. Bricker, Lieut. Gov. Harold Mosier, Edward Golden, Republic sales head, and President Martin Smith.

A floor show featured the evening's program.

During the afternoon session of the convention P. J. Wood, business manager, told members amendments to the tax act would be sought to provide a 10 per cent penalty when the tax is not paid by the 10th of each month. The Tax Commission, he said, is now auditing theatre accounts with a view to filing suits for damages where false reports are found.

Officers Reelected

All officers were unanimously reelected at today's session. They are: President, Martin L. Smith, Toledo; vice-president, Sam E. Lind, Zanesville; treasurer, M. B. Horwitz, Cleveland; secretary, P. J. Wood, Columbus.

Charles Weigel of Cincinnati was named to succeed Elmer Shard as a director. Other directors are: Henry Greenberger and John Kalafat, Cleveland; Robert Menches, Akron; J. R. Neth and Max Stearn, Columbus; F. W. Huss, Jr., Cincinnati; John A. Schwalm, Hamilton; R. E. Myers, Chillicothe; L. F. Eick, Martins Ferry; Nat Charnas, Toledo; Henry Bieberson, Delaware; Harold Bernstein, Norwood; John Pekras, Elyria.

Following the election, Abram F. Myers and Sidney Samuelson addressed the delegates at a closed conference. Adjournment followed.

Republic Will Not Act on Long Reels

Republic Pictures probably will take no action on the adoption of a standard 2,000-foot reel scheduled for next April 1 and approved by all major companies with the exception of Universal, it was stated yesterday.

A company official pointed out that Republic could not commit its distributors to the changeover and that each would decide the question individually. The opinion was advanced that while Republic might favor adoption of the new reel at the studio, many of its individual distributors might be opposed to incurring the expense involved in effecting the changeover at the exchanges.

Republic Set in India

Republic has completed arrangements for distribution of its 1935-36 program, with westerns and serials, in India, Burma and Ceylon through the newly-formed Republic Pictures Distributors, Wakefield House, Fort, Bombay, India.

New Taxes at Next Session Unlikely

(Continued from page 1)

prior to which time, the President told the mayors, a conference will be held on the question of overlapping taxes with a view to the enactment of legislation ending the present conflict between Federal, state and local taxes. Such legislation would in all probability divide the various tax fields among the three governmental units, leaving to one or the other such taxable items as admission, now in some places subject to levies from all three.

Talk Washington Tax

WASHINGTON, Nov. 20.—Possibilities of a local admission tax in Washington theatres were laid before the District of Columbia commissioners today at the opening of discussions of new taxes which may be needed under the 1937 budget.

Recommendations for tax legislation to be asked of Congress will be developed by a tax committee, the suggestions of which will be submitted to the District Commissioners for further study.

New GTE Plan Is Approved by Court

(Continued from page 1)

Chase National Bank. Under the settlement Chase National Bank, Amerex Holding Corp., directors and officials of the bank and those associated with the bank in financing General Theatres will be released from obligations.

Chase Bank will reduce its claim against the corporation by $3,462,767.14 and Amerex is to surrender to the receiver debentures of General Theatres amounting to $1,500,000 face value, plus interest coupons.

The All-Continent Corp., large creditor of General Theatres, today withdrew its objections to the plan of reorganization and settlement, leaving as the sole objector Bessie Cohen of New York, holder of $2,000 in bonds.

In his decision Wolcott authorized solicitation of deposits. The mechanics of reorganization will be started at once by the reorganization committee which represents about $12,000,000 in General Theatres debentures.

Loew Club to Entertain

Loew's and M-G-M employes to the number of 1,000 will hold their first annual autumn festival under the auspices of the Loew-Metro Club at Mecca Temple Friday night. An amateur show will be presented by club members and the Martin Quigley baseball championship trophy will be awarded to the Loew-Metro team.

Jay C. Flippen will act as master of ceremonies. Max Wolff, president of the club, is in charge of arrangements.

Snell to New York

HOLLYWOOD, Nov. 20.—Paul Snell, Pioneer publicity head, left for New York by plane today for conferences at the RKO home office on Pioneer's two remaining color films for this season. He is due back here Dec. 2.

Lenauer Gets Three

Lenauer International Films, Inc., has acquired a European short on the Ethiopian-Italian war and two Austrian travelogues, "Winter in Austria" and "High School of Skiing."

QUALITY PLUS

OF ALL the reasons for adopting a new raw film, photographic quality... what the audience sees on the screen... ultimately stands supreme. That explains why the great majority of today's motion pictures are being made on Eastman Super X Panchromatic Negative. Speed, fine grain, versatility... all of these are overshadowed by the fact that Super X gives to the world's screens *quality plus.* Eastman Kodak Co., Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Short Subjects

"Amateur Theatre of the Air, No. 4"

(Biograph-Radio)

The pick of the amateur field, as in the earlier numbers of this series, make the standard of entertainment that is most likely to please a great audience. In this one there is to be seen a pioneer act, a duet, tap dancing, a Harlem "rent party." Finally the camera takes the audience into the studio where auditions are being held. Concluding Major Bowes tells of the talent that is waiting for a chance to perform. Recommended. Production Code Seal No. 0,660. Running time 18½ mins. "G."

"Gentlemen Sports"

(Van Beuren-Radio)

If Bill Corum had a million and someone asked him what sports he would indulge in, he probably would answer that he would like to have a string of race horses and travel around the country with them. That is the start. Then he reviews the Hambletonian at Goshen, billiards, trap and skeet shooting, gliding as done by young DuPont and winds up with Gar Wood racing his motor boat. It is an interesting short offering and its variety should appeal to a great audience. Recommended. Production Code Seal No. 0681. Running time 11 mins. "G."

Tivoli Loses Move To Quash Fox Suit

In a suit for $4,800 brought by Fox Film against the Tivoli Theatre Co., Justice Albert denied a motion by defense counsel to dismiss the complaint. "On the papers submitted there is an issue as to whether the plaintiff is entitled to receive the entire sum claimed," the court ruled. "The motion for summary judgment is therefore dismissed."

Lawrence S. Bolognino, vice-president of Tivoli, said the suit is based on a contract of Nov. 15, 1934, for a percentage of the profits allegedly made from 58 films as well as receipts from "The Little Colonel" and "Bright Eyes."

A motion to dismiss the complaint in a contract action brought by Fox Film against Springer & Cocalis was denied yesterday in the Supreme Court by Justice Albert Cohn. An affidavit submitted by Jack W. Springer, president of the circuit, and vice-president of Trio-Consolidated Theatres, also a defendant, said Fox had brought suit on a contract of Oct. 24, 1934, and that the plaintiff claims a percentage of net profits allegedly made on the showing of from 40 to 52 films in 28 houses.

He said Fox is also suing for a share of the receipts from "The Little Colonel" and "Bright Eyes." The case will go to a jury.

Friends Bury Hygo Golitz

Boston, Nov. 20.—Hygo Golitz, 81, who has been credited with introducing Ignace Paderewski and Jan Kubelik in this country, was saved from burial in the city burial lot today through the generosity of friends. Interment was at Mount Hope Cemetery.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Story of Louis Pasteur"

(Warners)

Hollywood, Nov. 20.—So absorbing is this theme that the film is sure to win terrific word-of-mouth endorsement, although audience disinterest in the serious and technical side of the medical profession should be anticipated by a campaign stressing Pasteur's heroic struggle against the political machinations of jealous doctors and deadly germs.

Chemist Louis Pasteur was one of the first men to discredit the then incredible idea that "wee beasties" discernible only under the microscope were responsible for human ailments. Paul Muni lends intensity to the role of a man whose fight against careless doctors and unsterilized instruments brought first laughter, then hatred, and then persecution from orthodox medicos. The appalling number of women dying in childbirth is blamed by Muni on septic poisoning. An altercation with a court doctor results in virtual banishment by the Emperor. Recognition begins when his anthrax anti-toxin saves thousands of sheep dying of the plague. There is a dramatic climax with the saving of 20 patients who are doomed to die in the hideous convulsions of hydrophobia and public recognition of his service to mankind.

Muni is convincing as the fanatic searcher into the secrets of murderous maladies. Josephine Hutchinson is telling as his understanding wife. A slight thread of romance is carried on by Anita Louise as Pasteur's daughter and Donald Woods as a young researcher.

The excellent cast, deserving special commendation, includes Fritz Leiber, Henry O'Neill, Porter Hall, Raymond Brown, Akim Tamiroff, Halliwell Hobbes, Frank Reicher, Dickie Moore, Ruth Robinson, Walter Kingsford, Herbert Corthell and Iphigenie Castiglioni, under the direction of William Dieterle.

The story and screen play by Sheridan Gibney and Pierre Collings rearranges the events of Pasteur's life for dramatic emphasis, but gives a faithful portrait of the man and the main events.

The endorsement of medical boards, newspaper editorials, comment from teachers and preachers should be had for the asking. Also tieups from distributors of foodstufs which used to spread more death than war before Pasteur discovered sterilization by heat. A proper advance campaign should help bring exceptional returns.

Production Code Seal No. 1,551. Running time, 85 minutes. "G."

Looking 'Em Over

"Two Hearts in Harmony"

(Associated British Pictures)

London, Nov. 12.—This was made by Time Prod., an independent unit. If it can maintain the same entertainment level in future efforts America may expect a new line of definitely good programmers from England. There is real brain work in "Two Hearts in Harmony," which hasn't cost much but is of convenient second feature length.

Bernice Claire and George Curzon are starred in a story of a cabaret singer who, more or less accidentally, becomes governess to a peer's son. Her double life is discovered by her employer, a widower, and the attempted mischief-making of his gold-digging fiancee insures that the wedding bells do not ring until after much amusing and tuneful incident. High spots are Miss Claire's singing, a very effective introduction of marionettes and an amusing study of the peer's too mature son. There is a healthy supply of American in the dialogue and the English is all understandable.

William Beaudine has directed a neat blend of sentiment, humor and popular music with just the right light touch. Lots of more ambitious British films have been lots inferior to this.

Running time, 55 minues. "G."

Allan.

Jack Cohn on Coast

Hollywood, Nov. 20.—Jack Cohn of Columbia arrived here from New York today. It is understood he will conclude the arrangement for an executive studio post with Harold B. Franklin.

RKO-Goldwyn Deal

Hollywood, Nov. 20. — Samuel Goldwyn has closed with RKO for his current product, to play the Hill Street Pantages first run in Los Angeles. Goldwyn sold his program to Warner earlier for the outlying territory.

Wall Street

Small Losses Mark Stock Trading

	High	Low	Close	Net Change
Columbia	73½	69⅛	69¾	—2¾
Consolidated	5½	5⅜	5⅜	— ⅛
Consolidated, pfd	19¼	18¼	18¼	—1¼
Eastman Kodak	171	171	171	—1
Eastman, pfd	155¼	155	155	.....
Loew's, Inc.	54	52⅛	53¼	— ½
Paramount	9⅝	9¼	9¼	— ¼
Paramount 1 pfd	79	78¼	78¼	— ¾
Paramount 2 pfd	11⅝	11⅜	11⅜	— ⅛
Pathe Film	6⅜	6	6	— ⅛
RKO	5½	5⅛	5⅛	— ¼
20th Century-Fox	20¾	19½	19½	—1⅛
20th Century, pfd	28⅛	28⅛	28⅛	— ⅜
Universal, pfd	53¾	53½	53¾	+ ¼
Warner Bros.	9⅛	8⅝	8⅝	— ⅜
Warner, pfd	49¾	48	48	—1½

Technicolor Up on Curb

	High	Low	Close	Net Change
Sentry Safety	⅞	11/16	¾	— ⅛
Sonotone	2½	2⅜	2½	— ⅛
Technicolor	18¼	17¾	18¼	+ ¼
Trans-Lux	4⅜	4¼	4¼	— ⅛

Bonds Show Improvement

	High	Low	Close	Net Change
General Theatre 6s '40	15⅞	15½	15⅞	+ ½
General Theatre 6s '40 ctf	16½	15½	16	+ ½
Keith B. F. 6s '46	94¾	94½	94½	+1
Loew's 6s '41 ww deb rights	104½	104½	104½	+ ¼
Paramount B'way 3s '55	60	60	60	.....
Paramount Pict. 6s '55	92¾	92⅛	92½	— ¼
Warner Bros. 6s '39 wd	88½	88⅛	88⅛	+ ⅛

(Quotations at close of Nov. 20)

Pathe Wins Boston Suit for Exchange

Boston, Nov. 20.—Pathe Film Corp. scored a double barreled victory today when Judge Dowd in Superior Court handed down a judgment in favor of the company and at the same time dismissed an alleged conspiracy claim filed by American Film Exchange.

Pathe instituted suit some time ago against American Film Exchange on defaulted notes aggregating $21,340.25, which had been advanced for certain Chesterfield and Invincible pictures. In a counter suit against Pathe, American Film claimed that an alleged conspiracy existed between Pathe and First Division to bring about a default on the notes.

In rendering his decision, Judge Dowd said: "The respondents were at all times conscious of the aforementioned wrongful withholding of said monies in violation of the terms of the aforesaid agreement."

As a result, Pathe assumes possession of the exchange, its accounts and accessories. First Division will most likely take over operation.

Phillips & Nizer of New York and Mitter, McClellen & Fish of Boston represented Pathe, while Edward Johnson represented American Film.

Negotiations between Pathe and First Division whereby the latter assumes operation of the American Film Exchange in Boston are expected to be completed within a day or so. Meanwhile, Pathe representatives will manage.

St. Louis, Nov. 20.—Andy Dietz of Superior Pictures has closed with First Division to represent the company locally. The first important First Division deal closed by Dietz is the booking of "Mimi," a B. I. P. film, into the Fox, F. & M. first run house on Grand Ave.

"Mutiny" Tops Heavy Pickup In Pittsburgh

PITTSBURGH, Nov. 20.—Last week was the biggest downtown Pittsburgh has seen in years, the Army-Pitt football week-end, the Variety Club banquet and the Armistice Day holiday bringing into town thousands of visitors bent on spending. As a result, grosses everywhere skyrocketed and the five first runs doubled average.

At the Penn, "Mutiny on the Bounty" smashed all sorts of records, rolling up a phenomenal $28,000. Because this house has more product than it can use, "Mutiny" wasn't held over here, but was sent to the Warner for a run at the same scale. Guy Lombardo's band on the stage and "Hands Across the Table" on the screen brought a great $28,000 to the Stanley and "Metropolitan" gave the Fulton its best week since it reopened at $7,000.

The Alvin had Mayor McNair in person as a stage magnet, and with "The Gay Deception" on the screen, the gross was around $12,000.

The Warner profited by the general upturn, turning in $6,000 with "The Last Outpost" and "The Virginia Judge."

Total first run grosses were $81,000. Average is $45,500.

Estimated takings for the week ending Nov. 14:

"THE GAY DECEPTION" (Fox)
ALVIN—(2,000), 26c-57c, 6 days. Stage: Mayor McNair in person, Annie, Judy and Zeke, Red Donahue and mule, Beehee and Rubyat, Five Rileys, Billy Yates, Jerry Mayhall's orchestra. **Gross:** $12,000. (Average, $10,000)

"METROPOLITAN" (Fox)
FULTON—(1,750), 16c-42c, 6 days. **Gross:** $7,000. (Average, $4,000)

"MUTINY ON THE BOUNTY" (M-G-M)
PENN—(3,300), 26c-42c, 6 days. **Gross:** $28,600. (Average, $10,000)

"HANDS ACROSS THE TABLE" (Para.)
STANLEY — (3,600), 26c-57c, 6 days. Stage: Guy Lombardo's band, Allen and Kent, Eddie White, Liazeed Arabs. **Gross:** $28,000. (Average, $16,500)

"THE LAST OUTPOST" (Para.)
"THE VIRGINIA JUDGE" (Para.)
WARNER — (2,000), 26c-42c, 6 days. **Gross:** $6,000. (Average, $5,000)

Pettengill Praises Legion Drive Result

BOSTON, Nov. 20. — Development of a better public opinion as a result of the Legion of Decency drive has resulted in a marked improvement of films during the past year, Congressman Samuel Pettengill told about 200 persons at a luncheon sponsored by the Massachusetts Civic League today. Pettengill urged support of his anti-block booking bill.

Stephen Cabot, honorary vice-president of the Civic League, presided.

Discuss Rogers Tag Day

BOSTON, Nov. 20.—A Will Rogers Tag Day in Massachusetts to raise money for the memorial fund has been approved by the state committee in charge of the project. P. A. O'Connell has been named general chairman of the committee, with Joseph Brennan, M.P.T.O.A. business manager, heading the film committee; John Shepard, 3rd, Yankee Network head, the broadcasting committee, and Chas. Fox, city auditor, the Boston City Committee.

"My Life," "King" $12,000, Montreal

MONTREAL, Nov. 20.—"I Live My Life," topping a dual with "King Solomon of Broadway," was outstanding at the Palace. It took $12,000.

Loew's had a good week with "The Irish in Us" and "The Payoff" on the screen and a vaudeville unit which drew $11,500.

The gross at the Capitol was $8,500, with "Hands Across the Table" and "Born for Glory," while the second week of "Barbary Coast" at the Princess registered $5,500 after a first week at $9,000. Stormy weather during a part of the week hit grosses.

Total first run business was $42,000. Average is $41,500.

Estimated takings for the week ending Nov. 16:

"HANDS ACROSS THE TABLE" (Para.)
"BORN FOR GLORY" (G.B.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)

"PASTEUR" (French)
"EN MARGE DE LA VIE" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "Du Broadway a Paris." **Gross:** $4,500. (Average, $3,500)

"THE IRISH IN US" (F.N.)
"THE PAY-OFF" (F.N.)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Passing Review of 1936." **Gross:** $11,500. (Average, $10,500)

"I LIVE MY LIFE" (M-G-M)
"KING SOLOMON OF BROADWAY" (Univ.)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $12,000. (Average, $11,000)

"BARBARY COAST" (U.A.)
"ORCHIDS TO YOU" (20th-Fox)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $5,500. First week: $9,000. (Average, $7,000)

Only One Cut Made By Bay State Board

BOSTON, Nov. 20.—A foreign film, "La Crise Est Finie" ("The Depression is Over"), was the only feature out of 45 to be cut by the Department of Public Safety in the latest group to be passed under the Sunday laws. A single bit of dialogue in the third reel was the only thing eliminated from the French feature.

"Mutiny on the Bounty" was entirely approved, as were "I Found Stella Parrish," "Peter Ibbetson," "Remember Last Night" and "Thousand Dollars a Minute."

Vaudeville did not fare so well. Seven acts were modified so as to comply with regulations. Two were banned entirely and 11 were given a clean bill.

"Thanks" Center's Best Bet, $28,500

With a gross of $28,500 for the first seven days, "Thanks a Million" chalked up more than three times the intake of any picture shown at the Center since its opening the last week in October.

Another good grosser was "Three Kids and a Queen," which tallied approximately $20,000 in the five days of the second week at the Roxy. "It's in the Air," during its fortnight at the Astor, garnered in the neighborhood of $14,000, of which $9,000 is credited against the first week.

Ostrer to Marry

LONDON, Nov. 12.—David Ostrer, in charge of G. B. exports, is to marry Baroness Ingeborg Edle von Wildenkrow.

"Mutiny" Grosses $8,000, Portland

PORTLAND, Nov. 20.—"Mutiny on the Bounty" was the outstanding attraction of the week. It piled up $8,000, over normal by $3,000 and other box-offices also took on new life.

In its second week at the Paramount, "Hands Across the Table" grossed another $6,000, over par by $1,000.

"The Return of Peter Grimm" at the Mayfair was over normal by $1,000.

Total first run business was $30,000. Average is $24,700.

Estimated takings for the week ending Nov. 17:

"I FOUND STELLA PARRISH" (W.B.)
BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LOVE ME FOREVER" (Col.)
(2nd run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $1,700)

"RETURN OF PETER GRIMM" (RKO)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000)

"METROPOLITAN" (Fox)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"HANDS ACROSS THE TABLE" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

Court Sees "Ecstasy"

Judges Manton, Swan and Hand of the Circuit Court of Appeals yesterday viewed "Ecstasy," Czechoslovakian film banned by verdict of a jury recently. Arguments on the appeal, taken by Eureka Prod., will be heard today.

"Top Hat" Piles Up $8,000, Charlotte

CHARLOTTE, N. C., Nov. 20.—"Top Hat" topped the list with a take of $8,000, exactly double average in a six-day run at the Carolina. "Three Musketeers" was the only other picture to break average with $2,000, or $500 over par.

At both night performances, practically every night in the week, all seats were taken at the Carolina.

Total first run business was $14,000. Average is $11,000.

Estimated takings for the week ending Nov. 16:

"I FOUND STELLA PARRISH" (F.N.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $3,000. (Average, $4,000)

"TOP HAT" (Radio)
CAROLINA—(1,400), 25c-40c, 6 days. **Gross:** $8,000. (Average, $4,000)

"WAY DOWN EAST" (20th-Fox)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

"THREE MUSKETEERS" (Radio)
IMPERIAL — (949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)

Kuykendall in N. O.

NEW ORLEANS, Nov. 20.—Ed Kuykendall, M.P.T.O.A. president, and David Palfreyman of the Hays office, are here endeavoring to get support for a self-regulation organization in the industry. Independents are said to scout the idea. An exhibitor meeting has been set for Thursday.

Variety Club to Elect

DETROIT, Nov. 20.—Variety Club of Detroit will elect officers for the coming year on Dec. 2.

LOWELL THOMAS
WILL BE THE SPEAKER AT THE
A. M. P. A.
TODAY
AT
JACK DEMPSEY'S
AS USUAL - - 12:45

"Musketeers" Best Detroit Bet, $12,600

DETROIT, Nov. 20. — "The Three Musketeers" led a box-office pickup here last week by going to $12,600 at the RKO Downtown. This betters normal by $2,600.

"It's in the Air" was in the money at $22,400, which bettered the Michigan's normal take by $2,400. "Daughters of Today" pulled a good $3,600 at the Lafayette, but other spots felt the competition.

Total first run business was $70,800. Average is $67,500.

Estimated takings for the week ending Nov. 15:

"THIS IS THE LIFE" (20th-Fox)
"BAD BOY" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,200. (Average ,$5,000)

"FEATHER IN HER HAT" (Col.)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $16,300. (Average, $15,000)

"IT'S IN THE AIR" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $22,400. (Average, $20,000)

"DR. SOCRATES" (W. B.)
"CASE OF THE LUCKY LEGS" (F. N.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000)

"THE CRUSADES" (Para.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 2nd week. **Gross:** $8,100. (Average, $10,000)

"DAUGHTERS OF TODAY" (St. Rights.)
LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $3,600. (Average, $2,500)

"THE THREE MUSKETEERS" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $12,600. (Average, $10,000)

"Bounty" a $10,000 Wow in Louisville

LOUISVILLE, Nov. 20.—"Mutiny on the Bounty" at Loew's State was a smash hit and grabbed top honors to the tune of $10,000, which is overboard by $5,500.

The only other house to make much of an impression was the National which had the best week of its history, with the unit presented by Weaver Bros. & Elviry being responsible for the draw. The gross was $7,800, which is over par by $4,800.

Other houses didn't cut much figure, and had to be satisfied to get just about average business.

Total first run business was $30,300. Average is $18,500.

Estimated takings for the week ending Nov. 14:

"THREE KIDS AND A QUEEN" (Univ.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,200. (Average, $3,500)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $10,000. (Average, $4,500)

"THE LAST OUTPOST" (Para.)
"SHIP CAFE" (Para.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,500)

"RED SALUTE" (U. A.)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,000)

"I LIVE FOR LOVE" (W. B.)
"THE PAYOFF" (F. N.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,500)

"WITHOUT CHILDREN" (Liberty)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Weaver Brothers and Elviry, the Four Clovers, McNally Sisters. **Gross:** $7,800. (Average, $3,000)

"THE EAGLE'S BROOD" (Para.)
"DIAMOND JIM" (Univ.)
"OLD MAN RHYTHM" (Radio)
"JALNA" (Radio)
ALAMO—(900), 15c-25c, 7 days, split week. **Gross:** $1,200. (Average, $1,400)

Out Hollywood Way

HOLLYWOOD, Nov. 20.—Radio lifts options on contracts of BETTY GRABLE, player; EDWARD KELLY and WILLIAM HAMILTON, co-directing team, and JAMES GOW and EDMUND NORTH, writing team . . . CHRISTOPHER MANN, agency head, here for talks with producers . . . JOE SHEA moves his publicity staff into new Selznick bungalow on the Pathe lot . . . DON STEVENS and SPEED WESTFALL, gliding experts, with M-G-M unit on "Airminded."

TAY GARNETT'S round-the-world trip start delayed to Nov. 24 . . . JOE SCHENCK, BARON LONG, WILLIAM SLAVENS MCNUTT, WILLIAM SEITER, JOHN FORD, JAMES CAGNEY, CECIL B. DEMILLE, TOM REED, LEWIS STONE, RICHARD ARLEN, HOWARD HUGHES, HARRY COHEN, CARL GOETZ and POLLY MORAN to sail with him as far as Catalina in their boats.

HUGH WALPOLE and ALEXANDER WOOLLCOTT on sidelines for start of "Little Lord Fauntleroy" . . . Warners loan MARGARET LINDSAY to Radio for "The Indestructible Mrs. Talbot" . . . Paramount has five players on the sick list—ADOLPHE MENJOU, VEREE TEASDALE, HELEN MACK, MAE WEST and IDA LUPINO . . . WILLIAM LEBARON also is out.

JOHN BOLES gets new term contract at Twentieth Century-Fox . . . NORMAN TAUROG home sick with the flu . . . FRANCIS LEDERER recovering from tonsil operation at Palm Springs . . . Republic planning serial based on "Robinson Crusoe" . . . LIONEL BARRYMORE gets new term contract from M-G-M . . . RICHARD BOLESLAWSKI signed by M-G-M to direct "Three Godfathers". . . JEROME KERN signed by Radio to do score of "I Won't Dance," next for FRED ASTAIRE and GINGER ROGERS.

✚

Casting—HELEN WOOD in lead of "Captain January," Twentieth Century-Fox . . . HENRY STEPHENSON signed by DAVID SELZNICK for "Little Lord Fauntleroy" . . . PATRICIA ELLIS replaces JUNE TRAVIS in "Snowed Under," Warners . . . Completed cast for "Red Apples," Warners, is: GENE and KATHERINE LOCKHART, SPRING BYINGTON, JOHN ELDREDGE and ALMA LLOYD . . . LUISE RAINER set for role in "The Good Earth," M-G-M.

LEE TRACY, MONTAGU LOVE and JIM THORPE signed for "Sutter's Gold," Universal . . . MATTY KEMP in "Captain Commanding," same studio . . . BILLY BLETCHER and DAVE THURSBY added to "Divot Diggers," an Our Gang comedy . . . LOUISE FAZENDA in "Colleen," Warners . . . GEORGE BRENT and GENEVIEVE TOBIN leads in Warners' "Snowed Under."

✚

Writers—JAMES KNOX MILLEN to do adaptation and screenplay for B. F. ZEIDMAN'S "The Gold Bug" . . . A. M. BOTSFORD assigns DORIS MALLOY to script of "Too Many Parents" and JOHN FRANCIS LARKIN and HARRY RUSKIN to "Daughters of Alma Mammy". . . GEORGE SEATON and ROBERT PIROSH collaborating on "The Return of Jimmy Valentine," Republic . . . JOHN FRANCIS LARKIN sells an original, "Fashion Spy," to Paramount . . . LES GOODWINS, writer, promoted to directorship at Radio and assigned a two-reeler.

✚

Title Changes—Warners' "Enemy of Man" now called "The Story of Louis Pasteur" . . ."Three Men on a Bench" final title for HAL ROACH'S "Alone, Alas!"

✚

Story Buy—WILLIAM JACOBS' "Treachery Rides the Trail" bought by Warners for DICK FORAN western.

Canadian Managers Move

TORONTO, Nov. 20.—General shifts have just been made among Famous Players Canadian managers in Toronto, Hamilton and Windsor.

With the re-opening of the Family in Toronto's Kew Beach section, Fred Trebilcock, former assistant at the downtown Imperial, has been placed in charge of the new spot. Hugh Callender, treasurer at the Imperial, has been transferred to the Hippodrome, Toronto.

Robert Knevels, Capitol, Hamilton, replaces William Scott as manager of the Windsor Capitol, Scott taking over the Tivoli at Hamilton where O. Spencer previously had presided. Spencer has been appointed manager of the Capitol in Hamilton.

Lead to Barrymore

HOLLYWOOD, Nov. 20.—M-G-M has assigned the leading role in "It Can't Happen Here" to Lionel Barrymore. The picture will be made from the Sinclair Lewis novel.

Iowa Sunday Shows Lose

GRUNDY CENTER, Ia., Nov. 20.—Sunday shows were defeated for the third time in a special election here Nov. 18. The vote was 339 for and 458 against.

Form New Ad Firm

HOLLYWOOD, Nov. 20.—Incorporation papers have been filed by Jack Hess and Lou Greenspan for Motion Picture Advertising Co. The Union Lithograph Corp. of San Francisco and Los Angeles are affiliated with the concern.

Two competitors in the film pressbook field, Mitchell & Herb Engraving Co. and Woolaver Bros. will discontinue contracting for manufacture of pressbooks and accessories, but have been given a two-year contract with M.P. Advertising to manufacture all mats, stills and slides for the organization. All existing contracts held by the two companies have been turned over to the new outfit.

Beano Brings Mass. Fine

BOSTON, Nov. 20.—Dr. Thomas O'Connell, vice-president of the Brookline Hospital, has been found guilty of running a lottery by Judge Daniel Gillen in Municipal Court. The charge grew out of a Beano party sponsored by the hospital. An appeal has been filed from a fine of $50.

Young Reaches London

LONDON, Nov. 12.—Robert Young has arrived to play for G. B.

"Mutiny" Is $21,000 Wow, Kansas City

KANSAS CITY, Nov. 20.—"Mutiny on the Bounty" at Loew's Midland grossed $21,000, $9,500 over normal, and was held. Manager John McManus backed the show with heavy promotion, including the largest cooperative space the theatre ever has used—1,000 lines with Jones Store on Philco radios.

"Welcome Home" hit normal with $7,000 at the Tower, while "Special Agent" at the Newman took $8,000, over par by $1,000. "The Three Musketeers" grossed $6,800 at the Mainstreet, $1,200 under normal, and the Uptown's two features—"King Solomon of Broadway" and "The Affairs of Susan"—brought in $3,400, $100 under the line.

Total first run business was $46,200. Average is $36,000.

Estimated takings:

Week Ending Nov. 14:

"MUTINY ON THE BOUNTY" (M-G-M)
MIDLAND — (4,000), 25c-40c, 7 days. **Gross:** $21,000. (Average, $11,500)

"SPECIAL AGENT" (W.B.)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"WELCOME HOME" (Fox)
TOWER—(2,200), 25c-35c, 7 days. Stage: Jack Carson & Co., Sylvia & Clemence, Gus Mulcay, Walter Nilsson, Milt Parks. **Gross:** $7,000. (Average, $7,000)

"THE THREE MUSKETEERS" (Radio)
MAINSTREET (3,100), 25c-40c, 7 days. **Gross:** $6,800. (Average, single bills, $8,000)

Week Ending Nov. 15:

"KING SOLOMON OF BROADWAY" (Univ.)
"AFFAIRS OF SUSAN" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)

"Opera" $12,000 in St. Louis Holdover

ST. LOUIS, Nov. 20.—"A Night at the Opera" was slightly under expectations for the last six days of a two-week run at Loew's State with a $12,000 tally. This is the average business for seven days and it was expected that the last six days would bring in about $14,000. The first week's business of $25,000 was heavy. With their $12,000 gross, the Marx comics had the laugh on the town as far as other spots were concerned.

"The Melody Lingers On" and "Atlantic Adventure" at the Fox rated second place with a take somewhere around $10,000. This is above the house's average of $9,000.

Total first run business was $44,625. Average is $46,000.

Estimated takings for the week ending Nov. 14:

"HIS NIGHT OUT" (Univ.)
$1,000 A MINUTE" (Republic)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. **Gross:** $8,575. (Average, $10,000)

"MELODY LINGERS ON" (U.A.)
"ATLANTIC ADVENTURE" (Col.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $10,250. (Average, $9,000)

"NIGHT AT THE OPERA" (M-G-M)
LOEW'S STATE—(3,162), 25c-35c-55c, 7 days, 2nd week. **Gross:** $12,000. (Average $12,000)

"I FOUND STELLA PARISH" (W.B.)
"WINGS OVER ETHIOPIA" (Para.)
ORPHEUM—(2,950), 25c-35c-55c, 7 days **Gross:** $8,100. (Average, $8,500)

"THE THREE MUSKETEERS" (Radio)
"LITTLE AMERICA" (Para.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c 7 days. **Gross:** $6,750. (Average, $6,500)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 122 NEW YORK, FRIDAY, NOVEMBER 22, 1935 TEN CENTS

U. S. MARKS TIME; EYES EQUITY CASE

Warner-Ascap Break Viewed As Imminent

Starr Indicates Move Is Close Now

The Warner music subsidiaries' relations with the American Society of Composers, Authors and Publishers are nearing a climax and Warner's decision on withdrawing from membership in Ascap is expected almost daily. No decisive action was taken yesterday, however, by Herman Starr, Warner vice-president, following his attendance at a meeting of Ascap publishers.

Warner's Ascap membership contracts expire the first of next year. Observers believe that, if Warners contemplate withdrawing from the organization, the decision must be made within the next few days in order to set up the company's independent music licensing organization by that time. The Warner music subsidiaries include Harms, Remick, Wit-

(*Continued on page 6*)

Albert Warner Buys Up More Debentures

WASHINGTON, Nov. 21.—A total of 20,958 shares of Warner Brothers six per cent optional convertible debentures were acquired by Albert Warner's holding company "A" during September, according to reports filed with the Securities and Exchange Commission and made public today.

Reports filed with the commission show that at the end of the month he held 63,260 shares of Warner Brothers common directly and 5,988 shares through holding company "A"; 10,618 shares of $3 cumulative preferred stock directly and 4,786 shares through holding company "B," and 1,565,333 convertible debentures directly and 260,478 through holding company "A."

Chairmen Are Named In Federation Drive

The amusement division of the annual drive for funds of the Federation for the Support of Jewish Philanthropic Societies held a luncheon meeting at the Astor yesterday, with David Bernstein presiding in the absence of Major Albert Warner. They will be co-chairmen. Paul Warburg, David Schulte and Lawrence Marx, chairman of the city drive, spoke.

Bernstein announced that the following would serve on the executive

(*Continued on page 6*)

Red Apples

Hollywood, Nov. 21.—Just to show that his heart is in the right place, Mark Larkin, Mary Pickford's press representative, keeps a huge white bowl filled with polished red apples in his office at United Artists.

It takes about 20 a day to supply the drop-in trade, but Mark is determined to fight it out along the same lines all winter.

More Houses For MGM in Foreign Keys

Determined to establish its own overseas show windows where the company regards current representation inadequate, M-G-M is mapping plans for the construction of five new theatres in as many foreign key cities. Arthur M. Loew, head of the organization's foreign sales, stated yesterday sites and amounts have not been determined as yet, but it is believed each one of the five will seat about 1,800 and cost approximately $250,000 to build. Loew refused to discuss where these houses will be built.

About a year ago, the M-G-M board of directors approved the plan to build where the company's product was not being given adequate representation. A budget of approximately $1,000,000 was authorized at the time for the construction of theatres in Santiago, Chile; Lima, Peru; Montevideo, Uruguay; and Rio Janeiro, Brazil. Prior to the adoption of this policy, M-G-M had started construction on its own theatre in Calcutta, India.

The latter house will be ready on

(*Continued on page 6*)

London Hears G.B. May Buy Union Circuit

By BRUCE ALLAN

LONDON, Nov. 21.—Gaumont British, already powerfully entrenched in the theatre field here, is linked in some quarters with reports that it is seeking control of Union Cinemas. A definitely known factor in the situation is that G.B. already has substantial holdings in Union.

The City, London's Wall Street, speculating widely on the reasons behind a sensational rise in Union's ordinary shares from 66/3 shilling to 115 is inclined to credit the buying responsible for the rise with moves to capture control of the circuit. The company, headed by Fred Bernhard, is arranging a floatation of a £3,000,-

(*Continued on page 6*)

"Ecstasy" Appeal Is Denied by Court

The appeal by Eureka Prod. from a District Court decision holding the Czech film, "Ecstasy" to be obscene and immoral was denied yesterday by the Circuit Court of Appeals. The court did not comment on the morals of the film. Assistant District Attorney Edward J. Ennis said the decision was based on the fact that the print shown the court was not the same as shown the jury originally.

It was said Eureka may seek a new trial, using the new print.

Justice Dep't's Course Hinges on Outcome In St. Louis

By BERTRAM F. LINZ

WASHINGTON, Nov. 21. — The course of the Department of Justice with respect to future proceedings will be determined to a large extent by the outcome of the Government's equity action in St. Louis, it was declared today by Attorney General Homer S. Cummings, emphasizing the importance of the action.

The suit follows the recent acquittal of film companies and executives in a criminal action in connection with the alleged conspiracy to refuse first run product to the Ambassador, New Grand Central and Missouri in St. Louis, operated by Fanchon & Marco. The equity action seeks an injunction against the distributors, Paramount, RKO and Warners.

The Government positively will go ahead with the case, Cummings declared, pointing out that the intention

(*Continued on page 6*)

Calls FWC Dividend "Fraudulent" Step

LOS ANGELES, Nov. 21.—Senator William G. McAdoo branded the F. W. C. $8,000,000 dividend a "fraudulent transaction" at the Senatorial Committee bankruptcy hearing here. William H. Moore, one of the three trustees, testified F. W. C. did not have the cash for the dividend, but had an earned surplus of that amount.

McAdoo declared that if the transaction had been legitimate, the Government would have been entitled to income tax. Referee Samuel W. McNabb, following Moore, testified he had no knowledge anything was wrong with the bankruptcy, nor was he aware F. W. C. had turned over

(*Continued on page 11*)

Spitz, on Coast, Says He Plans No Changes at RKO

HOLLYWOOD, Nov. 21.—No changes in the RKO studio physical setup are contemplated, Leo Spitz, new RKO president said in an exclusive interview with MOTION PICTURE DAILY today. He said reports Emanuel Cohen is joining the company are decidedly untrue. "I have not seen Cohen for 11 months, which should settle the question," he declared.

Spitz said he would remain here a month, sitting in on any industry difficulties which may arise, and meeting with the heads of other studios. He said he would have to see what was in work and scheduled before acting on a reduction or increase of the film program.

He said an immediate merger with Paramount is utterly impossible, pointing out the Clayton Act restrictions against such a move as well as the present financial status of both companies.

Roxy Reorganization Under 77B Is Fading

Reorganization plans for the Roxy under 77B of the Bankruptcy Act will be dropped, it is understood. About a year ago, the bondholders' protective committee was successful in having the Federal Court transfer the theatre from its receivership to a bankruptcy status so that a reorganization could be worked out.

With all current taxes paid up and

(*Continued on page 6*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 22, 1935 No. 122

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Union Injunction Move Is Reserved

Justice James C. Cropsey reserved decision yesterday on an action by Estates Operating Co. for a permanent injunction to restrain Allied M. P. Operators' Union from enforcing a contract for the employment of Allied men in the plaintiff's theatres. Estates Operating Co. is the owner of the Garfield, Avon and 16th Street, all in Brooklyn.

Bernard Pear, secretary of Estates Operating, testified that despite the existence of the contract his company never had employed Allied operators. A temporary injunction is now in force against Allied.

Carolina Postpones

PINEHURST, N. C., Nov. 21.—The Theatre Owners of North and South Carolina, Inc., convention, originally slated for Dec. 9, has been postponed to January, date to be determined later.

Brady Quits Fox

HOLLYWOOD, Nov. 21.—Carl Brady, chief auditor of 20th Century-Fox studios, has tendered his resignation after 10 years.

Schenck Returning

HOLLYWOOD, Nov. 21.—Nicholas M. Schenck will be back in New York early next week. He leaves for the east momentarily.

Insiders' Outlook

By RED KANN

ARTHUR W. KELLY, who stepped into the key executive post at the U. A. home office following the resignation of Al Lichtman, now friendly with lions, arrived back in town yesterday from several weeks in California's most highly protected town, Hollywood. He was uncommunicative, but in affable selling mood. He had smiles, plenty smiles, but also few informative answers to questions about this and that appertaining to his company and what may be going on there. The Q. and A. stuff, with the Q's pointed enough if the A's were not, ran something like this:

Q.—Who would be in charge of U. A.'s domestic sales?

A.—Harry Gold is and has been for some weeks past.

Q.—Did that indicate Kelly was withdrawing from the American field to concentrate on executive duties?

A.—No, Kelly would supervise the work of Gold and other sales executives.

Q.—Then no new figure would be brought into the sales organization?

A.—Kelly has plenty of assistants, it seems, and sees no need for more.

Q.—What about presidency?

A.—It is a post that remains to be filled.

Q.—What about that reported deal, the one whereby Sam Briskin would produce for the company?

A.—That's one I haven't heard anything about. It's something that would be handled on the coast.

Q.—Has the Chaplin picture been sold to Arthur Mayer for the new Rialto?

A.—Nothing has been decided on the New York run.

The question box, about this time, fumbled. Kelly was off on a sales talk that discouraged further queries. The Chaplin film is being scored and will be ready for release by the Christmas holidays; then there was the new Cantor picture and another from Goldwyn. Etc., etc. . . .

▼ ▼

Decisions will be made faster and easier at RKO now. Sponsored by John D. Hertz, Leo Spitz, president-elect, in his scattered talks with executives there already has made it quite clear that (1) he is the boss and (2) he will continue to be boss as long as his administration remains in the saddle. He said it nicely and with a smile, but he said it and he meant it. There may not have been any great foresight evidenced by his first move since recognition of the part production plays in the RKO setup or in any other would appear to be obvious in the extreme, but Spitz's current survey of the studio situation marks a sound approach of the RKO problem. When Hollywood bounces on all cylinders, the rest of the worries have a persistent way of receding very quickly into the background. Spitz is on the coast, not on the hunt for sunshine, but for a man in whom centralized studio control can be vested. The individual easily may be Emanuel Cohen. Spitz views the latter's record at Paramount in very favorable light. Hertz always has been keen for Cohen and made a move to have him reinstated after he was let out originally. You don't need much more to swing a deal, bearing in mind as you must that Hertz is with Lehmans, who with Atlas are the new bosses at Radio. . . .

▼ ▼

From the ledgers of the Capital Theatre:

"I Live My Life," week ending October 17—$31,100.

Same picture, second week ending October 24—$21,500.

"Rendezvous," week ending October 31—$36,400.

Same picture, second week ending November 7—$26,500.

"Mutiny on the Bounty," week ending November 14—*$76,300.*

Offered for your reflection without comment because none is necessary, the story which the figures tell being complete and compelling enough. . . .

▼ ▼

Of the last forty-eight features scanned by critical censorial eye in Boston, the shears were applied to one and that in a minor key. The deduction becomes inescapable, therefore, that the tone of the product must be getting better, for certainly censors are not getting less inclined to censor. If a reason is sought for all of this, there is the production code, for instance. . . .

▼ ▼

Sam Goldwyn purchased "The Children's Hour" for a tidy sum, dropped the theme because there was no escape, changed the title to "These Three." Will someone, including Goldwyn, tell this mystified department exactly what, then, the producer bought? . . .

Feature Weekly Is New Republic Plan

HOLLYWOOD, Nov. 21.—Starting Dec. 2, Republic will adopt a new policy of placing into production one feature a week. The plan has been under consideration for some time, but with the realignment of studio personnel it will take definite shape the first Monday in December.

Up to the present time, 19 of the scheduled 53 features are finished. The first of four serials is in production and it is anticipated that by the end of June all work on the 1934-35 program will be completed. "The Leathernecks Have Landed" with Lew Ayres in the lead will be the first under the new plan. After this, Ayres will direct "Glory Parade," sometime in January.

W. Ray Johnston has set January as Republic Month. A playdate drive with a goal of $1,000,000 in business will keep the company's sales force unusually active during the designated period.

Grants Motion on Costs

Justice Isidore Wasservogel yesterday granted a motion in connection with a suit brought by the Eagle Prod., Ltd., against Adolph Pollak in which the court ruled that costs and disbursements should be taxed by the clerk and awarded to the party in whose favor a balance is shown upon the final accounting. This decision was made in connection with a suit brought by Eagle against Pollak for an accounting charging that, while Pollak was vice-president, he distributed a picture entitled "Exposed" which was owned by Eagle and that he collected $20,000 of which he is charged with having diverse sums in his possession and which he has refused to turn over.

Pollak makes a general denial to these charges and denies that any of the money is being withheld. He admits, however, that he at one time acted as agent for the plaintiff. The trial is pending.

Plan Sound Instruction

HOLLYWOOD, Nov. 21.—The Academy Research Council today announced a course in sound recording fundamentals for studio technicians, starting Dec. 2 for 13 weeks, twice weekly. A. P. Hill of Erpi will instruct. The course is sponsored by major studio sound department heads, and directed by an Academy subcommittee of which J. G. Frayne is chairman. There will be two sections of the class, each containing 50 technicians.

After "Good Meal"

NEW ORLEANS, Nov. 21.—David Palfreyman, Hays office theatre contact, explains his presence here as a desire "for a good meal." He left for New York tonight.

Vehement objections by Allied members here are reported to have brought to an end local discussions on a self-regulation plan.

Deny Offer of "U" Option

Standard Capital Co. denied yesterday that it had offered to William Fiske's and Nicholas Ludington's Western Pictures Corp. a participation in Standard's option to purchase Universal, as reported in Hollywood on Wednesday.

UNIVERSAL PLAYS NO FAVORITES!

EVERY EXHIBITOR

will be able to preview it at the same time!

AT THE GREATEST

simultaneous nation-wide trade showing in motion picture history!

WATCH THESE ANNOUNCEMENTS

for the names of the 38 big cities, for the theatres in which the gigantic showings will be held— and for the secret date!



Carl Laemmle presents IRENE DUNNE and ROBERT TAYLOR
in JOHN M. STAHL'S

MAGNIFICENT OBSESSION

From the best selling novel by Lloyd C. Douglas with CHARLES BUTTERWORTH
BETTY FURNESS, SARA HADEN, RALPH MORGAN, HENRY ARMETTA

The Farthest Milestone in Motion Pictures!

WHAT A SMASH

As Cagney S

TO RULE THE W

The gold-ma
vengeance
glamour of
streets . . . se
living men

No wonder



*ening at the
Y. Strand to-
rrow morning!*

JAME

IN THE BIGGEST O

FRIS

With MARGARET LINDSAY •

Donald Woods • Barton MacLan

Director Lloyd Bacon, 1935 hit-maker of "Devil Dogs of the Air", "The Irish In Us" and "Broadway Gondolier" has done it again in

WARNER BROS.' EPOCH-MAKING FILMING OF AMERIC

THIS IS GOING TO BE

aps His G-Gun for Bare Fists

ORLD'S MOST FAMOUS UNDERWORLD!

risco of the vicious 'Fifties! Flaming with the
the Vigilantes! . . . Glittering with the gaudy
Gold Coast! A shadowy shambles of sinister
ing with the scum of the seven seas . . . Where
ed no questions—and dead men told no tales!

looks like smash box-office" to *Variety Daily!*

CAGNEY

IS 5 BIG HITS OF 1935

O KID

RDO CORTEZ • LILI DAMITA

eorge E. Stone • And 1000 More



S EMPIRE MAKING EPOCH!

London Hears G.B. May Buy Union Circuit

(*Continued from page* 1)

000 issue and recently declared it had taken over 23 theatres and had acquired sites for 38 new ones. Prior to the expansion program, the chain controlled over 100 theatres.

Other proposed theatre financing in this booming British market includes an anticipated £3,000,000 flotation by County Cinemas, Ltd., while it is reported the Odeon Circuit also plans a new flotation. These latter circuits were embraced in an abortive merger scheme conceived some months ago by Joseph M. Schenck. It is generally understood that it failed because C. J. Donada of County refused to take second place to Oscar Deutsch of Odeon.

Union Tied with H. & G.

Union was tied in with the H. and G. Theatres in the Gaumont booking circuit scheme which was killed by the Kinematograph Renters Society.

The attitude of the K.R.S. on booking circuits is behind the resignation from its membership of Twentieth Century-Fox, which officially declares its defection from the ranks was caused by differences on a point of policy. The K.R.S., on the other hand, has issued no statement, but it is a matter of open secret that the resignation resulted from the distributor's desire to continue trading with Gaumont British as well as its objection to the K.R.S. policy on Gaumont's one time deal with H. and G., which was again discussed at a meeting of the former's council on Wednesday.

Efforts to reach Mark Ostrer for comment yesterday proved unavailing. He left late in the afternoon to join Mrs. Ostrer in Milwaukee.

London Session Stormy

LONDON, Nov. 14.—The annual meeting of General Theatres Corp., Ltd., witnessed stormy scenes due to efforts of preference shareholders who dissent from the reconstruction scheme to bring about a further investigation of the company's affairs.

Opposing the adoption of the report and accounts, Mr. Nordon asserted that control had passed to Gaumont-British and the Ostrers without the shareholders having been consulted. He criticized the profit and loss account for not showing gross receipts and what had become of them. A resolution was passed demanding accounts showing these receipts and a detailed statement of all payments made to G. B. for film, management and publicity. The resolution also called for the appointment of a shareholders' committee of investigation. The meeting also defeated, on a show of hands, a proposal for the re-election of Maurice Ostrer as a director and negatived the reappointment of the auditors.

In every case the chairman, Mark Ostrer, demanded a poll, announcing the directors had proxies to the number of over 1,000,000 against an opposition of 222,410. All the proposals defeated at the meeting were, therefore, carried.

Roxy Reorganization Under 77B Is Fading

(*Continued from page* 1)

back taxes of $340,000 reduced to $85,000, according to a report filed by Howard S. Cullman, trustee, with Federal Judge Francis G. Caffey yesterday, it was indicated that the bondholders will discard their earlier discussed reorganization plans.

Based on current earnings and the prospect of an increase in weekly revenue from $12,000 to $15,000 starting Thanksgiving Day when a new admission scale goes into effect, it is expected that the $85,000 in back taxes will be paid up and sufficient funds will be available within six months to liquidate the $250,000 in receivership certificates, according to the court record.

Just how soon the bondholders will act to dissolve the bankruptcy and operate the Roxy on its own is contingent on payment of outstanding obligations. It is believed that, when the court officially discharges Cullman, he will be retained by the bondholders to supervise. Artco has a management contract with Roxy Theatre Corp., which, it is understood, will be continued by the bondholders.

Asked Loan of $750,000

On Dec. 13, the first unit stage show will make its debut at the theatre when the Olsen & Johnson company starts an indefinite engagement.

The bondholders' committee some time ago applied to the RFC for a $750,000 loan to reorganize and, although no action has been taken to date, it is now held the money will not be necessary.

In addition to advancing by one hour the price change during weekdays, the Roxy beginning next Thursday will do away with the 35 cents admission figure on Saturdays, Sundays and Holidays. A 55-cent tariff will prevail on those days from 1 P. M. until closing. The new admission schedule is expected to increase the average weekly intake from $25,000 to about $40,000.

Chairmen Are Named In Federation Drive

(*Continued from page* 1)

committee with Major Warner and himself, Jack Cohn, Al Lichtman, Eugene Zukor and Louis Nizer. Lichtman announced the following chairmen for the various branches of the industry:

Loew's: David Bernstein, Al Lichtman, Nat Freedman; *Warners*: Major Albert Warner and Sam Morris; *RKO*: Phil Reisman, Jules Levy; *Paramount*: Eugene Zukor; *Columbia*: Jack Cohn, Abe Schneider, Max Seligman; *Fox*: Ed L. Alperson, Harry Buxbaum, Max Sanders. *Trailers*: Herman Robbins; *Exhibitors*: Louis Frisch, Sam Rinzler; *Independent Theatre Owners*: Leo Brecher and Harry Brandt; *Music Publishers*: Louis Bernstein, Irving Caesar, J. J. Bregman, Edwin Morris, Henry Spitzer, Sigmund Romberg, Robert Crawford; *Laboratories*: Jack Goetz; *Motion Picture and Theatrical Attorneys*: Louis Nizer; *Trade Papers*: Jack Alicoate, Sid Silverman, Carl Zittel, Red Kann; *Legitimate Theatres*: Marcus Heiman; *Musicians*: Michael Markel; *Orchestra Leaders and Artists*: J. C. Stein, Ben Bernie, Abe Lyman, Eddie Duchin, Lou K. Sidney, William Morris, Jr., Marvin Schenck, Phil Baker, Eddie Cantor, Jack Benny, Michael Morris; *Hays Organization*: Gabe Hess; *Independent Owners*: Walter Reade; *Burlesque Theatres*: Max Rudnick; *Independent Producers*: Buddy Rodgers.

More Houses For MGM in Foreign Keys

(*Continued from page* 1)

Dec. 6. Sam Burger, M-G-M roving foreign representative, has arrived in India from Singapore for the opening. Loew is completing arrangements to have a short wave broadcast from the Culver City studio, which will be rebroadcast from Calcutta, for the premiere. A number of M-G-M stars will talk. It has not been decided whether the period will be 15 or 30 minutes.

Work started last week on the 1,800-seat Santiago theatre and in the next month or so construction on plans for units in Montevideo and Rio will get under way. Harry Moskowitz, head of the Loew construction department, left Chile yesterday for Uruguay. He will supervise work on this house, as he has done on the Calcutta and Santiago buildings.

Loew himself plans to make a tour of all new theatres shortly. He is expected to take six months to cover the entire situation.

Meanwhile, M-G-M's plans for production abroad are at a standstill until Nicholas M. Schenck returns from the coast next week, following which, Loew will confer on the linguistic film policy. Several offers have been made Loew for building a laboratory and studio in London and several other foreign cities. No action has been taken on any of them. It is possible the company may build its own plant in London, but this is among the matters to be determined at the Schenck-Loew conclaves.

Loew is also mulling over plans to hold an international convention, the first since 1928, on the coast the latter part of next year.

In 1928, M-G-M foreign representatives gathered in New York. The get-together next year most likely will be held at the studios where 150 or more of the company's sales staff executive personnel from all over the world will hear new production and theatre building programs.

Warner-Ascap Split Seen as Imminent

(*Continued from page* 1)

mark, Chapell-Harms and several smaller publishing companies.

An Ascap legal view which, if sustained, might handicap the immediate establishment of a comprehensive music library by Warners, if it were to withdraw from Ascap, maintains that licensing rights to past compositions of Warner writers will remain with Ascap. Starr said yesterday the "chances are we will withdraw" and added that a decision would be made "within 10 days."

Delay Basquette Suit

BOSTON, Nov. 21.—Judge Hugh McClellan in district court here today postponed until next Monday action in the two $100,000 suits brought by Lina Basquette against the Empire in New Bedford and Harry and Fisher Leitz, operators of the house.

U. S. Waits Result Of St. Louis Action

(*Continued from page* 1)

to proceed is indicative of the importance of the action, despite the result of the criminal proceeding. "This is a conspicuous and important case," he said.

What is done in the future, Cummings said, depends largely on the outcome of the equity action. It was said that the investigation of complaints regarding conditions in California and Texas have been closed "for the present," with the indication that the St. Louis result will determine further action, if any.

Await Buffalo Decision

BUFFALO, Nov. 21.—Attorneys and principals awaited Judge John Knight's decision on a plea to amend the complaint in a suit charging conspiracy in restraint of trade brought in Federal Court here by the Reliance of Lockport against Schine Chain Theatres, Inc., and most of the large distributing companies. Instituted on April 18, the suit asks $750,000 damages, and, originally, contained a clause from the now defunct motion picture Code.

In oral argument, attorneys last week sought to have this clause removed from the bill of complaint. Peter Grafiades, president of Reliance and his attorneys, Thompson and Thompson, are pressing the suit for the plaintiffs. Defendants include J. Meyer Schine, John A. May, both of Gloversville, N. Y., Vitagraph, M-G-M, United Artists, Columbia, Universal, RKO, Fox and Dominion Operating Co. The plaintiff alleges that Schine has conspired with the distributors to prevent him from getting first run pictures. Defendant has also sought to have the lease of the Reliance terminated by threatening to open the Hi-Art. In a plea to an NRA board, Reliance had previously won an order compelling defendants to release 17 first runs.

Supply Men Ponder 2,000 Ft. Reel Talk

The proposed 2,000-foot reel will be discussed either today or tomorrow by the board of directors of the Independent Theatre Supply Dealers' Assn., it was stated yesterday, following the first of a three-day session held at the organization's headquarters in the Paramount Bldg. B. F. Shearer, president, was chairman.

Finances and policy of the association were discussed at the meeting in addition to expansion of activities on behalf of the members. This includes an advertising campaign.

An increase of 40 per cent in business was reported by the members who held that exhibitors today are buying a better class of merchandise.

Powell Blames Taxes

HOLLYWOOD, Nov. 21.—William Powell declared today he will live and work in England six months of every year, and blamed the passage of California income tax laws for his decision.

There is talk other players may follow suit.



Oh, Man!

Man, WAIT TILL IT HITS YOUR TOWN!

THANKS A MILLION



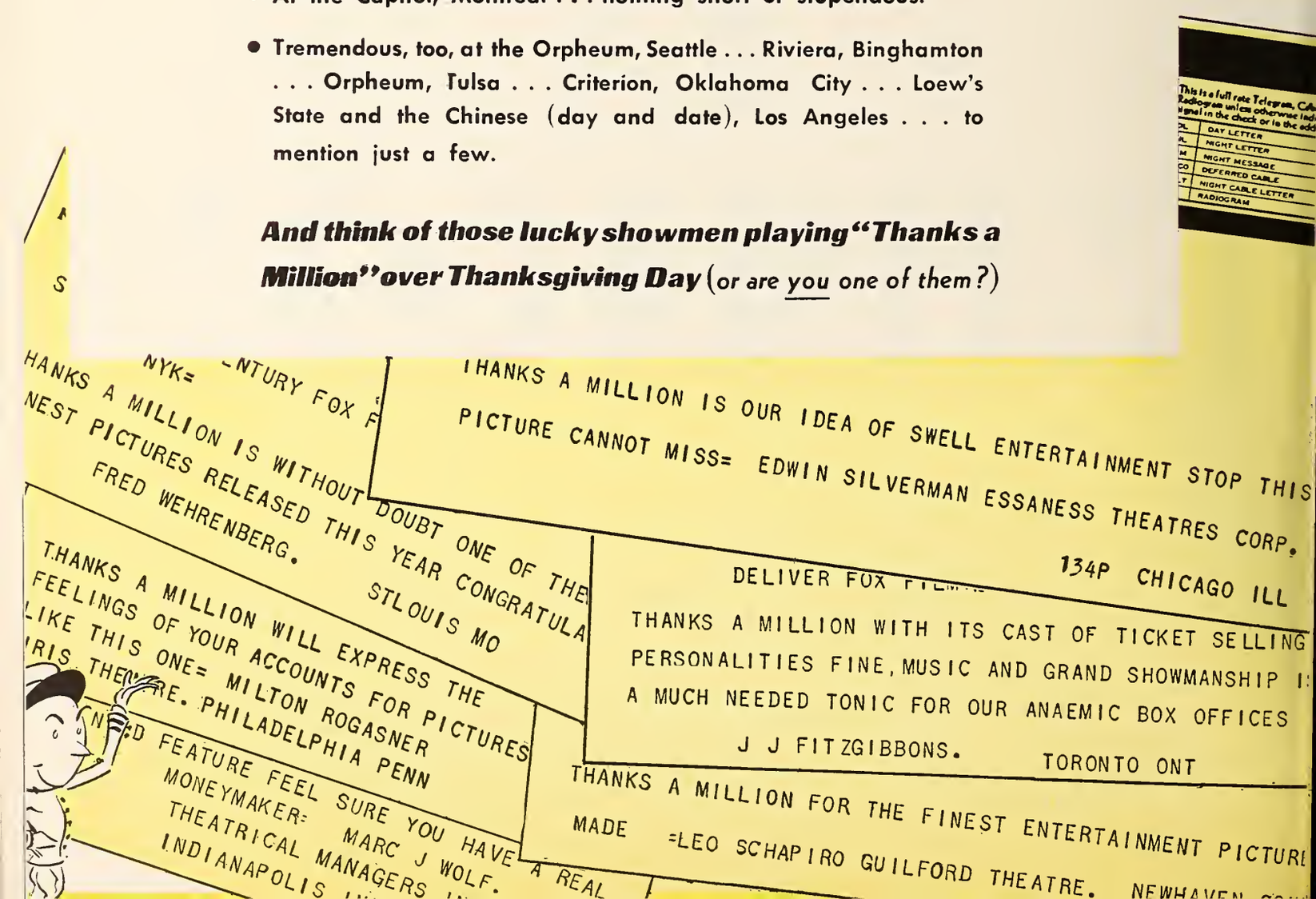
CROWDS STAMPEDE..RECORD

as "THANKS A MILLION" *leads the wa*

In the teeth of the most powerful opposition any picture has faced in years...despite lashing gales on the Eastern seaboard and in the Middle West..."Thanks a Million" is blasting its way to sensational grosses the country over!

- At Loew's Warfield, San Francisco's show-case of hits . . . biggest thing in months and months. Set for continued first run.
- At the Center Theatre, New York's long-run deluxer . . . *three* times the opening of any other picture to date . . . and no let-up. Hold-over, of course.
- At the Strand, Louisville . . . record-smashing pace . . . hold-over certain.
- At the Apollo, Indianapolis . . . heading for a hold-over.
- At the Capitol, Montreal . . . nothing short of stupendous.
- Tremendous, too, at the Orpheum, Seattle . . . Riviera, Binghamton . . . Orpheum, Tulsa . . . Criterion, Oklahoma City . . . Loew's State and the Chinese (day and date), Los Angeles . . . to mention just a few.

And think of those lucky showmen playing "Thanks a Million" over Thanksgiving Day (*or are you one of them?*)



TOPPLE..SHOWMEN CHEER

...to the industry's greatest era!



CLASS OF SERVICE
This is a full-rate Telegram or Cable-gram unless its deferred character is indicated by a suitable sign above or preceding the address.

R. B. WHITE PRESIDENT

The filing time as shown in the date line on full-rate telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

Received at 40 Broad St., (Central Cable Office), N

VU270 31 NL=
SIDNEY KENT=FOX FILM CORP
NYK=

THANKS MILLION CRAMMED WITH ENTERTAINMENT VALUE ST
AS FINE AS THEY CAN COME STOP ASSURE YOU EXTENDE
RUN HERE REGARDS= HARRY HUFFMA
DENVER COL

SYMBOLS
DL = Day Letter
SER = Serial
NM = Night Message
NL = Night Letter
CDE = Code Cable
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

1201-S

J. C. WILLEVER FIRST VICE-PRESIDENT

MINUTES IN TRANSIT
FULL-RATE | DAY LETTER

1935

Received at 955

NBH285 23 D
S R KENT=
DELIVER TWEN
OF ALL THE PICTURES
ABE SABLOSKY.

5 405P

NTURY FOX FILM CORP 444 WEST 56 ST=
I HAVE SEEN THIS YEAR THIS IS THE TOPS=
PHILADELPHIA PENN

AB7
S K
AS I HAVE THANKS FOR THIS SPLENDID PRODUCTION=
BESS SCHULTER AVALON THEATRE. STLOUIS MO

THANKS A MILLION AS MU
ENJOY THANKS A MILLION THRILLED ME LOOKING FORWARD TO A TREMENDOU
BUSINESS ON THIS STOP THANKS A MILLION=
T MATRECI UPTOWN THEATRE. STLOUIS MO

THE COMPANY WILL APPRECIATE SUGGESTIONS

WEST
UN

SERVICE
full-rate
Cable-
its de-
ter is in-
suitable
or pre-
address.

R. B. WHITE PRESIDENT

CLASS OF SERVICE
This is a full-rate Telegram or Cable-gram unless its deferred character is indicated by a suitable sign above or preceding the address.

NEWC CHAIRM

own in the date line on telegrams and day letters is STANDARD

at 955 Eighth Ave., New York

1 39 DL=
EY R KENT=
444 WEST 56 ST=

T FUTURE AND YOU CAN
FOR EXTENDED RUN IN
THEATRES CONGRATULATIONS=
K H DURKEE. BALTIMORE MD

NAA20 12=
S R KENT=TWENTIETH
THANKS A MILLION
DEFINITELY THE TOPS

444
THANKS A MILLION ONE OF
THE BEST BOX OFFICE PICTURES OF
THE SEASON STOP CHARLES FINBERG. SCOTIA NY

WM AGREN FOX INTERMOUNTAIN THEATRES. DENVER COLO

ANUCK
WANT TO CONGRATULATE YOU AND
STOP THE SHOW WILL BE A BOX OFFICE ATTRACTION=
=E S RAFFILE GLOBE THEATRE. NEWHAVEN CO

DO EXCEPTIONALLY WELL AT
HE BOX OFFICE THANKS A MILLION
E OF THE BEST MUSICAL COMEDIES
THE YEAR

=M B COMERFORD SCRANTON PENN

FOX PRODUCTI
GREATEST FASTEST SNAPPIEST AND MOST ENTERT
PICTURE IN MY CAREER STOP THIS PICTURE
MAKE BOX OFFICE HISTORY STOP THANKS A MILLION
IS A SURE CURE FOR THE BLUES AND A WONDERFUL
TONIC FOR THE BOX OFFICE
BEN AMSTERDAM PHILADELPHIA PENN

THANKS A MILLION WILL GIVE EXHIBITORS PLENTY TO SHOUT AB
IT IS A PRODUCTION PATRONS WILL WANT TO SEE
THIRD TIME=
THEO LENDING KIRKWO



LL GIVE THANKS FOR THIS MA
AS EVERYTHING THAT GOES TO MAKE A GREAT
STORY DIRECTION AND SPEED STOP IT IS HEADED FOR BOXOFFICE
RECORDS STOP WITH COMBINED FORCES OF TWENTIETH CENTURY AND
FOX WE ARE ANTICIPATING THE FINEST PRODUCT YOU HAVE EVER
RELEASED
-I LIBSON.

NKS A MILLION GREATEST BOX OFFICE PICTURE EVER MADE FEEL
F IDENT IT WILL OUT GROSS ANY MUSICAL TODATE
STATE THEATRE BUZZ BRIGGS. DENVER COLO

THANKS A MILLION HAS ALL THE EAR MARKS OF AN OUTSTANDING
PICTURE AND SHOULD HANG UP NEW BOX OFFICE RECORDS STOP
CONGRATULATIONS TO ZANUCK AND THANKS A MILLION FOR THANKS
A MILLION= ARTHUR LOCKWOOD MIDDLETOWN THEATRES CORP.
NEWHAVEN CONN

THANKS A MILLION ONE OF FINEST PICTURES RELEASED TO DATE STOP
ENTIRE CAST GAVE MARVELOUS PERFORMANCE AND WHAT A CAST STOP
CONGRATULATIONS TO DARRYL ZANUK AND TWENTIETH CENTURY FOX FOR
A REAL TOP GROSS PICTURE AGAIN THANKS A MILLION FOR THIS ONE
REGARDS: =CHASE W PICQUET. PINEHURST NCAR

LLION IS THE GREATEST MUSICAL TO DAT
ENCE IN STITCHES DURING THE ENTIRE SCRE
OU CONTINUE TO MAKE MORE PICTURES LIKE THIS ONE
=MAX TABACKMAN RIVOLI THEATRE WESTHAVEN CONN.

36 DL
EY R KENT, PRESIDENT=20 CENTURY PICTU
HUSIASTIC CROWD CHEERED THANKS A MILLION IN CHARLOTTE
NDAY NIGHT STOP EVERYONE AGREED PICTURE GREAT AND SHOULD
GROSS PLENTY AS IT HAS DIRECT APPEAL TO ALL CLASSES=
BEN L STROZIER MGR STEVENSON THEATRE. ROCKHILL SOCARI

ANKS A MILLION IS GRAND ENTERTAINMENT AND I PREDICT
UTSTANDING GROSSES FOR IT IN ALL SPOTS BIG AND SMALL
JOSEPH A DAVIS COLONIAL THEATRE SOUTHINGTON CONN

NG THANKS A MILLION I AM CERTAIN THAT EVEN WEBSTE
E BEEN AT A LOSS FOR WORDS TO PROPERLY DESCRIBE
SHOW IT SURE IS A WOW MANY MORTGAGES WILL NO
DOUBT BE REDUCED WITH THIS ATTRACTION BEST WISHES=
JAY EMANUEL. PHILADELPHIA PENN

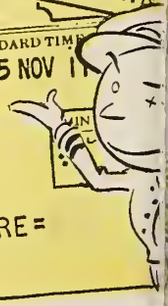


THIS IS IT CONTAINED BOX OFFICE
JOHN BALABAN= CHICAGO ILL

THANKS MILLION AND CAN ONLY SAY THA
EELINGS IT IS A GREAT JOB AND HAS
LOOKING FOR OUTSTANDING RESULTS
WE CAN SAY THANKS A MILLION FOR FRED ALLEN
R J ODONNELL. DALLAS TEX

TWENTIETH CENTURY FOX FILM
CONGRATULATE MR ZANUCK FOR ME FOR
UNUSUAL AND DELIGHTFUL MUSICAL
ION PICTURE GOER STOP GIVE US MOR
ONE =WILLIAM PINE
DARIEN THEATRE DARIEN. CONN

ON
J. C. WILLEVER
ARLTON FIRST VICE-PRESIDENT
HE BOARD
at point of origin. Time of receipt is STANDARD TIM
1935 NOV 1



AM GREATLY ENTHUSED OVER THIS SPLENDID PICTURE=
J SIEPKER OZARK THEATRE. NEWHAVEN CONN

They're All Saying:

THANKS A MILLION

for the show in a million with
the million-dollar cast *starring*

DICK POWELL

ANN DVORAK · FRED ALLE
PATSY KELLY · RUBINO
PAUL WHITEMAN and BA with RAM
RAYMOND WALBURN · YACHT CLUB BC

a DARRYL F. ZANUCK 20th CEN PRODUCT

Presented by Joseph M. Schenck

Directed by Roy Del Ruth

Based on a story by Melville Crossman—Screen play by Nunnally Jo
Music and Lyrics by Gus Kahn and Arthur Johnston

20th CENTURY FOX

Purely Personal

WRAY JOHNSTON was somewhat fatigued yesterday after attending the 15th wedding anniversary of RUSSELL BELL, Republic art director, the night before at the New Yorker. Tomorrow, JOHNSTON and his wife will trek to Cambridge to attend the Yale-Harvard game. Also WILLARD MCKAY, CHARLIE PAINE, MONTE BRICE and GRAD SEARS.

•

ARCH SELWYN back from the coast and apparently full of ideas about stage plays to add to the season's merriment. His portfolio includes "In the Name of God, Amen" by BAYARD VEILLER and "Violence" by DORE SCHARY.

Quip of the Day

CINCINNATI, *Nov.* 21.—*The laugh of the week was furnished by a woman patron at the RKO Palace, who, upon leaving the theatre, remarked to the cashier that the new system of thanking patrons was "just dandy."*

Upon being questioned by the cashier, who prides herself on courtesy, it developed the patron had seen a large banner in the lobby which, in box-car letters, read, "Thanks A Million."

What the patron failed to notice, however, was the line immediately above, in small letters: "Next Attraction."

ILKA CHASE, who played opposite WALTER CONNOLLY in "Soak the Rich," left yesterday for Hollywood to appear in an RKO picture. She will return to New York and a new play on completion of the role.

•

HAL HORNE didn't accompany HARRY M. GOETZ to the coast on Wednesday after all. Instead, he left yesterday. HAL has plans of opening his own publicity office in addition to his publishing *Mickey Mouse Magazine.*

•

JAMES ROOSEVELT and HOWARD S. CULLMAN attended "The Night of Jan. 16th" on Wednesday evening. Sure enough they were chosen for jury duty.

•

NAT SALAND of Mercury Laboratory returned yesterday from a five-week coast visit, during which he signed several new deals and re-signed old ones.

•

JANET STERN, niece of SAM E. MORRIS of Warners, will be married to HERBERT DREIFUSS on Sunday at the Morris home at Morris Cove, Larchmont.

•

CLARE BOOTH BROKAW, once a member of Code Authority which some may yet remember, is author of "Abide with Me" which opened at the Ritz last night.

•

HERBERT B. SWOPE, green-shirted and coatless, defying the breezes on 50th St. yesterday afternoon.

•

MARIA JERITZA was guest soloist over station WABC last night.

•

MRS. WILLARD MCKAY leaves the Doctors' Hospital shortly and will recuperate in Florida beginning Dec. 15, which is a regular time of arrival for her in Miami anyway.

•

ARTHUR HOWARD, Allied of New England business manager, and MRS. HOWARD are due in from Boston today.

•

NOAH BEERY, JR., and BUCK JONES left the coast yesterday for New York. MRS. JONES arrives next Thursday from Europe on the *Manhattan.*

•

Sidney Samuelson returns today from Columbus where he attended a two-day annual convention of the Independent Theatre Owners of Ohio.

•

RUTH ROLAND, in town from England, said she plans to return there in April to appear in a series of films—but not serials.

•

KATHERINE ALEXANDER leaves for Hollywood tomorrow aboard the *Santa Rosa.* She was here for the premiere of "Splendor."

•

CHARLES KOERNER, RKO theatre division head in Boston, has returned to the Beantown after several days here.

•

FRANK BRUNER has taken new quarters in town.

•

SAM BRISKIN plans to leave for Hollywood Monday.

•

JOHN ARLIDGE, who recently appeared in "Shipmates Forever," will be interviewed by SAM TAYLOR in his Screen Revue over WMCA tonight—Friday.

•

AL FRIEDLANDER was in Boston yesterday and returns today.

Talley, Thomas, Lehr, Gags Tickle Ampa Risibilities

By BILL ORNSTEIN

Deploring the dearth of news and pictures on the Italo-Ethiopian situation, Truman H. Talley, producer; Lowell Thomas, commentator; and Lew Lehr, comedian of Fox Movietone News, yesterday invaded the sacred portals of the Ampa to vent their spleen.

Talley, naturally, was first to be called. He was brief, very brief, in fact, declaring "All I can say about the Ethiopian situation is that it's very black.

"All we're getting is a lot of pictures of people in nightgowns," he said. "I'm waiting for Laurence Stallings to return so he can tell you 'What Price Ethiopia' on the same style of 'What Price Glory.'"

Talley went on to relate how Stallings fell down a mountain side with a mule and after landing on the animal found he had killed it; how one of his cameramen cabled his bank here for $4,000 to buy an airplane when Talley refused to furnish the air buggy to take pictures; and how a *New York Times* correspondent cabled a whole column just to say nothing was happening in Ethiopia.

Continuing, Talley said he would not argue with J. P. Morgan about the war. "If Morgan says there's no war, why should I say there is?" the newsreel producer queried. "We used to get a lot of letters from people asking us not to use so many pictures of babies, Mussolini and battleships, but I'm afraid with the way things are breaking in Ethiopia, it will have to be babies, Mussolini and battleships.

"One nice thing about producing a newsreel," Talley asserted, "is that the office is a stable for mules. Every time one of these two (meaning Thomas and Lehr) sees a microphone he starts fixing his tie."

Thomas was next. He said the best way to describe the shots arriving from Ethiopia is that they all look alike, adding "all you see is a lot of darkies passing and not one is different from the other." He told a few other stories which were received with gusto.

Lehr was the last speaker and lost no time winning a rather sparse audience with his dialect. His gags were not exactly new, but Lehr had a unique way of putting them over.

Among his outstanding collection was the gag which had to do with the so-called honor system restaurant where one pays the cashier according to what one eats without getting a check. One Jewish fellow listed his meal to the cashier as herring, 10 cents; borscht, 25 cents; tea and cake, 15 cents. Just as he was about to pay, the cashier yelled out, "How about the radishes, you crook?"

The crowd wanted more, but Talley adequately explained the reason why Lehr couldn't. "He's got a million more if he only could reach his index," the producer said. Lehr complained that he had a job weeding out those that he told.

Gordon S. White, president of the Ampa, announced that on Dec. 19, the organization's annual Christmas party will be held at the Astor. Details will be made public next week, he said.

Calls FWC Dividend "Fraudulent" Step

(*Continued from page* 1)

its assets to a new corporation a few days prior to entering bankruptcy.

Recalled to the stand, McNabb repeated his testimony, and Senator Pat McCarran read from the original bankruptcy hearing record, showing Charles A. Buckley had testified the dividend had been set up by the sale of First National franchises by F. W. C. to Warners. McCarran intimated McNabb was taking his witness oath lightly, and McNabb's testimony was corrected at his request. McCarran ordered a transcript of the testimony in the present hearing submitted to five Federal district judges for review.

Fairbanks to Join Fox

HOLLYWOOD, Nov. 21.—Robert Fairbanks definitely will join Twentieth Century-Fox in an executive capacity on his return from Europe, it was learned here today. It was said his trip is for the purpose of handling private business for Joseph M. Schenck.

Wall Street

Universal Up 2⅛ Points

	High	Low	Close	Net Change
Columbia, vtc	72¼	69¼	72¼	+2½
Consolidated	5½	5⅜	5⅜	.....
Consolidated, pfd.	19	18⅝	19	+ ¾
Eastman Kodak	169½	169	169½	—1½
Eastman, pfd	155	155	155	.....
Loew's, Inc.	53¾	52¾	53⅝	+ ⅜
Loew's, Inc., pfd.	106⅛	106	106	— ¼
Paramount	9⅜	9	9¼	.....
Paramount 1 pfd.	78	77	77	—1¼
Paramount 2 pfd.	11⅜	11⅛	11⅜	.....
Pathe Film	6⅜	6⅛	6⅛	+ ⅛
RKO	5¼	5	5⅛	.....
20th Century-Fox	21⅜	20⅛	21⅜	+1⅞
20th Century, pfd	28⅞	28⅞	28⅞	+ ¾
Universal, pfd	55⅞	54	55⅞	+2⅛
Warner Bros.	9	8⅝	9	+ ⅜
Warner Bros., pfd	48½	48¼	48¼	+ ¼

Little Curb Change

	High	Low	Close	Net Change
Sonotone	2½	2⅜	2⅜	— ⅛
Technicolor	18½	18⅛	18¼	+ ¼
Trans-Lux	4⅜	4⅛	4¼	.....

General Theatre Issues Up

	High	Low	Close	Net. Change
General Theatre 6s '40	17½	16½	17½	+1⅜
General Theatre 6s '40 ctf	17	16½	17	+1
Loew's 6s '41 ww deb rights	104¼	104¼	104¼	.....
Paramount B'way 3s '55	60	60	60	+ ½
Paramount Pict. 6s '55	92½	91¾	91¾	— ¼
Warner Bros. 6s '39 wd	88⅜	88⅛	88¼	.....

(Quotations at close of Nov. 21)

Dash to Dessye for Ethiopian War Film

Taking things into their own hands in an effort to get some uncensored action out of the Ethiopian war, Capt. Ariel Varges, Hearst Metrotone ace, and H. R. Knickerbocker, Hearst war correspondent, have left Addis Ababa with other newspapermen on the first lap of a dash to Dessye, which they hope will prove the base of expeditions to the front, according to an International News despatch just received from Knickerbocker.

Varges and Knickerbocker had been held for weeks in and near Addis Ababa because of the refusal of Emperor Haile Selassie to permit them to penetrate the interior where the natives believe all whites are Italians. But the importunities of the Americans finally won out and at daybreak yesterday they received permission. Hastily packing several trucks, they set out, but were held up by soldiers outside the capital and were forced to return for a written permit from the Emperor. This obtained, they continued on their way without an escort.

When last heard of by courier despatch they were on a plateau 11,000 feet high and in freezing cold weather. Up to that time they had not encountered trouble, but they expected it any minute.

Guilds and Equity Plan Cooperation

HOLLYWOOD, Nov. 21.—The prospect of closer cooperation between the Guilds and Equity in both Great Britain and America in the fight for producer recognition was disclosed by Laurence Beilenson, attorney for the Screen Actors' Guild, at a Guild board of directors meeting here.

Beilenson has just returned from a trip to England and New York, where he campaigned for the enlistment of all players for the impending clash.

Davey, Solons Differ On Ohio Ticket Tax

COLUMBUS, Nov. 21.—The House Taxation Committee here last night decided the 10 per cent admission tax should be reinstated Jan. 1, and refused to approve the measure extending the three per cent levy another year. This is contrary to the declaration of Gov. Martin L. Davey, who told Ohio I.T.O. members here this week the present three per cent tax would be extended.

A hasty survey among exhibitors in key situations had disclosed a feeling of optimism that the three per cent tax would be continued. Continuance of the tax was introduced in the House when the General Assembly reconvened yesterday. A chain store tax, also was introduced, though not on the original program. This bill, if enacted, would react against both major and independent circuits.

Circuit Tax Seen Dead

LINCOLN, Neb., Nov. 21.—The chain store tax, interpreted to include theatres if passed, seems doomed to die with the fast waning of the special session of the Nebraska legislature. The proposal asks that a graduated tax be levied on chains varying from $3 for one house to $250 per house if 20 or more are owned.

Six chains, Lincoln Theatre Corp (6 houses); A. H. Blank's Tri-State group (about 12); Foxwesco (8); Central States (9); General Theatres (7) and Westland (2), would figure in the measure if passed. Strong lobbying activities by Bob Livingston, Capitol manager here, with the help of Bill Haycock, democratic House floor leader, helped. Haycock is a showman himself, in Callaway, Neb.

May Cut Film Duty

TORONTO, Nov. 21.—The Canadian Government is considering a change in the arbitrary valuation on imported articles for duty purposes after Jan. 1, which may lead to a reduction of the duty on film imports from the United States, in line with the recent trade pact. The present valuation is eigh cents per foot on film.

Chest Drive Near Quota

HOLLYWOOD, Nov. 21.—The Motion Picture Division of the Community Chest collected 96 per cent of its $200,000 quota up to this week, with $192,619. For the past, or fifth week of the drive, collections were $15,516. The 10,521 subscriptions total to date is 874 behind last year at the same period.

Giveaways Spreading

LOS ANGELES, Nov. 21.—Six new local theatres have signed for Bank Night and other games in the past four days. Fox West Coast and independent houses are among those starting the giveaways to compete with the others already flooding this territory.

Art Levy Engaged

PITTSBURGH, Nov. 21.—The engagement of Art Levy, Columbia exchange manager and new chief barker of the Variety Club, and Bess Lefkowitz, of Warners here, has just been announced here. They will be married shortly after the first of the year.

Out Hollywood Way

HOLLYWOOD, Nov. 21.—MACK GORDON in the Good Samaritan hospital determined to lose 100 of his 300 pounds before he comes out. . . . KITTY CARLISLE flying to San Francisco for personal appearances at the opening of "A Night at the Opera" at Loew's Warfield. . . . Mme. Schumann-Heink spending a few days at her San Diego home before reporting to M-G-M. . . . The L. P. ROSENS and the ADOLPH RAMISHES sailing Dec. 7 for Honolulu for the opening on Dec. 14 of the King theatre. . . . HARRY SHERMAN to attend the Paramount sales meeting in Chicago. . . . ALLEN SAALBERG, New York stage art director, signed by Warners to work on "The Green Pastures." . . . CASEY ROBINSON and his wife to New York on a two weeks' vacation. . . . The score from "Collegiate" will be played on the air by Fred Waring on his Dec. 3 broadcast. Also on the "California Melodies" program Dec. 7.

+

Casting—HERBERT MARSHALL to be co-starred with ANN HARDING in "The Indestructible Mrs. Talbot." . . . HELEN LOWELL signed for "Snowed Under." . . . DICK PURCELL assigned "Red Apples" at Warners. . . . SPENCER CHARTERS in "Colleen" also on that lot. . . . MARY CARR has part in "Captain January" at Twentieth Century-Fox. . . . EDDIE KANE into "It Had to Happen" at same studio. . . . CHRISTIAN RUB added to cast of "The Getaway" at M-G-M. . . . CHARLES TROWBRIDGE signed for "Whipsaw" at the same studio. . . . GRANT MITCHELL to "Next Time We Love" at Universal. . . . JULES EPAILLY, from the New York stage, and RALPH MORGAN in "Anthony Adverse" at Warners. . . . BRENDA FOWLER, ROBERT WARWICK and PAT O'MALLEY in "A Thrill for Thelma," a "Crime Does Not Pay" short at M-G-M. . . . ALAN HALE to "A Message to Garcia" at Twentieth Century-Fox and JERRY TUCKER in "Captain January" also at that studio. . . .

+

Stories—As the first purchase under the new ERNST LUBITSCH policy of buying stories especially written for players, Paramount acquires "Imported from Paris," original by JOHN FRANCIS LARKIN. It will be used for CAROLE LOMBARD. . . . MARGARET LEE, secretary to RIAN JAMES, writer, and GENE BARKER, who works in the Warner art department, have sold an original, "Ever Since Eve," to Warners. . . . SOL LESSER has purchased rights to the song "Boots and Saddles," and has assigned DAN JARRETT and DAN SWIFT to write a script around the title and melody for GEORGE O'BRIEN. The song was written by WALTER SAMUELS, LEONARD WHITCUP and TEDDY POWELL. . . .

+

Contracts—Republic has signed ARTHUR LUBIN to direct "The Leavenworth Case." . . . SIDNEY SUTHERLAND and ALBERT DE MOND wrote the script from the novel by ANNA KATHERINE GREEN. KEN GOLDSMITH will produce. . . . LOUIS SILVERS a long-term contract at Twentieth Century-Fox where he will be attached to the music staff as conductor and composer. . . . Paramount to IDA LUPINO, who just has finished a part in "Anything Goes." . . .

+

New Title—The film is not in production yet, but already the new CAROLE LOMBARD story by John Francis Larkin, sold under the title, "Fashion Spy," is being called "Imported from Paris." . . .

+

Writers—ROBERT PRESNELL scripting "Turn of the Wheel" and HARLAND THOMPSON working on "Florida Special" at Paramount. . . .

+

Cameraman—RAY JUNE assigned "Wife vs. Secretary" at M-G-M. . . .

+

Here and There—M-G-M to immediately start construction of two bungalows to house music writers. Work will get under way this week. The studio will also build a new row of film vaults. The studio also has leased a tract of 500 acres near Chatsworth for "The Good Earth." One hundred will be sown with rice in the Chinese fashion. Replicas of Chinese homes will be built to serve as the houses of the principals. IRVING THALBERG, who will produce, and his assistant, ALBERT LEWIN, are now testing Chinese players for roles. PAUL MUNI and LOUISE RAINER, have the leads and there will be only one other white player. VICTOR FLEMING will direct.

Hirliman Seeking Leads

HOLLYWOOD, Nov. 21.—George Hirliman is negotiating by cable with Raul Roulien and Conchita Montenegro for the leads in an all-color feature, which will be released in English and Spanish versions. They are now in Rio de Janeiro. Fox is scheduled to release the Spanish version and the independent market the English.

Hirliman leaves for New York next week on a quick business trip. The producer figures to capitalize on the recent marriage of Roulien and Miss Montenegro.

RKO Names Reisman

Bert Reisman has been named RKO home office representative in Cuba, replacing Charles B. Garrett, resigned. He left for his Havana headquarters yesterday, with Robert K. Hawkinson, Latin-American head.

Radio Plant Quiet

HOLLYWOOD, Nov. 21.—Radio will finish shooting on "Chatterbox," "Green Shadow," "Two O'Clock Courage" and "Mother Lode" this week, leaving only "Follow the Fleet" before the cameras. "The Indestructible Mrs. Talbot" starts Dec. 1 and "Don't Bet on Love" on Nov. 25, leaving the lot at lower production than it has been for months.

Set for Xmas Week

"A Tale of Two Cities" opens at the Capitol during Christmas Week. "Mutiny on the Bounty" is expected to run four weeks, and possibly five, followed by "A Night at the Opera."

$60,000 for Music Hall

"The Man Who Broke the Bank at Monte Carlo" ended a week's run at the Music Hall Wednesday night with a gross of approximately $60,000.

Wiseman to Fight To Appeals Court

An appeal from a decision by Federal Judge Alfred C. Coxe denying a motion to vacate a subpoena for Sir William Wiseman, Kuhn, Loeb & Co. partner, obtained by the Paramount trustees in their action to recover from former officers and directors of Paramount for participations in an employes' stock purchase plan, is being taken to the U. S. Circuit Court of Appeals by Wiseman's attorneys.

The decision to appeal from Judge Coxe's ruling results in the postponement to Dec. 10 of a preliminary examination of Wiseman which had been scheduled for today before Special Master John E. Joyce. In objecting to the subpoena Wiseman contended that the trustees were without authority to conduct an examination of the defendants since Paramount has been reorganized and the new company is now in operation.

Sidney R. Kent, president of Twentieth Century-Fox, is the only other defendant in the trustees' action who has been subpoenaed for the examination thus far.

Wurtzel Has Heavy List Starting Soon

HOLLYWOOD, Nov. 21.—Although only one picture is working at the Twentieth Century-Fox Western Ave. studio now, the Wurtzel unit will be in heavy production after Dec. 1.

"The Black Gang" starts shooting Dec. 9, with "Every Saturday Night" following on the 16th, and "The Country Beyond" starting on the 26th. In January, "Charlie Chan in the Circus," "Public Nuisance Number One" and "I Will Be Faithful" will start, and in February "Efficiency Edgar," "Jeeves" and "Hard to Get."

There will be only a few days lapse sans production going when "Song and Dance Man," now in production, is completed.

Moves to Hollywood To Scan Production

HOLLYWOOD, Nov. 21.—One of the chief reasons for removal of headquarters of the Spanish consulate in California from San Francisco to Los Angeles is to maintain a closer watch over the industry. Enrique De La Casa, consul general, states that through an arrangement between Madrid and the Hays organization, he will hereafter spend the greater part of his time here. The announcement was made following the decision by Paramount to withdraw "The Devil Is a Woman" from the world market, which the Spanish Government had requested.

Theatre Decision Due

CHARLESTON, W. VA., Nov. 21.—Decision is expected within two weeks by the Circuit Court of Appeals here, following the hearing of the appeal of the Cleveland Trust Co., representative of bondholders of Warners' Capitol, Wheeling, seeking the forced sale of the house in a reversal of a Circuit Court decision.

Warners Set Release

HOLLYWOOD, Nov. 21.—Warners have scheduled "Captain Blood" for distribution under the Cosmopolitan banner, with release Christmas week.



My New BLUEBOOK

The first copies of my new Sixth Edition of the Bluebook of Projection have just come to my desk and already I have writer's cramp from autographing copies for those who got their orders in early.

It is a beautiful book, substantially bound. There are 714 pages, every one packed with information. It contains a comprehensive indexing system that will enable the reader to turn almost instantly to the answer to any question which arises concerning projection.

I have spent all my life in the study of projection and years in preparation of material for my books. I have worked three years getting out this book and I am proud of the result. It is full of solid, reliable, helpful data and it is thoroughly compiled and edited.

There is a whole section devoted to sound because, since the publication of the last Bluebook, sound has become an all-important factor in projection.

My Bluebook does not contain information in the projection or the sound sections that will get out of date quickly because of major or minor changes in equipment. The book deals with basic, fundamental facts and the man who studies it and absorbs it should be able to handle any projection apparatus, sound or visual, well and efficiently.

This book is dedicated, proudly, to the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators of the United States and Canada in the hope that it will aid its members and further improve the efficiency and quality of their work. It is a recognition of the projectionist as a master craftsman. I am happy to say that my dedication to the I. A. T. S. E. and M. P. M. O. has been unanimously approved by the Executive Board of the Alliance.

F. H. Richardson

F. H. RICHARDSON'S
Bluebook of Projection
SIXTH EDITION
Now Available

$5.25 POSTPAID

Quigley Bookshop
1790 Broadway, New York

"Rendezvous" Washington's $27,500 High

WASHINGTON, Nov. 21. — Loew's Fox with "Rendezvous" piled up $27,500 for a gross $6,400 over average. Benny Rubin headlined the stage show.

A return engagement of "I Live My Life" at Loew's Columbia topped its first run par by $2,400 with a take of $6,000.

At the Metropolitan, "The Virginia Judge" grossed $6,500, or $2,200 over average.

Amazing was the unexpected nosedive "Metropolitan" made at the Earle, where only $11,000 was taken in. This was $7,400 under average. At RKO-Keith's, "Remember Last Night" was good for only $5,200 and five days, giving way to "Transatlantic Tunnel." The gross was $5,400 under the week's average.

Total first run business was $74,200. Average is $75,900.

Estimated takings, exclusive of tax:

Five Days Ending Nov. 12:

"REMEMBER LAST NIGHT" (Univ.)

RKO-KEITH'S—(1,836), 25c-55c, 5 days. **Gross:** $5,200. (Average, full week, $10,600)

Week Ending Nov. 14:

"METROPOLITAN" (Fox)

EARLE—(2,218), 25c-77c, 7 days. Stage: Cardini; Stuart Morgan Dancers; Cass, Owen, Mack & Topsy; Max & His Gang. **Gross:** $11,000. (Average, $18,400)

"I LIVE MY LIFE" (M-G-M)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $6,000. (Average, first run, $3,600)

"RENDEZVOUS" (M-G-M)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Benny Rubin, Harry Rose & Barney Dean; Ann Greenway, Harris Twins & Lorette Allen. **Gross:** $27,500. (Average, $20,900)

"THE VIRGINIA JUDGE" (Para.)

METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $6,500. (Average, $4,300)

"BARBARY COAST" (U. A.)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $15,000. (Average, $15,900)

Week Ending Nov. 15:

"THE STRAUSS WALTZ" (Amer-Anglo)

BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $3,000. (Average, $2,200)

Dexter in New Post

LONDON, Nov. 21.—Gayne Dexter is here from Australia to take charge of advertising and publicity for Warners. Dexter began with Union Theatres in Sydney in 1914, was later director of publicity for the original First National in New York. He recently was managing editor of *Everyone's*, Australian trade paper, and advertising manager of Hoyt's Theatres "down under."

Fill Chicago Chest Quota

CHICAGO, Nov. 21.—The Community Chest Drive gave the amusement industry a $20,000 quota. Under the supervision of John Balaban, Jack Miller, Aaron Saperstein and their assistants the quota has been reached. The committee is now contacting those who were late in making pledges.

Plan Two More Serials

Stage & Screen Prod., Inc., is planning two more serials to follow "Custer's Last Stand." They will be "The Clutching Hand," with Craig Kennedy featured, and "Jungle Perils." Louis Weiss, supervisor, will leave for the coast this week to start the latter.

Variety Club Chatter

Cincinnati

CINCINNATI, Nov. 21. — Enlarged quarters have been dedicated ceremoniously and the new modernistic cocktail bar has been opened. Among those present were HENRY ARMETTA, playing an engagement at the RKO Shubert, and CASTLE and FAY, dance team from the same theatre.

In a bulletin released by Chief Barker ALLAN S. MORITZ, a special Thanksgiving party on Nov. 23 was announced. The annual Children's Christmas Party is scheduled for Dec. 23, and again will be held in the Hall of Mirrors of the Netherland Plaza.

NOAH SCHECTER was among those present at the formal opening of the Mayfair, Cleveland night spot, recently.

CLARENCE WILLIAMS, steward, now has an aide because of longer hours.

Des Moines

DES MOINES, Nov. 21.—Variety club will hold a Thanksgiving dinner dance at the Savery Hotel, Nov. 23, the second dinner dance since the club was organized. STANLEY MAYER of Fox is general chairman and L. M. MCKECHNEAY is chairman of the ticket committee. A stage show has been planned.

Variety Club played host to many members of Allied Theatre Owners of Iowa and Nebraska during the convention.

Philadelphia

PHILADELPHIA, Nov. 21.—Inmates of Philadelphia General Hospital, one of the largest in the country, will now be able to see pictures through cooperation of Variety Club, with Mrs. Robert Loving, welfare worker in charge of social work at the hospital.

Some months ago the hospital had sound equipment, but could not meet the final payment. After waiting many months the equipment was taken out. The patients, many crippled, pleaded for films. The Variety Club was contacted, visited the hospital, knew that here was a genuine appeal.

Quickly the group contacted various industry members. Those who responded were, first, E. M. HARTLEY, RCA Photophone; then JOSEPH BERNHARD, for Warner; then ERPI; later International Projector. Warners were given the privilege of donating the equipment because it was a Philadelphia organization.

A committee consisting of members, BERNHARD, TED SCHLANGER and others participated in the actual ceremonies. Local exchanges will supply the film.

This is the first bit of constructive work that the local tent has done in the city with the expectation that the hospital incident will be first of a long series.

Washington

WASHINGTON, Nov. 21.—Variety Club has resumed its get-togethers after a fortnight's lapse. F. KEMP MOHLER and ROBERT M. GRACE acted as kings for a day at a smoker.

No diversions other than those generally available in the club rooms were provided.

Principal topic of conversation was the forthcoming dinner and dance on Nov. 23. Elaborate plans have been laid by the committees and 500 guests are expected at the Willard. HARRY P. SOMERVILLE, that hotel's managing director, is generalissimo of the dinner-dance.

Many entertainers are assured by GENE FORD. ED LOWRY will be master of ceremonies, with the THREE X SISTERS, EL BRENDEL, NORMAN FRESCOTT, CHERRY and JUNE PREISSER, EDGAR BERGEN (and "CHARLIE MCCARTHY"), all serving the local theatres that week, and from local night spots will come other talent.

Musical direction during the evening will be by C. FREDERICK CLARK, of the Earle, PHIL LAMPKIN of Loew's Fox and GEORGE WILD of Loew's Century, Baltimore. An orchestra for dancing will be under the personal supervision of PETE MACIAS.

Detroit Bans "Peasants"

DETROIT, Nov. 21. — Police Censor Joseph Kollar has refused to issue a permit for the showing of "The Peasants," an Amkino release, by the Cinema Guild at the Institute of Arts, on the grounds that it is saturated with propaganda for collective farms, shows Communism triumphing over all and endeavors to instill these "red" ideals in the minds of its viewers.

This is the second Russian film to be banned here within the last two months, Kollar previously having refused to approve "The Life of Maxim."

Goes to Roadshows

COLUMBUS, O., Nov. 21. — The Hartman, originally a legitimate stand, which was taken over a few years ago by J. Real Neth, local operator who tried various policies, has reverted to Robert F. Boda.

The house, refurnished and redecorated, reopens with "The Student Prince" and "Blossom Time," and thereafter will play traveling road attractions.

New Theatres Nearer

HOUSTON, Nov. 21.—Eddie Collins, city manager for Interstate Circuit, Inc., reports that three of the projected five neighborhood theatres are in advanced stages of construction. Cost of the five, including the three now under construction, is expected to approximate $750,000, according to Collins.

The North Main, first of the new projects due for completion, is expected to be ready for occupancy by Nov. 30. The other two now under construction will be completed in the near future.

Conducts Food Matinee

DENVER, Nov. 21.—Gerald Whitney, manager of the Mayan, put on a food matinee last week which was sponsored by the South Side Woman's Club. Several hundred cans of food were obtained.

Mrs. J. C. Feeney, president of the club, and Whitney have arranged to hold a book matinee in January. The books will be used in the state traveling library organized by club women.

"Three Kids" Frisco Wow; Gets $15,000

SAN FRANCISCO, Nov. 21.—"Three Kids and a Queen" was a sensation at the Orpheum, the take running up to $15,000, above normal by $8,200.

"Thanks a Million" was over the line by $4,000 on a take of $25,000 at the Warfield, and a combination of "Personal Maid's Secret" and "O'Shaughnessy's Boy" reached $12,000 at the Paramount. At the 400-seat Clay "Moscow Nights" doubled par with a take of $1,400, but elsewhere business was anaemic.

Total first run business was $83,000. Average is $76,500.

Estimated takings:

Week Ending Nov. 12:

"LAST OUTPOST" (Para.)

GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $14,500. (Average, $14,500)

Week Ending Nov. 13:

"THREE KIDS AND A QUEEN" (Univ.)

ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $15,000. (Average, $6,800)

"PERSONAL MAID'S SECRET" (W.B.)
"O'SHAUGHNESSY'S BOY" (M-G-M)

PARAMOUNT — (2,740), 25c-35c-40c, 7 days. **Gross:** $12,000. (Average, $11,500)

"BARBARY COAST" (U.A.)

UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 4th week. **Gross:** $3,600. (Average, $9,000)

Week Ending Nov. 14:

"SHIP CAFE" (Para.)
"WANDERER OF THE WASTELAND" (Para.)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $6,000)

"DR. SOCRATES" (W.B.)
"THE PAYOFF" (W.B.)

ST. FRANCIS — (1,470), 15c-30c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"THANKS A MILLION" (20th-Fox)

WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $25,000. (Average, $21,000)

Week Ending Nov. 15:

"MOSCOW LAUGHS" (Amkino)

CLAY—(400), 25c-35c, 7 days. **Gross:** $1,400. (Average, $700)

"Mutiny" $12,000 Houston Sensation

HOUSTON, Nov. 21.—"Mutiny on the Bounty" was a sensation last week. It came out front to garner $12,000 at Loew's State, $5,000 over the line.

At the Majestic, "In Old Kentucky," aided by an active local Will Rogers memorial campaign, brought in $9,000, above average by $2,000.

Other features felt this opposition, "The Three Musketeers" at the Metropolitan falling to $5,000, a drop of $2,000, and the Kirby losing slightly on both features for the week. "Woman Wanted" fell $200 below par with a total of $3,200, and "Red Heads on Parade" in midweek was off $100, grossing $1,400.

Total first run business was $30,600. Average is $26,000.

Estimated takings for the week ending Nov. 15:

"WOMAN WANTED" (M-G-M)

KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,200. (Average, $3,500)

"RED HEADS ON PARADE" (Fox)

KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,400. (Average, $1,500)

"MUTINY ON THE BOUNTY" (M-G-M)

LOEW'S STATE — (2,750), 25c-40c, 7 days. **Gross:** $12,000. (Average, $7,000)

"IN OLD KENTUCKY" (Fox)

MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $9,000. (Average, $7,000)

"THE THREE MUSKETEERS" (RKO)

METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $5,000. (Average, $7,000)

Short Subjects

"Mismanaged"
(*Radio*)

The efforts of Manager Eddie Davis to get his troupe booked and a kind of success when he presents them on an amateur broadcast is the story in this short. Featured are Paula Stone, daughter of Fred, who goes through a singing, dancing routine in expert fashion assisted by Al Beal, pianist; Jimmie Tolson, crooning, and accordion player Toni Travers. They are a success on the radio and a contract follows for Davis, who must share his earnings with them according to the terms of another contract. Esconced in private offices they form a company and Miss Stone signs Davis to another contract, marriage. Well played, it should be good comedy fare for average audiences. Production Code Seal No. 894. Running time, 19½ mins. "G."

"Harlem Bound"
(*Mentone-Universal*)

A Harlem night club is the scene of this entertaining short. Presented there as its floor show are a number of acts with which most audiences are familiar. In the show are Cook and Brown, tap dancers; Avis Andrews, torch singer; "Pork Chops," Norman Atwood and Buck and Bubbles. At the conclusion there is a "Truckin'" scene by the whole ensemble which is entertaining and amusing. Production Code Seal No. 298. Running time 20 mins. "G."

"Tomorrow's Halfback"
(*Van Beuren-Radio*)

A youngster convinces his parents that football is not as dangerous as they think—with the aid of Lou Little, the Columbia coach, and Bill Corum. Little invites the family out to a game and there they decide to let their boy play on his school team. There are interesting shots behind the scenes of football showing how players are protected from injury and their special equipment. Worked in the narrative is a memorable Rose Bowl game of last year. With football in the air at this time this short should play to an interested audience. Production Code Seal No. 0750. Running time, 10 mins. "G."

"Gus Van's Music Shoppe"
(*Mentone-Universal*)

Taking place in Gus Van's music store, this short, aided considerably by the "hotcha" singing of Peggy Flynn and the supporting acts, should provoke entertaining comment from an amused audience. Van is wondering where business went to when Miss Flynn comes in. Getting out of that she goes into a snappy number about Paul Revere's ride. Then Van sings and there is some fast wisecracking. Along comes Ray Sax with his clarinet act, then dancing by Seroy and Weaver. More songs by Van and Miss Flynn, a hillbilly troupe and the Randall sisters. The whole cast troops off finally to a radio station. Previewed without Production Code Seal. Running time, 20 mins.

Hold "Gulliver"

"The New Gulliver," Soviet importation, will be held for a fourth week at the Cameo beginning today.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Millions in the Air"
(*Paramount*)

HOLLYWOOD, Nov. 21.—Lack of box-office names and a very familiar plot leave this with few selling angles. The showmanship line suggesting itself is how a radio hour is conducted, directing attention to the known stage and radio personalities.

Wendy Barrie, heiress to Kello soap, wants to make good on her own, so she tries out under a fake name on an amateur hour sponsored by her father, George Barbier. She gets the gong. Ice cream peddler John Howard also gets the gong, but master of ceremonies Samuel Hinds gives them a chance as a team. Barbier see Miss Barrie and Howard performing and orders Hinds to give them the gong again. The entire country starts writing fan mail demanding their return, Howard refusing to appear with Miss Barrie because she is an heiress instead of a five-and-ten-cent-store girl, as she claimed. But their radio success as a team leads to wedlock's harness.

Willie Howard supplies the main laughs as a persistent amateur who sneaks in on every program. Benny Baker and Dave Chasen contribute to their well-established stunts, but these talents are not sufficient to hold up the entire film. Eleanor Whitney's tap dancing should take her far. John Howard looks like a possible bet as a new leading man. The supporting cast includes Robert Cummings, Inez Courtney, Catharine Doucet, Halliwell Hobbes, Alden Chase, Maurice Cass, Marina Schubert and a clever boy pianist, Bennie Bartlett.

Ray McCary directed under the supervision of Lewis Gensler. Harold Hurley produced. The screen play is by Sig Herzig and Jane Storm with music and lyrics by Ralph Ranger, Arthur Johnston, Leo Robin and Sam Coslow.

Production Code Seal No. 1,662. Running time, 70 minutes. "G."

Looking 'Em Over

"Moscow Nights"
(*Denham-U. A.*)

LONDON, Nov. 14.—Founded on the production "Nuits de Muscovie," which was a Paris sensation about a year ago, this first Denham feature, produced by Alexis Granowsky and directed by Anthony Asquith, is melodrama plus spectacle, plus war atmosphere and plus Harry Baur, French character actor, in a dominating Russian peasant-profiteer role. Laurence Olivier, very good in an officer part, and Penelope Dudley Ward, the English society recruit who was seen in "Escape Me Never," are the other leads and there is good character work from Athene Seyler.

The story is about Captain Ignatoff, a wounded Russian officer, who falls in love with Natasha, the nurse who tends him in a Moscow hospital. She is being pressed to engage herself to Brioukow, a peasant turned war contractor. Ignatoff insults the peasant, who revenges himself by winning all the officer's money at the gaming table, leaving the latter also in his debt for a large amount.

Ignatoff discovers that Natasha really loves him and, abandoning his intention of committing suicide, agrees to accept help from Madame Sabline, an apparently simple old woman who is really a German spy. He does not know that, at Natasha's desire, Brioukow has sent him a quittance of his debt. Madame Sabline is caught, takes poison, and Ignatoff is accused of treason, but Brioukow tells the truth about the debt and clears him, although it means losing Natasha.

The outstanding features are Baur's very realistic picture of the moujik-millionaire and Olivier's debonair soldier. Penelope Dudley Ward is overweighed by her part. There is good pictorial appeal and plenty of Russian songs and Russian dancing. Baur's performances and the popular appeal of the story should make it generally useful.

Running time, 76 minutes. "A." ALLAN.

"Remember Last Night?" now current at the Roxy, was previewed by wire from Hollywood on Oct. 7.

"Frisco Kid," opening tomorrow morning at the Strand, was reviewed from Hollywood on Oct. 24 by wire.

"Splendor," this morning's opener at the Rivoli, was covered on Nov. 19.

"Crime and Punishment," which opened yesterday morning at the Radio City Music Hall, was previewed by Hollywood wire on Nov. 13.

"Mutiny" $14,100 Hit in New Haven

NEW HAVEN, Nov. 21.—"Mutiny on the Bounty" topped everything in a record-smashing $14,100 week at the Poli. Lines of standees waited hours during the first four days of the run. The picture was held for a second week at the College. The gross was more than twice the $6,500 average.

"The Crusades" piled up $6,100 at the Paramount in a good steady flow of business, $1,300 above par. This picture also was held. The Roger Sherman opened big with "Transatlantic Tunnel" and "King Solomon of Broadway," but shied off with the competition of "Mutiny" and "Crusades," and hit $800 over the usual $4,500 for this house. "Charlie Chan in Shanghai" and "Freckles" in a dual at the College took in $3,300, or $600 over the $2,700 mean.

Total first run business was $28,800. Average is $18,500.

Estimated takings for the week ending Nov. 15:

"CHARLIE CHAN IN SHANGHAI" (Fox)
"FRECKLES" (Radio)
COLLEGE—(1,499), 25c-35c, 8 days. **Gross:** $3,300. (Average, $2,700)

"THE CRUSADES" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $6,100. (Average, $4,800)

"MUTINY ON THE BOUNTY" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $14,100. (Average, $6,500)

"TRANSATLANTIC TUNNEL" (G.B.)
"KING SOLOMON OF BROADWAY" (Univ.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,300. (Average, $4,500)

Levi Moore Dies

ENTERPRISE, ALA., Nov. 21.—Levi C. Moore, owner and manager of the Ritz here, is dead, the result of a heart attack. He is survived by his widow and a daughter. Burial was at Bonifay, Fla.

Mrs. Adler Dead

KANSAS CITY, Nov. 21.—Mrs. Louis J. Adler, wife of the president of the Great Western Stage Equipment Co., died here this week at the age of 53.

Gledhill's Father Dies

HOLLYWOOD, Nov. 21.—Donald Gledhill, Academy executive secretary, left for San Francisco last night to arrange for the funeral of his father, Arthur, who died suddenly yesterday.

Start Screeno Dec. 3

Loew's Paradise starts Screeno on Dec. 3 and Loew's Valencia launches the same chance game one day sooner. The first house will feature the game every Tuesday, while the latter will put it on Monday nights.

REPUBLIC PICTURES
announces
for early production
"OH SUSANNAH"
a Feature Drama
and
"ROBINSON CRUSOE"
A Serial with Feature Version
Based on Daniel Defoe

AN *Educational* FEATURETTE on Your Show is





YOU'LL SCORE WITH THESE TWO-REEL COMEDIES

"ONE BIG HAPPY FAMILY" — With **"Tim and Irene"** of radio fame. A new screen comedy sensation. Story by David Freedman.

"WAY UP THAR" — With **Joan Davis, "The Sons of the Pioneers," Myra** and **Louise Keaton.** Melody and mirth from the mountains.

"LADIES LOVE HATS" — **Ernest Truex** in a clever farce based on the magazine story "High Hats" by Roy L. McCardell.

"THE TIMID YOUNG MAN" — **Buster Keaton** as a shrinking youth who tries his best to stay a bachelor but just can't.

"HE'S A PRINCE" — That royal pair of comics, **Tom Howard** and **George Shelton,** made a bigger draw than ever by their growing radio popularity.

TIMELY ONE-REEL SPORTS SUBJECTS

"HOLD THAT LINE" Thornton Fisher in a thrilling picture of the sport of the moment.

"GANGSTERS OF THE DEEP" Hunting the monsters of the seven seas, with Thornton Fisher.

"SUNDAY SPORTS IN MEXICO" From polo to bull fights in a land of romance. Narration by Norman Brokenshire. *Treasure Chest Productions*

"FOOTBALL" The gridiron game as it is played on the cartoon field, in a rollicking Terry-Toon by Frank Maser and Paul Terry.

Presented by
E. W. HAMMONS

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by
20TH Century-Fox Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 123 NEW YORK, SATURDAY, NOVEMBER 23, 1935 TEN CENTS

Sunday Shows In Pittsburgh On Tomorrow

All Exhibitors Excitedly Await Big Event

PITTSBURGH, Nov. 22.—With the official certification today by Judges Frank P. Patterson and James H. Gray of the recent vote, Pittsburgh will usher in legalized Sunday shows this weekend for the first time in the city's history. Operators have already lined up a flock of extra help, including ushers and floor men, fully expecting box-office lines all day long.

They base their predictions on the enthusiasm with which Sunday shows have been greeted here in the past when operated on a benefit basis or for some particular charity. Then, too, the novelty is expected to attract many who might otherwise do their film going during the week.

While some observers have insisted that there is only so much business in town and that the Sunday take would be reflected in diminished grosses on week days, operators freely predict it will mean a gross increase of from $1,000 to $2,500 weekly all along the

(*Continued on page 3*)

Samuelson Declines Allied Jersey Post

Sidney Samuelson will not run for reelection in Allied of New Jersey when elections are held aboard the *Queen of Bermuda,* it was learned yesterday.

Although six days will be devoted to the convention this year, about three and a half will be given over to actual business. The dates are Dec. 7-13. More than 75 reservations have been made by members and their friends.

Samuelson refused to accept a renomination at the annual meet of the

(*Continued on page 3*)

Dec. 2 Meeting Is Set On Exhibitor Merger

PHILADELPHIA, Nov. 22.—General meetings of the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware and the I.E.P.A. will be held Dec. 2 to permit the membership of the two organizations to discuss their proposed merger, it was decided today following a meeting between unofficial committees of the organizations.

If the merger is viewed favorably by the membership of the two, joint meetings will be held later to complete the arrangements.

KAO Will Pick Up Additional Stock Block in Met. Playhouses

Keith-Albee-Orpheum is subscribing for the additional 10 per cent of the stock of Metropolitan Playhouses, the reorganized Fox Met. company, to which it is entitled under its agreement with United Artists Theatre Circuit, Inc., attorneys for K-A-O said yesterday. The decision to acquire the stock has been made by K-A-O, and the necessary papers are being drawn, it was stated.

The additional 10 per cent of the Met. stock became available to K-A-O as a result of the U. A. Circuit's recent acquisition of the remaining 50 per cent of the new issue. The U. A. Circuit, wholly owned by Joseph M. Schenck, thus owns 80 per cent of the Met. stock and K-A-O owns the remaining 20 per cent.

KAO 'Untouched' by RKO's Reorganization Says Swope

Keith - Albee - Orpheum is "untouched" by the reorganization under way in RKO, Herbert B. Swope, chairman of the K-A-O board, said yesterday in a staff communication designed to reassure employes in the face of "many unfounded rumors."

Swope said that K-A-O "will earn profits this year after several years of heavy losses. The bonus system, which I am glad to claim as my contribution, is working well," the communication continues. "The whole outfit is stepping out with a new spirit. I thank all the men and women in the K-A-O group for their efforts. Our relations with RKO continue unchanged in a friendly and effective affiliation."

Swope repeated a statement he made on assuming the K-A-O chairmanship more than a year ago: "That the company is sound; that the morale has been restored; that our job is to continue to do the best we can with our theatres, and that those who do their work well need have no fears."

The K-A-O head's statement is believed to be in response to current reports that the Atlas Corp.-Lehman Bros. interests which recently acquired one-half of the R.C.A.'s investment in RKO would also acquire the M. J. Meehan-RKO interests in K-A-O.

"Bounty" at $59,000 Again B'way Leader

"Mutiny on the Bounty" continues to set the pace on Broadway. After chalking up a $76,300 gross for the first week, the M-G-M special garnered $59,000 during its second stanza at the Capitol.

The first week of "Mary Burns, Fugitive" at the Paramount was good for $22,000, while the nine-day run of "Stars Over Broadway" tallied about $13,500 at the Strand. "The Melody Lingers On," which played nine days at the Rivoli wound up with a poor $12,000. The Palace with "The Three Musketeers" and "The Case of the Lucky Legs" was off with approximately $7,000 for the week.

"Mutiny" Again Held

PITTSBURGH, Nov. 22.—"Mutiny on the Bounty" will be held over at the Warner again, its second week here but its third downtown. The picture opened at the Penn where it did a

(*Continued on page 3*)

Mexico, Americans Still in Deadlock

By JAMES LOCKHART

MEXICO CITY, Nov. 18.—The deadlock between the Government and American distributors over income tax and import duties continues here. The finance ministry suggestion for dropping the progressive income tax starting Jan. 1, and substituting a straight tax of six per cent on gross receipts, with a maximum annual import quota of 70,000 meters for each distribu- ask a straight duty of 2.80 per kilogram and $13.90 over the quota, was apparently not acceptable to the distributors.

Arthur H. Pratchett, local Paramount manager, and spokesman for the distributors, told the ministry they ask a straight duty of $2.80 per kilogram within their quota of 100,000 meters a year, with a proportionately higher levy above the quota. They seek to pay income tax only on the amounts they remit to their home offices, this not to be figured, as now,

(*Continued on page 3*)

Warners Seek New Deal, or Leave Ascap

After a Greater Return, States Starr

Unless new proposals by which Warners will be enabled to realize increased revenue on its music catalogues are advanced by the American Society of Composers, Authors & Publishers within the next few days Warners will withdraw its music publishing subsidiaries from Ascap membership before the end of next week, Herman Starr, Warner vice-president and member of the board of Ascap, said yesterday.

"We have no quarrel with Ascap as an organization," Starr said. "It is just a business question concerning what we think we should be paid for our music. Our position on this is the same now as it was six months ago and though our membership does not expire until the end of the year we are not going to wait until the last minute to make our decision on with-

(*Continued on page 3*)

Warners Will Back Fifteen Stage Plays

HOLLYWOOD, Nov. 22.—Warners today completed arrangements to back 15 New York stage plays, according to Jack Warner. All the plays will eventually be made into films. The plan will go into work immediately, with Gilbert Miller producing George S. Kaufman's "All Are Victorious" as the first, and "Libel" as the second.

Scheduled to produce others are Brock Pemberton, Herman Shumlin, George Abbott and Alex Yokel. Even if the plays fail, the writers will have an opportunity to see their faults for correction in the film productions, Warner said.

Court Orders Atlas Action to Continue

The Appellate Division yesterday sustained a decision by Supreme Court Justice Edward Dore denying a motion by Atlas Corp. to dismiss a summons and complaint against the company, its officers and directors which was brought last spring by William F. Walsh, an Atlas stockholder, as a result of the investment company's dealings with Paramount and other concerns.

The action charged officers and directors of Atlas with mismanagement and dissipation of assets and

(*Continued on page 3*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 23, 1935 No. 123

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Quigley Gives Cup To Loew-MGM Team

Martin Quigley at midnight last night presented to the Loew-Metro baseball team the Quigley Publications cup for the winning team in the M. P. Baseball League.

The ceremony took place as one of the features of the Loew-Metro mid-autumn "festival" held at Mecca Temple Casino. About 1,000 attended with Jay C. Flippen as master of ceremonies. Max Wolff is president of the club.

"Dream" in Chicago

CHICAGO, Nov. 22.—"A Midsummer Night's Dream" opened at the Apollo here last night, with a $10 admission, part of the proceeds going to the Olivet charity fund. Subsequent day prices are topped at $1.50, considered high for a Loop house. Warner men here have arranged several tieups on the picture.

Hammons on Coast

HOLLYWOOD, Nov. 22.—E. W. Hammons and Jack Skirball are due here tomorrow for the annual conference on Educational production with E. H. Allen.

Republic Signs Pryor

HOLLYWOOD, Nov. 22.—Republic has signed Roger Pryor for three productions: "Sitting on the Moon," "Metropolitan Merry Go Round" and "Ticket to Paradise."

Purely Personal

AL LICHTMAN was the host of The Off-the-Record Club yesterday, thereby giving that august organization two meetings in one week and switching the tables on its routine procedure. Dr. A. H. GIANNINI was another guest. Having addressed a bankers' convention in New Orleans and visited the resurrected town of Williamsburg, Va., as well as Monticello, GIANNINI is here for a couple of days. He returns to Los Angeles Monday accompanied by his son, BERNARD.

•

WILLIAM BRANDT, who is in the Jewish Hospital, Brooklyn, may not have to undergo a third operation if a special vaccine now being prepared serves the same purpose.

•

LILY PONS will be guest of honor at the Music Hall reception Thanksgiving Day coincident with the opening of her film, "I Dream Too Much."

•

JAMES CAGNEY and PAT O'BRIEN expect to leave the Warner studio in a few days with their wives for a New York vacation.

•

KENNETH MCKENNA is in Baltimore for a week of "Accent on Youth." IRENE PURCELL essays the secretary.

•

MARION GERING in from Hollywood. It's all about "Tapestry in Gray," stage play which he and BEN SCHULBERG will produce jointly.

•

THOMAS HARLOW, manager of the Birmingham, England branch of Kodak, Ltd., arrives Sunday on the *President Roosevelt.*

•

PERT KELTON was honor guest at a preview of a mechanical replica of Barnum's Museum, held at Gimbel's last night.

•

NOAH BEERY, appearing in "Nuptials of Barbal" for Capitol in London, plans to return to Hollywood when the film is finished.

•

BILL HOWARD, who has a directorial deal pending with ALEXANDER KORDA sails the end of next week for London.

•

WHITNEY BOURNE may go into the stage cast of a new version of "An American Tragedy."

•

STANLEY LOGAN is heading for London and stage direction of a play there. He'd like to, anyway.

•

BILL BRENNER, National Screen executive now in London, postcards: "See you soon."

•

The CHARLES PETTIJOHNS are due back in New York Thanksgiving Day on the *Conte di Savoia.*

•

LEO KLEBANOW, after 17 years, has finally received his D. S. C. from Congress.

•

MORTON DOWNEY's registration plates read "U." And nothing else.

•

J. J. UNGER is in Jacksonville for a few days.

IRWIN ZELTNER of Loew's has a brand new rug in his office. OSCAR DOOB originally ordered it for his cubicle, but the carpet people installed it in the wrong office, much to the satisfaction of ZELTNER. DOOB is now burning the candles nightly trying to figure out how to get another rug.

•

MARK BLOCK, operator of the Lyric and Station, Newark, leaves in 10 days on an auto trip to Hot Springs, Ark. From there he will go to New Orleans, spend two weeks there, and then to Miami for the rest of the winter.

•

WILLIAM and MRS. WILKERSON sail on a honeymoon trip on the *Lafayette* today. Also sailing on board that ship are LITA GREY CHAPLIN, ROSCOE ATES and Dr. C. E. KENNETH REES of the Eastman Kodak Co.

•

VAN CELLO and MARY DEVITO and DENNY, NATHANE and SULLY, YORK and TRACY and FOSTER and BATIE, vaudeville teams, sail on the *Lafayette* today for an engagement at the new Prince of Wales theatre in London.

•

MIKE KALLETT, who is building a new theatre in Geneseo, N. Y., and remodeling his Fulton, N. Y. house, returned to Oneida yesterday after visiting here for several days.

•

M. LEWIS has resumed management of the Valley, Valley Stream, for the estate of TOM HOPPE, who passed away about two weeks ago.

•

JOHN HANNA, Cincinnati M-G-M salesman, is in the hospital recovering from an automobile accident.

•

AL FRIEDLANDER returned from Philadelphia yesterday and on Monday will take a trip to Albany.

•

EARLE SWEIGERT, Paramount's branch manager in Philadelphia, was in town yesterday.

•

KEN HENRY, manager of the Park Plaza, Bronx, has returned from a week's honeymoon.

•

HARRY M. WARNER will be back in New York Monday. The Major has arrived.

•

JACK PARTINGTON returns from the coast sometime next week.

•

. . . Pittsburgh

JOHN MCGREEVY back to his booking duties in the Harris office after driving MRS. MCGREEVY to Florida.

M. W. PHILLIPS has left the Roosevelt Hotel to become BOB CHRISTENBERRY's assistant at the Hotel Astor, New York.

DAD SCANLON, veteran doorman at the Penn, is dead after a lingering illness.

NORMAN FRESCOTT flew back to the coast to resume his honeymoon after attending the Variety Club affair here.

MANNIE GREENWALD, who manages the Art Cinema, is also doing publicity work for the Pittsburgh Playhouse.

The GERRY LEARYS have taken a larger house to accommodate the new arrival.

Police Watch Union Meeting in Chicago

CHICAGO, Nov. 22.—Of the 420 who attended the nominating meeting this week of the local projectionists' union, 20 were policemen, under the eye of Chief Investigator Daniel Gilbert of the state's attorney's office. Police searched all attending for concealed weapons, and George Gerhing, owner of the Rosewood, was taken to the detective bureau when a gun—for protection, he said—was found on him.

The meeting was the first since the late Thomas E. Maloy, once union czar, was greeted by "friends" with several rounds of machine gun bullets. The nominees all unopposed, were: Frank Clifford, business agent; Peter Shayne, president; Glenn Sweeney, vice-president; Neal Bishop, secretary-treasurer. Elections will be held Dec. 5.

Paramount's Meeting To Run Only 2 Days

Although Paramount originally planned a three-day session, the mid-season annual meeting of district and division sales managers has been cut to two, starting Dec. 1 at the Edgewater Beach Hotel, Chicago.

The home office contingent leaving for the Windy City next Friday will include John E. Otterson, Adolph Zukor, George J. Schaefer, Neil F. Agnew, J. J. Unger, Charles M. Reagan, Russell Holman, Robert M. Gillham, Alec Moss, Al Wilkie, Don Velde and G. B. J. Frawley. Studio representatives attending will comprise Ernst Lubitsch, Watterson R. Rothacker, Chandler Sprague and Bill Pine.

Bromberg Opens Branch

MEMPHIS, Nov. 22.—Arthur C. Bromberg, president of the southern district of Republic Pictures, is here to open another exchange, to add to those in Atlanta, Charlotte, New Orleans and Tampa. He will be in New York next week for home office conferences.

Plan State Memorial

HOLLYWOOD, Nov. 22.—The money collected in California for the Will Rogers memorial will be used for the state's own memorial, according to word from the national Memorial Commission. The nature of the local memorial has not yet been determined.

Seeks Kyne Story

HOLLYWOOD, Nov. 22.—Edward H. Griffith is negotiating with Edward Hatrick of Cosmopolitan Prod. for the rights to Peter B. Kyne's "The Go Getters," which he is expected to produce for Universal.

MGM Promotes Dull

HOLLYWOOD, Nov. 22.—Bunny Dull, M-G-M unit manager, has been promoted to be assistant to John W. Considine, with his first production assignment "Voice of Bugle Ann."

Schenck to East

HOLLYWOOD, Nov. 22. — Nicholas Schenck left here by plane for New York last night, planning to stop one day at the Grand Canyon.

Sunday Shows In Pittsburgh On Tomorrow

(*Continued from page 1*)

line. Harry Kalmine, zone manager for Warners, points to a small town in this vicinity where Sunday shows have been operated for some time, a percentage of the gross going to charitable organizations. "In that place," he said, "where there is no competition at all, the house used to show a yearly deficit of about $3,000 weekly. Since it has run on Sundays, however, it has come out of the red and is making an annual profit of more than $5,000."

Mike Cullen, manager of the Penn, is of the same opinion. "If there is a slight drop during the week," he said, "I expect the extra Sunday business to more than triple the discrepancy." Independent owners feel more encouraged about Sundays, too, inasmuch as there will be no stage shows in the deluxe houses downtown to take prospective customers away.

Boon to Restaurants

An indication of what a boon the restaurant owners expect Sunday shows to bring may be found in the fact that all of the big eating places are carrying extra advertising space in the three newspapers this week, insisting it be placed on the amusement pages and willing to pay the higher rate.

The only fly in the Sunday show ointment so far has been the threat of a suit by a group of McKeesport citizens opposed to the seven-day week. They maintain the Sunday act providing for local option required the vote in favor of films in any municipality to equal a majority of votes for the office drawing the largest number of votes in the current election. Others, however, have pointed out that this isn't so, since the Sunday referendum was carried on a separate ballot and, therefore, does not apply. McKeesport's count has been certified, nevertheless, and the city will open on Sunday, with opponents told to ask Common Pleas court for an injunction or bring action against the individual theatres. It is doubtful, though, if the suit will materialize in the light of expert legal opinion.

Recount Changes Result

In nearby Tarentum, where on the face of apparently complete returns Sunday shows had won out by a single vote, 1,681 to 1,680, a recount was demanded by opponents and the result went against exhibitors by seven votes. No further action is contemplated by the theatrical interests although it is possible the trade unions themselves will demand another tabulation. If they don't, Tarentum's vote stands as is.

The surrounding communities which voted down Sunday films are expected to swell downtown attendance and parking garages intend to be open for the first time to handle the anticipated crowds.

Dropped in Georgia Town

EATONTON, GA., Nov. 22.—Due to poor crowds, Sunday shows have been discontinued here. They were inaugurated several weeks ago.

Wall Street

Universal Jumps 14⅛ Points

	High	Low	Close	Net Change
Columbia	73⅜	69¼	70½	—1¾
Consolidated	5½	5¼	5⅜	.....
Consolidated, pfd	18⅞	18¼	18⅜	— ⅝
Eastman Kodak .170	167½	167½		—2
Eastman, pfd ...155	155	155		.....
Loew's, Inc.	55	52¼	53¼	— ⅜
Paramount	9½	9	9⅛	— ⅛
Paramount 1 pfd.	78½	76¾	77	.....
Paramount 2 pfd.	11½	11⅛	11¼	— ⅛
Pathe Film	6⅜	6⅛	6⅛	.....
RKO	5⅜	5	5	— ⅛
20th Century-Fox	23⅜	21⅝	23⅜	+2
20th Century, pfd	30⅛	28¾	30⅛	+1¼
Universal, pfd .. 70		59¼	70	+14⅛
Warner Bros.	9¼	8½	8¾	— ¼
Warner, pfd	49½	48½	48½	+ ¼

Short Losses on Curb

	High	Low	Close	Net Change
Sentry Safety	11/16	⅝	⅝	— ¼
Sonotone	2½	2⅜	2⅜	.....
Technicolor	18⅞	18⅛	18⅛	— ⅛
Trans-Lux	4¼	4	4	— ¼

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	17½	16¾	17	— ½
General Theatre 6s '40 ctf	17⅜	16¾	17	.....
Loew's 6s '41 ww deb rights	104¼	104¼	104¼	.....
Paramount B'way 3s '55	60	60	60	.....
Paramount Pict. 6s '55	92	90½	90½	—1¼
Warner Bros. 6s '39 wd	89	88	88	— ¼

(Quotations at close of Nov. 22)

Mexico, Americans Still in Deadlock

(*Continued from page 1*)

on the basis of gross amounts received from exhibitors.

European distributors ask the income tax be four per cent instead of six per cent of gross, which the ministry considers the most reasonable. The mixed committee appointed by the Government will not meet until early in December. Local houses are using European, Mexican and some independent American product, as the strike of employees of the eight American major distributors is still in effect. The second run houses are doing fairly well, but the situation is working a hardship on the larger houses.

Acevedo Heads Union

MEXICO CITY, Nov. 22.—The Union of Mexican M. P. Exhibitors has elected the following officers for the ensuing year: Alfonso Acevedo, president; Eduardo Chavez Garcia, vice-president, and Guillermo Haller, treasurer.

Macy Parade Tieups

Loew's Cadet Band of 200 boys from New York Loew's houses, will appear in the annual Macy Thanksgiving Day parade. A second theatre tieup is a balloon likeness of Harpo Marx, held down by men costumed like the Marx Brothers. Their film, "A Night at the Opera" opens Thanksgiving Day at the Capitol.

Dealers' Confab Routine

Directors of the Independent Theatre Supply Dealers Assn. will wind up a three-day quarterly meeting today at the organization's headquarters in the Paramount Bldg. Routine matters were discussed yesterday.

Warners Seek New Deal, or Leave Ascap

(*Continued from page 1*)

drawing. Unless Ascap can get a return on our music commensurate with what we believe it to be worth we will have to make a decision on withdrawing by the end of next week."

The Warner music subsidiaries are reported to have received approximately $300,000 from Ascap last year, or a return of slightly less than four per cent on the company's estimated investment of $9,000,000 in the music field. The company is said to estimate its fair return at approximately $900,000. The Warner music subsidiaries contribute about 25 per cent of the Ascap catalogue.

Principal radio networks are reported to be taking the position that they will not accept licensing from Warners in the event of a withdrawal from Ascap unless their present assessment of five per cent of their receipts which is now paid to Ascap can be reduced by approximately 25 per cent. Ascap contends that it will continue to have licensing rights to the past compositions of Warner music writers even if the company should withdraw from the organization.

Observers in the music publishing field believe that extended litigation will ensue if Warners withdraw from the Society and that this may have serious consequences in the field of Federal copyrights. A possibility of the Government taking over supervision of music licensing is also advanced in this connection in some quarters.

"Bounty" at $59,000 Again B'way Leader

(*Continued from page 1*)

sensational $28,000, then was moved to the smaller Warner at the same scale and turned in $10,000, more than double average, during its first week there.

The only reason the Penn didn't keep it was because of a product jam there, something that also faces the Warner now. If many more holdovers develop in the near future, it's likely that Warners will be forced to reopen either the Davis or the Aldine to straighten out the picture situation.

Held in Atlanta

ATLANTA, Nov. 22.—"Mutiny on the Bounty" was held over for an additional six-day run at Loew's Grand.

Decision Reserved

Magistrate Anna Kross in Essex St. Court yesterday reserved decision on the Bank Night complaint against Skouras' Academy of Music. Briefs were filed by Louis Weber, attorney for Skouras Theatres, in which it was contended the game was not a lottery and not in violation of the law. A decision is expected to be handed down Wednesday.

RKO Takes Over

RKO yesterday officially took over operation of the Lincoln, Cleveland, former independent house.

Court Orders Atlas Action to Continue

(*Continued from page 1*)

asked that, if the charges were proved, that the directors and officers be removed and a receiver appointed. The Walsh complaint alleged that Atlas was venturing outside its investment field in agreeing to underwrite the new $6,400,000 Paramount stock issue and cited its excursions into other film fields as evidences of Floyd B. Odlum's alleged ambition to become an influence in the film industry. Odlum, president of Atlas, is a member of the Paramount board. His company recently purchased one-half of R.C.A.'s investment in RKO and acquired a three-year option for the remainder. It is also reported to own Twentieth Century-Fox and Warner securities.

In a statement issued to MOTION PICTURE DAILY last night Atlas described the Appellate Court's ruling as being without "significance" and indicating only that the action would now be contested on its merits.

"Not Significant"

"The decision is of no general significance," the Atlas statement said. "Walsh, a holder of 200 shares of Atlas stock, purchased in 1934 shortly before the suit was started, brought a suit which the Atlas management believed to be without foundation. The only transaction complained of specifically resulted in a substantial indicated profit to the corporation. Accordingly, an attempt was made to dismiss the suit on technical grounds. The decision merely means that the suit will now proceed and will be defended on its merits.

"No attempt has been made by motion to procure an injunction or receiver," the Atlas statement continued, "and the question was not even considered by the court. Counsel for the corporation doubt whether such an attempt will be made, and that if any attempt is made, that it will fail."

Samuelson Declines Allied Jersey Post

(*Continued from page 1*)

unit in Atlantic City last August. Upon request by a number of members he agreed to continue temporarily until a successor could be found. As yet, none has accepted the nomination although a number have been approached. Samuelson is definitely determined to step out of the local unit and devote more of his time to the organization's national affairs. He also is president of Allied States, which will hold its annual election in January.

U. S. Dept. Has Films

WASHINGTON, Nov. 22.—The Department of Agriculture has released 13 new films, one and two reels long, six by the forest service, including two on the work of the C.C.C. Two of the films are with sound and with one exception all are in both 35 and 16mm. widths.

Applies for Listing

Columbia Pictures Corp. applied for listing on the New York Stock Exchange of 75,000 shares of $2.75 preferred convertible stock without par value and voting trust certificates for 135,000 additional shares of common without par value.

Short Subjects

"Audioscopiks"
(M-G-M)

HOLLYWOOD, Nov. 22.—As a distinctive novelty that gives new thrills, this short should excite much comment. Cardboard glasses with one green and one red lens are passed out to the audience and the screen viewed through these gives the picture a three dimensional effect, adding the further illusion that objects from the screen are coming straight into the spectator's lap. Thus, seltzer is made to squirt from a siphon directly into your eye, a baseball is hurled directly at your head, and a mouse crawls on the hair of the person sitting in front of you.

When Pete Smith finishes having his fun with these objects, he takes you on an automobile ride which is so realistic that very one involuntarily lurches forward as the car pulls up short behind a truck. The Smith patter is up to the usual standard and the subject is brief enough to overcome potential objection that viewing it may be an eye strain. M-G-M has dignified the reel by billing it as a "Miniature," but it should be big enough to rate marquee attention. Production Code Seal No. 1654. Running time, 9 mins. "G."

"Stranger Than Fiction No. 15"
(Universal)

This issue of the series contains interesting shots of a Buffalo man who lost his arms and his adaptation to artificial limbs as he conducts his business, a "Pullman" bicycle that a fellow uses in his travels around the country, fakirs in Marrakech, a girl who drinks boiling water, an electric organ, a Chicago barber shop that has a fig tree growing in the cellar and up through the store, a clever fishing arrangement with window shade rollers, and the Topperweins doing some fancy shooting in San Antonio. These are good entertainment fare and should be enjoyably received by audiences. Production Code Seal No. 0674. Running time, 9 mins. "G."

'The Land of Evangeline'
(Van Beuren-Radio)

This deals with the land of the heroine of Longfellow's poem, Nova Scotia, tracing the historical background of the poem among the present day inhabitants, some of whom can trace their ancestry back to the original settlers. It is well photographed and interesting places are well presented. The various occupations, especially farming and fishing, are shown and the camera takes in the beautiful landscapes that abound everywhere, resembling Scotland and France, as do the people. The spoken narrative is delivered by Alois Havrilla. It is a pleasant offering suitable for general audiences. Recommended. Production Code Seal No. 0703. Running time, 10½ mins. "G."

"Going Places No. 14"
(Universal)

Lowell Thomas takes the audience to Niagara Falls, where some interesting shots of the cataract and surrounding places are shown. The second part is about the Kellogg farm in Pomona, where pure-blooded Arab horses are bred. Fine photography and an interestingly spoken narrative makes it the highlight of the film. Of special interest there is to be seen Rudolph Valentino's famous charger, Sadwan, now in retirement, in addition to many other fine animals put through their paces. Audiences are certain to enjoy this offering for its second half. Production Code Seal No. 0669. Running time, 9½ mins. "G."

"Going Places No. 15"
(Universal)

In this one there are native Christian celebrations in Central America, where unique religious ceremonies are held with pious acrobaties of the natives from a tower, a Philadelphia artist in iron work and the oyster fleet out of Bivalve, New Jersey. The spoken narrative with a touch of humor is fitting and the subjects are well presented in the usual manner of this series. Production Code Seal No. 0670. Running time, 9 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Calling of Dan Matthews"
(Sol Lesser-Columbia)

HOLLYWOOD, Nov. 22.—With a ready-made audience of more than 1,000,000 readers of the book, this picture might be made to draw, although consistent plugging will be needed. In transforming the Harold Bell Wright novel, Dan Jarrett and Don Swift have modernized it at the cost of sacrificing some of the punch the story had when written nearly 30 years ago.

The version concerns the efforts of Richard Arlen, crusading pastor, to destroy an amusement zone which, as the home of vice and purveyor of liquor to minors, is a thorn in the side of an otherwise respectable city. The area is owned by Frederick Burton, town banker, who has been led by Douglas Dumbrille, who manages it for him, to believe that it is merely a harmless collection of merry-go-rounds and roller coasters.

When Arlen, with the assistance of Charlotte Wynters, as Burton's daughter, makes things hot for the vice operators, Dumbrille reveals that a contract with Burton will force the banker to take the blame if the matter is brought before the grand jury. For the finish, Arlen takes this contract by force, routs the underworld, and wins Miss Wynters from Donald Cook, who, as Burton's secretary, has been his rival. Producer Sol Lesser has given Arlen a good supporting cast. Miss Wynters, a newcomer to the screen, shows promise, and Tom Dugan, Mary Korman and Lee Moran make their bits effective. Phil Rosen directed.

Production Code Seal No. 1,689. Running time, 67 minutes. "G."

Looking 'Em Over

"First a Girl"
(G. B.)

LONDON, Nov. 15.—Jessie Matthews and Sonnie Hale in a singy-comedy turning on the situation that he is a female impersonator whom she impersonates, providing the situation that the boy on the stage pretending to be a girl is really a girl pretending to be the boy who is pretending.

It all goes very brightly, due to the fact that Miss Matthews sings and dances very attractively and Hale works very hard as her "manager," after her first success has shown that there is more money in the female than in the male impersonator.

The love tangle, due to the fact that the traveling princess falls for the male impersonator and her lover for the female one, is very well handled and gives an excellent climax with Hale resuming his female part and Jessie her skirts.

Plenty of laughs, songs and speed. Sigler, Goodhart and Hoffman came over to write special music numbers and have done it well. This has general audience appeal.

Running time, 93 minutes. "G."

ALLAN.

"Stranger Than Fiction No. 14"
(Universal)

The strange facts in this one are cormorant fishing in China, a woman who runs five miles a day on her doctor's order, an automobile engine that runs on water as fuel, a fort that was built on foreign soil by mistake, a bee keeper in the French Alps and an armless musician. Interestingly presented and with appropriate dialogue they make a good standard of entertainment. Production Code Seal No. 0673. Running time, 9 mins. "G."

Warners Move Office

ATLANTA, Nov. 22.—Warners will move into the new building constructed for them here this week-end. The new structure is located on Luckie St., just around the corner from Film Row.

Construction Gains In Australian Cities

WASHINGTON, Nov. 22.—During recent months there has been some new theatre construction and remodeling in the suburbs of Sydney and Melbourne, Australia, according to a report from Trade Commissioner E. C. Squire, at Sydney, to the U. S. Department of Commerce.

At the end of June a new theatre was opened at Rose Bay North. On July 17 a new theatre, costing approximately 10,000 pounds (about $48,500) was opened at Richmond, near Sydney.

A new house was opened at Cremorne Junction on Aug. 1, while another new house, costing approximately 12,000 pounds (about $58,200) has recently been built at Punchbowl.

A new theatre is also being built at Parramatta with a seating capacity of 1,000. American sound equipment is to be installed.

With the exception of Richmond, these houses are in suburbs of Sydney.

Hoyts Theatres, Ltd., are also reconstructing suburban theatres in Melbourne. This company during June announced that it would spend 63,700 pounds (about $309,000) for improvements, additions, and reconstruction to bring Melbourne suburban houses up to date.

Theatres Up Around Omaha

OMAHA, Nov. 22.—Further evidence that theatre business in this area is on the upturn is furnished by reopenings, re-equipping and new houses.

At Garden Grove, Ia., Jim Douthirt has opened a theatre, installing all new equipment and Western Electric sound. A contest is being staged among patrons for a name.

N. J. White is opening the Pastime at Primrose, Neb., which has been closed since 1927. The house has been remodeled completely.

R. R. Duteher is opening the Gibbon at Gibbon, Neb., with new equipment.

Open at West Terre Haute

WEST TERRE HAUTE, Ind., Nov. 22.—The Victory here, closed for several years, has been leased by Claude Ridgey, operator at the Orpheum in Terre Haute. The theatre has been redecorated and the name has been changed to the Grace.

West Terre Haute is the largest town in Indiana and has been without a theatre since the Victory was closed. The National, the only other house here, has been closed for a number of years.

Lease Woonsocket House

WOONSOCKET, R. I., Nov. 22.—Five thousand dollars annually for three years, with an option for renewal at not less for five years, has been agreed upon as rent in the lease of the Laurier here. Laurier Theatre, Inc., with Julien J. Guerin as president, Herve G. Giguere as secretary, and Harry Blanchette as secretary, is the operating concern.

Takes Albany Theatre

ALBANY, Nov. 22.—Max Rudnick of New York, producer, has leased the State, and as soon as alterations are completed will open under the name of the Follies.

F. H. Kells, a former manager of the Capitol, will be manager. The Follies will play revues, musical comedies and motion pictures.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 124 NEW YORK, MONDAY, NOVEMBER 25, 1935 TEN CENTS

Loew Profits Increase; Net Is $7,579,743

'34-'35 Gain Is $99,846 Over Previous Year

Loew's, Inc., continuing to build its profit rehabilitation toward pre-depression times, on Saturday reported a net of $7,579,743 for the fiscal year ended Aug. 31, 1935. This is a gain of $99,846 over the previous year.

Current earnings reflect a per share average on the preferred of $55.44 as compared with $54.39 for the year ended Aug. 31, 1934 and a per share average on the common of $4.53 as against $4.50 in the earlier comparative period.

The consolidated surplus account shows a balance of $41,088,279 as of Aug. 31. On the same date in 1934, the surplus was $37,667,062. Dividends paid on the preferred ran to $888,530 and on the outstanding common, $3,316,737. Gross income was $100,611,243. Of this figure, theatre receipts and rentals and sales of film and accessories contributed $96,797,-

(Continued on page 6)

Decision Dec. 2 On Missouri Tax

KANSAS CITY, Nov. 24.—Following presentation of arguments in a case brought by a Joplin cafeteria in Cole County circuit court at Jefferson City Friday, Judge Sevier said he would announce a decision on the constitutionality of the Missouri one per cent sales tax Dec. 2.

Lawyers for the company bringing the test case, and those for the state, were given till Nov. 29 to file briefs. The cafeteria argues the sales tax is unconstitutional because it is a property tax. The state holds it is an excise assessment.

Supply Dealers Seek Carbon Uniformity

Standardization of a new Suprex carbon, brought out by National Carbon Co., so that exhibitors will not be confused, was proposed by the board of directors of the Independent Theatre Supply Dealers Assn. at a three-day meeting which wound up Saturday.

The organization is trying to interest other carbon manufacturers to standardize their products with Suprex, which, it is said, produces the same white light on the screen as that

(Continued on page 6)

Warners Now In Black; Its Net $674,158

Compares with 1933-1934 Loss of $2,530,513

A net operating profit of $674,158 after all charges, was reported on Saturday by Warner Bros. Pictures, Inc., and subsidiary companies for the year ending Aug. 31, 1935. This compares with an operating loss of $2,530,513 for the year ended Aug. 25, 1934, and an operating loss of $6,291,748 for the year ended Aug. 26, 1933.

The company's operating profit for the year after deducting all charges including interest, amortization and depreciation, but before Federal income taxes, was $1,071,156.

In addition to the operating profit Warners reduced its deficit account $711,094, leaving that item as of Aug. 31 last at $14,961,309. Capital surplus was increased during the year by

(Continued on page 6)

Warner Predicts a Year of Prosperity

Declaring that "all signs point toward the greatest year of achievement and prosperity in the history of the screen," Albert W. Warner, vice-president of Warners, stated on Saturday following his return from a recent trip to the coast, that the company's studios are now at the peak of production activity.

Warner said that six of the company's most important productions of

(Continued on page 6)

Rules Himself Out

St. Louis, Nov. 24.—Voluntarily and by his own motion, Judge George H. Moore, on Saturday, disqualified himself from sitting in the Government case in equity against Warners, Paramount and RKO. This means Judge Kimbrough Stone, presiding justice of the U. S. Circuit Court of Appeals, will select another Judge to hear the injunction plea which will be made.

Indie Circuit Idea Revived In New York

Plans for the formation of the Independent Theatre Circuit were revived late last week after a period of inactivity.

A representative group of exhibitors, some members of the I.T.O.A., met secretly in Harry Brandt's office last Friday and discussed the new circuit idea. All present were pledged not to talk, but it was learned another special session will be held tomorrow to further the negotiations started several months ago.

About 60 I.T.O.A. members agreed to join during the first weeks of the drive. A plan was formulated at the time whereby exhibitors would turn over their properties to the new organization, plus a cash contribution, for which they were to receive stock. They would also be guaranteed a weekly income, it was stated.

Brandt had been approached several

(Continued on page 6)

80 Per Cent Assents Needed To Bring Arbitration Back

The formulation of local arbitration bodies for industry self-regulation is regarded as being dependent upon the participation of at least 80 per cent of the exhibitors and distributors in any one locality, David Palfreyman of the M.P.P.D.A. said Saturday on his return from recent conventions of southwest exhibitor organizations.

While in the southwest he conferred with Ed Kuykendall, M.P.T.O.A. president, who has just completed a nation-wide tour of exchange centers for the purpose of gathering ideas for the development of an industry plan of local self-regulation. Kuykendall is said to have collected a large amount of data on the subject in the field and during the next few weeks at his home in Columbus, Miss., will study the material he has gathered and prepare a report on his findings to be submitted to a meeting of the M.P.T.O.A. board in the near future. No meeting will be called, however, unless Kuykendall's study yields something definite in the way of a self-regulation plan, it was said.

The possibility was suggested that Kuykendall's material might first be

(Continued on page 6)

Balabans Get 7-Year Pact At Paramount

B. & K. Operating Deal Includes Percentage

The executive committee at Paramount, in what is understood to have been a decision arrived at in record-breaking time, has approved and signatured a contract vesting in John and Barney Balaban operation of B. & K., a wholly-owned subsidiary, and Great States Theatres for the next seven years on a participating basis. Toledo and South Bend are embraced in the deal.

B. & K., representing an investment of millions, was one major Paramount theatre unit which escaped receivership and bankruptcy. It has been continuously managed by the Balabans, recognized as among the first showmen in America, since its inception, first as an independently maintained company and later as both a partially and a wholly-owned Paramount subsidiary. However, since the Paramount bankruptcy, the Balabans, while in charge, have been functioning without a contract. The deal just closed climaxes efforts and negotiations for such a pact over a period of three years.

Para. Anticipates 25% Revenue Hike

A 25 per cent increase in Paramount film revenue on 32 pictures to be released before May 1, 1936, is anticipated by the distributor in comparison with the same release quota for two preceding years on the basis of an analysis completed on Saturday by George J. Schaefer, vice-president of Paramount.

The analysis covers the indicated returns on the forthcoming Paramount sales drive which gets under way Jan. 1, as compared with results

(Continued on page 6)

Drop Circuits in Phila. Merger: Allied

Despite pending negotiations between the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, and the I.E.P.A. of Philadelphia, Allied will not consider the arrangement, if consummated, as a unit of its organization unless affiliated theatres are dropped, it is learned.

The I.E.P.A. and Allied of New

(Continued on page 6)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 25, 1935 No. 124

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Fox Midwest Starts Double Bill Policy

KANSAS CITY, Nov. 24.—Fox Midwest has instituted a policy of double billing in several spots throughout its territory, notably Wichita, Kan., and is understood to be planning an extension of the policy. Two of Fox's first run theatres at Wichita—the Orpheum and Miller—began doubling late in October, and Fox houses at Winfield and Arkansas City, Kan., introduced two-picture programs in November. Fox is reported to be planning to do the same thing at Pittsburgh, Kan., where there have been few duals.

M-G-M Drive Near

M-G-M will begin its annual sales drive for playdates on Dec. 13. Paramount will start its drive Dec. 29. January is Republic Month.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

IN corners and across bars, the rumor is being discussed guardedly and with considerable caution by some of your best-known film names. For out of the canyons of Wall Street where futures are often determined bounces with much aplomb and persistence the report that a deal is under way for a shift in the control of Twentieth Century-Fox as a vitally necessary step in the creation of a General Motors of the film industry. . . .

▼

The move is nebulous one minute and partially tangible the next. The principals, quite naturally, look the other way, go into official denials or actually don't know. But this is how the rumor goes:

That Atlas and Lehman are dickering for control of the Chase bank interests in the company of which Sidney Kent, Joe Schenck and Darryl Zanuck are the big noises.

That the reshuffle would be financial, having little to do with management or operation.

That, whereas it was earlier indicated John D. Hertz for Lehmans and Floyd B. Odlum for Atlas were interesting themselves in a straight buy of Chase's preponderant interest in Twentieth Century-Fox, the changing picture now proposes a coalition between Atlas, Lehman and the bank, the latter reputedly regarding a General Motors plan as something it would like to be in on. . . .

▼

If all of this emerges from rumor into fact, the three-cornered coterie would have:

(1) A substantial finger in Paramount through the Atlas-Lehman holdings which are being increased via the purchase of additional securities by Atlas in the open market.

(2) Control of RKO through the purchase of half of RCA's interest in RKO by Atlas-Lehman for $5,000,000 and an option, exercisible within two years, on the remaining half for a like amount. Always essential to bear in mind is that clause in the deal which gives the purchasing group management of RKO and permitted Hertz to place Leo Spitz in the RKO presidential seat.

(3) Dominance of Twentieth Century-Fox.

(4) A wedge, ever so slight, in United Artists through the presence of the Lehman interests on the directorate, and presumably, therefore, in the future, of Selznick International Pictures. . . .

▼

The tentacles of a single combination of interests in so many companies would make a G. M. plan feasible for the first time in this industry's hectic career. If any far-reaching plan such as this eventualizes, it does not at all presage another era of mergers. The celluloid G. M., like the automotive G. M., would call for the continued maintenance of individual corporate identities under single financial control. It would bring about changes in film styles insofar as source is concerned by making one company the Cadillac of the field, another the Buick and the third the Chevrolet with all three gearing their costs and their operations in complete conformity with the price division set up for them and within which they would be expected to operate. . . .

▼ ▼

Al Lichtman, reporting on his first week at M-G-M:

"I am ashamed to take so much money for doing so little. The other day I went to Dave Bernstein and asked if there was any trouble that needed straightening out. He said there wasn't any. What kind of a film company is this, anyway?"

Services for Copeland

HOLLYWOOD, Nov. 24.—Funeral services for Boyd W. Copeland, retired exhibitor of Spokane, who died here last week, were held at Pierce Brothers Mortuary. Copeland, before his retirement, operated the Rex in Spokane as well as other theatres in Washington. He came to California several years ago.

Portland Aids Fund

PORTLAND, Nov. 24.—Some 40 theatres united in a movement to swell the Will Rogers' Memorial Fund by running brief trailers on their screens and placing contribution boxes in their foyers.

O'Brien Joins Pioneer

HOLLYWOOD, Nov. 24. — Willis O'Brien has been signed to a term contract by Pioneer Pictures as chief technician. O'Brien is well known for miniature work, notably "The Lost World," "King Kong" and "Son of Kong."

Poli Staff to Dance

NEW HAVEN, Nov. 24.—All Poli employes will gather for a dinner-dance at the Club Hollywood, Rocky Hill, Nov. 25, with Harry Shaw as guest of honor. Jack Sideney, Poli Hartford assistant, is in charge.

F. D. Sets National Selling This Week

With negotiations for local franchises in about four territories scheduled to be completed this week, First Division will be set on its national distribution system either Wednesday or Thursday. The three open areas are in the west and middle west and are virtually set except for the signing of contracts.

Harry H. Thomas, president, and Al Friedlander, vice-president, recently made extensive tours around the country lining up new distributors for First Division. The company will most likely assume operation this week of American Film Exchange in Boston, which was turned over to Pathe last week as a result of a court order. Pathe had sued the exchange for defaults in notes totaling $21,340.25.

Study Guides for Films

The M. P. Committee of the Department of Secondary Education of the N. E. A. has recommended the publication of study guides on 11 additional films as a result of an increasing desire on the part of high school teachers to utilize the educational value of current pictures, it was stated on Saturday.

The new study guides, which are made available to high school students and teachers on a subscription basis, are for "Romeo and Juliet," "A Tale of Two Cities," "Mutiny on the Bounty," "Ivanhoe," "Captains Courageous," "Knights of the Round Table," "Mary of Scotland," "Marie Antoinette," "Little Lord Fauntleroy," "Quality Street" and "The Good Earth."

Poise Sunday Question

PORTLAND, Me., Nov. 24.—Russell Bartlett, M. J. Lovejoy and John Barnet of the Rockland Board of Aldermen are determining the disposition of a petition protesting Sunday shows in that community. A number of Maine municipalities are eluding the law prohibiting the showing of films on the Sabbath in the Granite State by billing the performances as charity shows, and turning part of the receipts over to some charitable organization, and by starting them at midnight.

New Trailer Company

DENVER, Nov. 24.—A trailer company in Denver has been formed by A. P. Archer, president of the Amusement Enterprises and a former exchange manager for Educational. The company will produce trailers and advertising films. Associated will also be P. E. Whitaker, formerly with Alexander Film, as chief cameraman, and R. S. Whitaker, production man and statistician.

Bowes' Amateurs Booked

SEATTLE, Nov. 24. — The annual automobile show will be held from Dec. 2-9. The Civic Auditorium has been selected as the site. Entertainment will be furnished by a selected unit of Major Bowes' Amateurs, following the sensational drawing power of the first unit that played at the Metropolitan two weeks ago. The new unit is now appearing at other auto shows in Pacific Coast cities.



HERE COMES

JOE PALOOKA

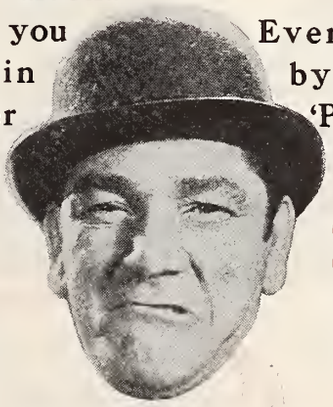
Still another great comedy name for

VITAPHONE SHORTS

Wham!—Biff!—Pow!—Crash!—and the Big Noise of the comic strips is on the screen—in the flesh (not a cartoon)!

Count the 30 million daily 'Joe Palooka' readers—and you'll know why you can count on a new standard in short-subject drawing power with Vitaphone's brilliant new 2-reel comedy series! Two hundred and fifty papers massed behind it in a day-in-and-day-out boost that money can't buy!

Every issue actually conceived by the celebrated creator of the 'Palooka' strip . . . HAM FISHER.



SHEMP HOWARD
Screen's new laugh-leader, as Joe's goofy manager

ROBERT NORTON
Picked from over 200 candidates, as Joe Palooka

Directed by Lloyd French

See the Warner Bros. man now about a booking of the

FIRST RELEASE JANUARY 8th!

And the Box-Office Says the Same . . . . .



Reading from west to east in the top row: Stan Laurel, Ned Sparks, Edna May Oliver, Pete Smith, Wallace Beery, Jack Benny; and down below in the same direction: Ben Bernie, Walter Winchell, Irvin S. Cobb, Eddie Cantor, Georgie Jessel

Metro-Goldwyn-Mayer presents

the MARX BROS.

Screen play by George S. Kaufman and Morrie Ryskind. Directed by Sam Wood

t. Louis 2nd Big Week. Happiness Everywhere!



"A NIGHT at the OPERA"

NOTE: Ask M-G-M for a newspaper mat of this illustration in black and white (4 cols. x 75 lines) which can be used as an ad or placed on dramatic page.

Para. Anticipates 25% Revenue Hike

(Continued from page 1)

of the corresponding sales drives for the two preceding years. The 25 per cent anticipated rental increase is based on contracts already closed and the quality of the 32 Paramount pictures included in the sales drive, the company said.

The estimates received by Schaefer from exchanges on the "A" pictures, of which there are 13 in the total of 32 to be released, indicate that sales possibilities of this group are two to one in favor of this year's drive over last year's, Schaefer said.

In the matter of the number of pictures to be released, providing the schedule is unchanged during the four months' sales drive, Schaefer estimates that Paramount is 40 per cent stronger this season than last and 35 per cent stronger than the year preceding that.

The "A" pictures are:

"Collegiate" with Joe Penner, Jack Oakie and Frances Langford.

"Rose of the Rancho," co-starring John Boles and Gladys Swarthout.

"The Bride Comes Home," starring Claudette Colbert with Fred MacMurray and Robert Young featured.

"Anything Goes" with Bing Crosby, Ethel Merman and Charlie Ruggles.

"The Milky Way," starring Harold Lloyd.

"Desire," co-starring Marlene Dietrich and Gary Cooper.

"Klondike Lou," starring Mae West.

"Give Us This Night," co-starring Jan Kiepura and Gladys Swarthout.

"The Trail of the Lonesome Pine," Walter Wanger production starring Sylvia Sidney with Fred MacMurray, Henry Fonda and Fred Stone featured.

"13 Hours by Air," featuring Fred MacMurray and Gail Patrick.

"Big Brown Eyes" with Joan Bennett, Spencer Tracy and Ricardo Cortez.

"Rhythm of the Range" with Bing Crosby and Frances Langford.

"Concertina" with Carole Lombard and George Raft.

Indie Circuit Idea Revived in New York

(Continued from page 1)

times by Milton C. Weisman, who drew up the plan, but he is understood to have stated he would not align with the new outfit until 100 theatres were pledged. The Brandt circuit has about 45 in Greater New York.

With Brandt back on the job after a complete recuperation from a breakdown, due to overwork, sponsors of the circuit are making renewed efforts to crystallize the project. Brandt is understood in favor of the plan and, it is said, will become president if it eventually materializes. The I.T.O.A. has no connection with the circuit.

Loew Profits Up; Net Hits $7,579,743

(Continued from page 1)

297. Income from rentals of theatres, stores and office was $2,421,344 and miscellaneous income, $1,392,600.

Theatre operating expenses, which totaled $29,291,088 in last year's statement, were trimmed to $28,921,094 currently, but the cost of film distribution rose from $11,368,275 in 1933-34 to $11,723,707 in 1934-35.

The Loew statement, which includes wholly-owned subsidiaries, includes a consolidated balance sheet listing current and working assets of $42,962,493 and total assets of $129,271,695.

Loew's Income $100,611,243

Operating statement of Loew's, Inc., including all wholly-owned subsidiaries and partly-owned affiliated corporations, after eliminating inter-company items except film rentals, for the fiscal year ended Aug. 31, 1935, reveals the company's gross income totaled $100,611,243.26. The detail:

Gross Income:		
Theatre receipts, rentals and sales of films and accessories	$96,797,297.51	
Rentals of theatres, stores and offices	2,421,344.80	
Miscellaneous (including discount on bonds and preferred stock retired from sinking funds $78,050)	1,392,600.95	
		$100,611,243.26
Expenses:		
Theatre operating, including film rentals	$28,921,094.80	
Rent on leased properties	3,408,095.16	
Real estate and other taxes	2,752,055.78	
Other overhead and miscellaneous	3,810,826.56	
Film distribution	11,723,707.97	
Amortization of films	29,048,475.73	
Film advertising accessories	805,881.45	
Producers' share of film rentals	5,117,254.67	
		85,587,392.12
Operating profit before interest, depreciation and Federal taxes		$15,023,851.14
Interest on debentures	$516,352.50	
Interest on bonds and mortgages of subsidiaries	1,123,919.75	
Interest on bonds and mortgages of affiliated corporations	822,854.33	
Depreciation of buildings and equipment (excluding studio depreciation charged to cost of films)	3,821,984.45	
Federal income taxes	825,233.26	
		7,110,344.29
Net profit—all corporations		$7,913,506.85
Minority interests' share, affiliated corporations	$114,954.33	
Subsidiaries' preferred dividends	218,808.75	
		333,763.08
Loew's Inc., share of net profit—all corporations after Federal taxes and subsidiaries' preferred dividends		$7,579,743.77

Consolidated Surplus Account

Balance Sept. 1, 1934	$37,667,062.66	
Loew's Inc. share of net profit as above	7,579,743.77	
Dividend from prior years' profits of affiliated corporations	46,740.44	
		$45,293,546.87
Less:		
Dividends paid by Loew's Inc.		
Preferred	$888,530.52	
Common	3,316,737.00	
		4,205,267.52
Balance Aug. 31, 1935		$41,088,279.35

Warner Predicts a Year of Prosperity

(Continued from page 1)

the current season would go into work shortly after the first week in January, named 13 pictures either ready or being readied for release and an additional nine that are either now in production or scheduled to get under way shortly after the first. He cited a "gratifying" cooperative spirit among the studios at this time, citing the borrowing and lending of players for special productions, a practice which, he said, is "bound to result in a nearer general approach to perfect casting in almost all pictures."

Warners, he said, have loaned Paul Muni, Dick Powell, Edward G. Robinson and others, and in return have borrowed Fredric March, Jack Oakie and others.

The six pictures which will go into production shortly after the first are "Glorious," with Marion Davies and Dick Powell; "The Man with the Black Hat," with Bette Davis and Warren William; "Stage Struck," with James Cagney and Ruby Keeler; "Lovely Lady," with Kay Francis; "Three Men on a Horse" and "Green Light."

Pictures ready for release, he said, include "The Story of Louis Pasteur," with Paul Muni; "Captain Blood," "Dangerous," "Freshman Love," "The Murder of Dr. Harrigan," "Man Hunt," "The Petrified Forest," "Prison Farm," "Ceiling Zero," "Song of the Saddle," "Colleen," "Backfire" and "The Widow from Monte Carlo."

Those in production or being readied, Warner added, are "Anthony Adverse," "Walking Dead," "The Singing Kid," "The Green Pastures," "Over the Wall," "God's Country and the Woman," "Invitation to a Murder," "The Adventures of Robin Hood" and "Angel of Mercy."

Borrow Montgomery

HOLLYWOOD, Nov. 24.—Warners have bororwed Robert Montgomery from M-G-M for an unnamed picture.

First National has purchased "Sons o' Guns" as a starring vehicle for Joe E. Brown.

Supply Dealers Seek Carbon Uniformity

(Continued from page 1)

under which pictures are made in studios.

Attending the sessions were B. F. Shearer of Seattle, president; K. R. Douglas of Boston, vice-president; Clem Rizzo of Philadelphia, treasurer; J. E. Robin, secretary; George McArthur of Detroit, J. M. Graham of Denver, A. T. Morrone of Pittsburg and Joe C. Hornstein, New York.

The annual convention and election of officers will be held in June.

Drop Circuits in Phila. Merger: Allied

(Continued from page 1)

Jersey have a working tieup and have exchanged bulletins and other inter-organization correspondence during the last year. However, if the merger of the two Pennsylvania units is consummated and major circuit units eliminated from the combined setup, Allied will regard it as one of its members.

Warners Now In Black; Its Net $674,158

(Continued from page 1)

$325,020, bringing the surplus as of Aug. 31 to $56,650,504. Cash on hand amounts to $3,312,592, after the payment of $957,720 debenture interest due Sept. 1, 1935. This compares with cash on Aug. 25, 1934, of $4,664,137, before payment of debenture interest due last year.

On Sept. 10 last the company retired $1,300,000 principal amount of its optional six per cent convertible debentures, thereby fulfilling the purchase fund requirements due on Aug. 1, 1936, the Warner report states.

The company lists assets of $168,471,829. Of this amount properties owned or leased and equipment is carried at a total of $137,752,793, and inventories at $13,638,482. In the latter group are released productions carried at cost less amortization at $5,383,681; productions completed but not released, at cost, $3,755,240; productions in progress, at cost, $2,748,375; rights and scenarios unproduced, at cost less reserves of $91,625, are carried at $1,088,456. Goodwill is carried at $8,227,482.

The company's principal liabilities are its funded and long-term debts, aggregating $83,463,876. Of these obligations all mature after one year or more with the exception of $10,132,549 of bonds and mortgages maturing within one year, subject in part to renewal. Current liabilities are listed at $14,212,422 and capital liabilities at $66,366,802.

In a letter to stockholders accompanying the report H. M. Warner, president, states that operations for the current quarter of the new fiscal year show a substantial improvement over the preceding quarter and the corresponding quarter last year. His letter also makes reference to the recent authorization of Sunday shows in Pennsylvania with the observation that it will undoubtedly have a beneficial effect on future operations of the company.

Need 80% Assents To Get Arbitration

(Continued from page 1)

submitted to the executive committee of M.P.T.O.A. with the idea of having that body decide whether it was potentially valuable enough to present to the organization's board. If such a decision results the board might be called into session in conjunction with the convention of the M.P.T.O. of North and South Carolina, which was recently postponed to an early January date.

Kuykendall is reported to be optimistic over the possibilities of developing a workable plan of trade practice regulation as a result of his trip. His general idea is said to be that with the participation of 80 per cent of the exhibitors in any locality voluntary arbitration groups for the settlement of differences arising locally could be made to function, and with the participation of a similar percentage of distributors, whose local agents were vested with sufficient authority, the mandates of the local groups could be enforced.

Purely Personal

JOHN BALABAN is figuring on a trip to Mexico, Panama and the west coast of South America some time during the winter. He never goes forth on these jaunts without his wife and children, nor will he this time. The BALABANS returned to Chicago Saturday.

•

CHARLIE MOSKOWITZ still gets a kick out of telling the story of how his mother, 72 years old now, got a kick out of talking to HARRY at Santiago, Chile, just before the Jewish New Year's.

Quip of the Day

"Satellite," stage play, opened and closed in one at the Bijou, former cartoon theatre, the other night.

Bob Goldstein remarks the play was so bad even Mickey Mouse now refuses to go back into the house.

JACK ELLIS, head of the Film Salesmen's organization, is all pepped up about the coming New Year's Eve party. JACK DEMPSEY has promised to appear as one of the many stars on the program.

•

W. G. VAN SCHMUS will be host at a Music Hall reception for LILY PONS in the studio atop the theatre tomorrow. Her first picture, "I Dream Too Much," will be screened.

•

LARRY BEATUS, one of the Loew district managers, leaves on an 18-day West Indies cruise this week-end.

•

EDWARD GOLDEN, Republic general sales manager, returns from Washington today.

•

CHARLES SKOURAS is scheduled to make another eastern visit some time in January.

•

JOE LEE of Fox is doing a fine job getting his friends to support a worthy cause for a friend in need.

•

RUSSELL COHEN of Lucky has sold the game to a number of Century houses.

•

NICHOLAS M. SCHENCK is due back from the coast early this week.

•

HARRY M. WARNER arrives from Hollywood today.

•

GEORGE SKOURAS is getting thinner around the waistline.

•

J. J. UNGER is expected today or tomorrow from Jacksonville.

•

AL FRIEDLANDER, who treks to Albany today, will return tomorrow.

•

A. H. SCHWARTZ returns this morning from Lake Placid.

•

LESTER S. TOBIAS has been appointed sales manager for Celebrated.

•

MIKE CLOFINE at the Madison Ave. Longchamps at four in the morning.

•

J. D. TROP will attend the Paramount meeting in Chicago on Dec. 1.

Republic's Questionnaire To Be A Production Guide

In an effort to gauge style, tempo, effect and the type of product most desirable, Republic has sent out a 12-point questionnaire to its accounts and intends to continue the practice periodically during the year. The first batch of questions when answered will serve as a guiding factor when new stories and plays are lined up for next season's schedule.

The dozen questions are:

1—What stars, outside of the big contract players, are considered real box-office names at this time?

2—What names continue to hold their own?

3—What names seem to be up-and-coming, perhaps future star material?

4—What stars are slipping?

5—What names are "poison" to the box-office?

6—What supporting stars would you like to see included in casts?

7—What types of pictures have no value at the box-office?

8—What types of pictures do the most business for you?

9—When you think of musicals, do you prefer a revue, a comic opera, a musical comedy, an operetta, or what?

10—Who are the most popular western stars in your town, in order of their popularity? Please name three or four.

11—If you don't run westerns, why?

12—If you run serials, what type is preferred?

Throws in Dancing All for One Price

Henry Chesterfield, executive secretary of the NVA, and J. L. McCurdy, former division manager for RKO, will reopen the Mosque, Newark, on Christmas Day, with a unique idea.

In addition to seven acts of vaudeville and first runs, priced at 25 cents matinees and 40 cents evenings, Chesterfield and McCurdy will provide dancing in the ballroom of the building without extra charge. A special band is being engaged to furnish the music from 3 P. M.

Chesterfield believes the idea will be the trend in exhibition during 1936. The Mosque, formerly operated by Warners, seats 3,500. Programs will be changed weekly.

Some pictures already have been lined up and others are being negotiated, according to Chesterfield.

Writ Halts Hearing

LAKELAND, Fla., Nov. 24.—A writ of prohibition issued by the state Supreme Court has been served on Circuit Judge H. C. Petteway here, halting a hearing on contempt proceedings growing out of a theatre controversy at Bartow. The case now goes to the supreme court to determine whether Mrs. Marie W. Anderson, owner of a theatre building at Bartow, can lease it to M. C. Talley, E. J. Sparks and others for a picture house.

Asks Tax Repeal

ST. LOUIS, Nov. 24.—Alderman Allan Peterson has proposed to the Legislative Committee of the Board of Aldermen that a city ordinance imposing a special tax of five per cent on the gross receipts of boxing and wrestling exhibitions be repealed. The suggestion has been taken under consideration.

"Amateur Night" Next

"Amateur Night" will be the principal feature of the next Ampa meeting, according to Gordon S. White, president. The session next week will be held Wednesday, instead of Thursday, because of Thanksgiving.

Third Week for "Million"

"Thanks a Million" is being held over for a third week at the Center.

Noise Abatement In Boston Scrutinized

BOSTON, Nov. 24.—The meeting of the Boston Noise Abatement Advisory Committee, in an attempt to localize New York's more or less successful campaign against noise, has aroused considerable interest in some film quarters here. This is particularly true of the Park on Washington St., where a doorman, a union picket, and a lobby loudspeaker system compete.

One resolution unanimously adopted by the committee and sent to various civic authorities is a request for an ordinance "to prohibit the use of loudspeakers, broadcasting devices and other noise-makers on the outside of buildings or open windows, or in any place with sufficient volume to be audible at a distance of 100 ft. from the building in which said noise-maker is located."

Dinner for Reel Men

BOSTON, Nov. 24.—A testimonial at the Copley Plaza Hotel here on Dec. 17 is being arranged for Al Richard, Paramount News local chief, and Jake Coolidge, veteran newsreel cameraman. They were formerly with Pathe and joined Paramount News at its inception. The governors of the New England states will be invited to the affair, arrangements for which are in charge of William Erbb and John Gubbins of Paramount.

Ellman Plans Expansion

HOLLYWOOD, Nov. 24.—Henri Ellman, Chicago exchange operator, says he will organize a new system of exchanges from Chicago to the Coast, taking in San Francisco, Portland, Tacoma and Seattle. Ellman has been in Hollywood for several weeks lining up product and will leave shortly for Chicago.

To Revive Stage Shows

ST. LOUIS, Nov. 24.—Fanchon & Marco will revive stage shows at the Ambassador Christmas week, the first attraction to be Olsen and Johnson in their own show. Contracts have been arranged with the musicians' and stage hands' unions.

Last Rogers for Roxy

Will Rogers' last picture for Twentieth Century-Fox, "In Old Kentucky," opens at the Roxy on Thanksgiving Day.

Bad Weather Hurts Takes In L. A. Spots

LOS ANGELES, Nov. 24. — Grosses went into a nosedive here due chiefly to rain and cold weather.

"The Three Musketeers," however, did $1,700 ahead of the $3,200 normal which prevails at the Pantages. "A Midsummer Night's Dream," in its fifth week at the Beverly, is understood to have reached $6,500. Elsewhere there was no excitement.

Total first run take ran to $75,800, as compared with an average of $89,650.

Estimated takings for the week ending Nov. 20:

"THANKS A MILLION" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $10,000. (Average, $12,500)

"METROPOLITAN" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days. 3rd week. **Gross:** $3,000. (Average, $3,250)

"UNG KARLSPAPPAN" (Foreign)
GRAND INTN'L THEATRE—(750), 35c-40c, 7 days. **Gross:** $1,800. (Average, $1,200)

"THE THREE MUSKETEERS" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $5,100. (Average, $8,000)

"THANKS A MILLION" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $11,500. (Average, $14,000)

"PETER IBBETSON" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. **Gross:** $14,800. (Average, $18,000)

"MIDSUMMER NIGHT'S DREAM" (Warners)
WARNER BROS. (BEVERLY)—(1,612), 50c-$1.50, 7 days. 5th week. **Gross:** $6,500. (Average, $3,500)

"STARS OVER BROADWAY" (Warners)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $8,100. (Average, $14,000)

"STARS OVER BROADWAY" (Warners)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $7,100. (Average, $12,000)

"THE THREE MUSKETEERS" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,900. (Average, $3,200)

Wall Street

Most Stocks Show Gains

	High	Low	Close	Net Change
Columbia	72	72	72	+1½
Consolidated Film.	5½	5⅜	5⅜	.....
Consolidated, pfd..	18⅝	18⅝	18⅝	+ ¼
Eastman Kodak...	167½	167½	167½	.....
Loew's Inc.	54⅞	53¾	54¼	+1
Paramount	9⅜	9⅛	9⅛	.....
Paramount 1 pfd..	77⅛	74½	74½	—2¼
Paramount 2 pfd..	11⅜	11	11	— ¼
Pathe Film.	6¼	6⅛	6⅛	.....
RKO	5¼	5	5¼	+ ¼
20th Century-Fox.	24	23⅝	23⅞	+ ½
20th Century pfd..	31¾	30⅝	31¾	+1⅝
Universal, pfd.	72½	72	72½	+2½
Warner Bros.	9¼	8⅞	9⅛	+ ⅜
Warner, pfd.	49½	49	49	+ ½

Curb Market Sluggish

	High	Low	Close	Net Change
Technicolor	18⅛	17⅞	17⅞	— ¼
Trans Lux	4⅛	4⅛	4⅛	+ ⅛
Universal Pictures	6½	6½	6½	.....

Bonds Reflect Increases

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	18	17⅛	17⅝	+ ⅝
General Theatre Equip. 6s '40 ctf.	17⅞	17½	17½	+ ½
Keith B. F. 6s '46.	94½	94½	94½	.....
Paramount Pictures 6s '55.....	90½	90¼	90¼	¼
Warner Bros. 6s 39 wd.....	88¾	88	88¾	+ ¾

(Quotations at close of Nov. 23.)





That meant war to this two-fisted rough-neck of the city's gas-house district. He started out to clean up the place but went haywire on the way.

His wife saw him through to the governor's mansion—and then took a run-out powder.

"FRISCO Waterfront"

with BEN LYON
HELEN TWELVETREES
ROD LA ROCQUE

Directed by
ARTHUR LUBIN
Supervised by
ROBERT E. WELSH
Story and Screen Play by
NORMAN HOUSTON

A REPUBLIC PICTURE

REPUBLIC PICTURES

NOW IS THE TIME TO BOOK REPUBLIC

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 125 NEW YORK, TUESDAY, NOVEMBER 26, 1935 TEN CENTS

Late Buying Complicates Film Release

Exchange Heads Booking Away from Circuits

Late buying of major circuits this year has caused a complex situation for local exchange managers, some of them being virtually compelled to book away early releases of this season's product until deals are consummated with leading independent circuits.

In a few instances some circuits haven't started negotiations while in others conferences on work sheets were held for the first time last week.

One or two branch heads look upon the failure by some prominent exhibitors to start negotiating deals with

(*Continued on page 4*)

Schenck Optimistic Over Film Outlook

CHICAGO, Nov. 25.—Nicholas M. Schenck passed through here today en route from Hollywood to New York the epitome of optimism for the industry in 1936. Speaking for Loew's and M-G-M, he said the company was in its best condition in years and that the production outlook was bright. Schenck expressed his enthusiasm over "Mutiny on the Bounty."

Reports that he had negotiated a new 10-year contract with Irving Thalberg were described as untrue, Schenck adding that the present agreement stands.

M-G-M to Operate Own House in Tokyo

Tokyo will be one of the world capitals in which M-G-M will operate its own first run. Negotiations are under way which probably will result in the construction of a theatre by local interests in the city, but operated by M-G-M under a long lease.

The company also is considering its own house in Paris. For years it operated the Madeleine there, but the lease was not renewed.

A Howard Yen

Hollywood, Nov. 25.—Leslie Howard has a yen to direct. His current hobby is photography and he believes he can introduce a number of new and novel camera effects.

Decision Near in Warner-Ascap Row

The possibility of Warners making a decision on withdrawing its music publishing subsidiaries from membership in the American Society of Composers, Authors & Publishers either today or tomorrow now appears likely.

The Ascap board is scheduled to meet today and indications are that the Warner membership situation will be a principal item of business. It is believed that Herman Starr, Warner vice-president and member of the Ascap board, will receive a final report today on Ascap's plans for compensating members on the basis of the volume of use of their own music catalogues and will give Warners' decision on withdrawing from membership either immediately thereafter or following his report on the meeting to Warner officials. In the latter case Ascap might not be notified of a Warner decision until tomorrow.

Starr has stated that Warners would withdraw from the society unless means of increasing the company's returns on its music catalogues were devised at once.

Second Quaker City Sunday Takes Jump

PHILADELPHIA, Nov. 25.—The Quaker City's second experience with Sunday showed an increase of 50 per cent over the first open Sabbath, a break in weather contributing to the substantial hike.

Practically all downtown theatres reported capacity or near capacity at night. Neighborhood theatre operators estimated the improvement ranged all the way from 20 to 100 per cent.

The Stanley had another capacity day with "Mutiny on the Bounty." The Fox pulled a surprise by slipping in a preview of "Thanks a Million" instead of its regular film, "In Old Kentucky," and reported an attendance of 2,500 by the time the feature first went on soon after 2 o'clock. "Thanks a Million" was thereby given a good buildup for its regular opening on Thursday.

Cleveland Move On; Lincoln First Step

CLEVELAND, Nov. 25.—RKO's local expansion move gets going actively with formal possession of the Lincoln, a 950-seat subsequent run house on which $10,000 will be spent in modernization.

Eight or 10 houses will be built or acquired in the development according to Nat Holt, divisional manager for the circuit.

Frank Serbus, former service manager at the RKO Palace here, has been appointed Lincoln manager.

Defining It

Several topnotch executives were talking about personnel yesterday. Into their conversations entered the names of Samuel Goldwyn and Harry Cohn.

"Cohn's just a quickie edition of Goldwyn," remarked one.

Ramish Participant In Universal Deal

HOLLYWOOD, Nov. 25.—Adolph Ramish, who formerly was interested in F.W.C., and at present is a participant in the J. J. Franklin Honolulu Theatre Enterprises, is financially interested in Universal with Standard Capital and Charles R. Rogers, he told MOTION PICTURE DAILY today.

"I cannot say how much I have invested in the Universal purchase negotiations," he said. "However, I am a financial participant in the deal." He advised, "Watch the list in Universal preferred stock." His statement settled current speculation regarding the source of additional finances believed necessary.

Rogers and Lawrence Fox, Standard executive, plan to leave for New York Thursday to confer with J. Cheever Cowdin in connection with the Universal option.

Loew-Skouras Pool To Divide Profits

Pooling negotiations between Loew's and Skouras in Astoria, when complcted, will provide for a profit sharing arrangement according to net earnings of each of the five houses embraced, it is said.

Indications are the plan will not go into effect until after the first of the year. Under it Loew's will retain management of the Astoria and Tri-Boro while Skouras will continue to operate the Broadway, Steinway and Grand. Division of product will be agreed upon before the pool becomes operative, it is stated.

First Div. Deals Up To Pathe Directors

Approval of a number of new franchise deals throughout the country in line with nationalization of First Division exchanges will be among the important business scheduled for tomorrow's meeting of Pathe's board of directors. Monthly sessions will be held the last Wednesday of the month instead of the last Tuesday.

Arthur Poole, former member of the board and treasurer, has resigned with Willis Bright succeeding.

Allied's Plan To Produce Is Far From Set

No Actual Commitments Obtained As Yet

Allied's proposed plan to sponsor a new independent producing company is far from realization, it is learned. Several units have been contacted by Sidney Samuelson, president, within the past few weeks. Members were sounded out on the idea and while the majority of them have agreed to go along, no actual commitments have been made.

Samuelson continues silent when asked about the plan, stating when the proper time comes the press will be informed. Notwithstanding, he will discuss whatever progress has been made so far at a meeting of Allied of New Jersey today. He already

(*Continued on page 4*)

Blank-Para. Deal Extended 18 Months

A deal by which A. H. Blank will continue as operator of Paramount theatres in Iowa and eastern Illinois for a minimum period of 18 months and with provisions for the extension of the agreement to July 1, 1940, has been approved by the Paramount executive committee, it was learned yesterday.

It is understood that extension of the agreement to the maximum time is dependent upon earnings of the circuit at the end of specified periods.

Appoint Lord Tyrell Chief British Censor

By BRUCE ALLAN

LONDON, Nov. 25.—Lord Tyrell of Avon today was named chief censor, succeeding Edward Shortt who died recently, at a meeting of representatives of the Kinematograph Renters' Society, the Cinematograph Exhibitors' Ass'n and the Incorporated Ass'n of Kinematograph Manufacturers, Ltd.

Lord Tyrell was British ambassador

(*Continued on page 4*)

No Paper Thursday

There will be no edition of *Motion Picture Daily* on Thursday, Nov. 28, which is Thanksgiving Day and a legal holiday.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 26, 1935 No. 125

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Ohio Tax Committee Wants Old 10% Levy

COLUMBUS, Nov. 25.—Opposing Gov. Martin L. Davey's approval of continuing, at least in part, the three per cent tax on amusements, the Committee on Taxation of the House has recommended a resumption of the 10 per cent tax which was suspended Jan. 1, 1935. The higher revenue, according to Chairman P. W. Ward, Geauga, would bring $2,000,000 in additional revenue.

The three per cent tax, according to Ward, raises about $1,200,000 annually.

RKO Re-Signs Pons

Radio yesterday excercised its option on the services of Lily Pons, whose first picture, "I Dream Too Much," opens at the Music Hall Thursday morning. The deal calls for one picture to get under way in Hollywood next September.

This afternoon, Miss Pons will be the guest of W. G. Van Schmus at a reception in the studio of the Music Hall.

RUTH WESTON
"SPLENDOR"
WILLIAM MORRIS OFFICE

Purely Personal

LOUIS PHILLIPS, LOU DIAMOND, HAROLD S. BAREFORD, IRVING GOODFIELD, CHARLES SONIN, HARRY BRANDT and HERB EBENSTEIN gathered at the Astor for lunch yesterday while ARTHUR LEE, A. J. VAN BEUREN, SAM RINZLER, JOSEPH TEPPERSON, AL HOYEL, MITCHELL KLUPT, FRANK UNDERWOOD, A. P. WAXMAN, BOB GOLDSTEIN, GEORGE BATCHELLER, HARRY ENGEL, TRUMAN H. TALLEY, ED THORGESON, LEW LEHR, MILTON SCHWARTZWALD, RALPH POUCHER, and CHARLES FORD, suffering from a bad cold were among those at the various Tavern tables.

•

ROBINSON SMITH and FRED AYER, the latter a onetime reporter on *Motion Picture Herald*, will produce "The Two Mrs. Carrolls" as their next stage venture, "Parnell" being their maiden effort.

Quip of the Day

San Francisco-born and now banker for Sam Goldwyn, "Doc" Giannini says of the producer's "Barbary Coast":

"Fine guy Goldwyn turned out to be. He takes my home town and wraps it up in fog for nine reels."

EDWARD GOLDEN returned from Columbus, Pittsburgh and Washington yesterday and all he had to say about the trip was that January is Republic Month.

•

IKE LIBSON, RKO partner in Cincinnati, will return in about a month. He left for home over the week-end after spending about five days in town.

•

ERNEST TRUEX, stage star but also comedian in Educational shorts, opened in "What Ever Goes Up" at the Biltmore last night.

•

FELIX F. FEIST, general sales manager of M-G-M, returned from the south yesterday and spent most of the day conferring with his associates.

•

WILLIE HOWARD of RKO received a bag of Pecan nuts from a friend yesterday. There was no note appended.

•

A. C. BROMBERG, Atlanta, and HERMAN RIFKIN, Boston, Republic franchise holders, are in town for a few days.

•

JEAN MUIR and LEONTINE SAGAN, the German actress, arrive today on the *Aquitania*.

•

KATE DOUGLAS WIGGIN'S novel, "Timothy's Quest," has been purchased by Paramount.

•

LOUIS WEBER, Skouras attorney, has a Sherlock Holmes pipe. He only smokes it at the office.

•

JOE MOSKOWITZ starts east from Hollywood Friday. By train to get some rest and quiet.

•

NICHOLAS M. SCHENCK is due to arrive from Hollywood today.

•

PAT O'BRIEN has hit town. At the Warwick.

•

DAVID LOEW is due to spend Christmas in New York.

JERRY MANN, stage and radio comedian, will headline the new show which opens Thursday at the Roxy. *Gautier's Animated Toy Shop*, a novelty act, and *The Ambassadors* have also been engaged for this show.

•

SIDNEY LANFIELD, Twentieth Century-Fox director who has just completed "King of Burlesque," is due in town today for a vacation.

•

MRS. WILLARD MCKAY has been discharged from the Doctors' Hospital and is now recuperating at her home in Westchester.

•

HELEN JEROME'S "Napoleon's Love Story" is reported to have been sold to M-G-M.

•

ARTHUR MCMANUS has joined the ad sales department of the Twentieth Century-Fox exchange.

•

RUBY and MILTON SCHWARTZWALD are about to celebrate their 19th wedding anniversary.

•

J. ROBERT RUBIN and LEOPOLD FRIEDMAN didn't make that coast trip after all.

•

. . . Atlanta

HARRY THOMAS, head of First Division, spent a day or two in the Atlanta exchange last week.

HARRY GRAHAM, district manager, and JOHN T. EZELL, branch manager of Universal were in and near Miami, Fla., last week. They returned to Atlanta this week.

SIDNEY LAIRD, TOM LUCAS, HAROLD SPEAR, RUDY LEHMAN, H. P. RHOADES, JAMES CROCKETT, A. C. COWLES, GEORGE JONES and RILEY DAVIS, prominent in film circles here, are moving spirits in the Jolly Club, a social and service club just organized, and charter for which has been applied for.

JACK EMENHEISER, salesman for United Artists, recently had his car stolen. He purchased a new one, and then was notified that his purloined car had been located in Nashville. He went to the Tennessee city, regained his car and sold it while there.

SLICK COLLINS, of the RKO sales force, confined to a local hospital several days with an infected foot, has recovered and has returned to his Alabama territory.

•

. . . Baltimore

I. V. HART, publicist for Keith's, will enter a hospital here soon to be operated on for hernia. While recovering, his son, EARLE, of the *Baltimore Sun*, will take over his father's duties.

BERNARD SEAMAN, who has managed the Ogontz, Germantown and Keystone in Philadelphia, has joined the staff of ISADOR M. RAPPAPORT'S Hippodrome here to work with TED ROUTSON in managing the house and on publicity.

ROBERT MARHENKE has resigned as house manager of the Hippodrome.

KITTY BUCK has succeeded EMMA ZELKO as cashier at the Rialto. MISS ZELKO recently became MRS. GOLD.

EDDIE KIMPLE, JR., booker for the Associated Theatres, Inc., here, enjoying a few days of bird shooting in Southern Maryland around Crisfield.

SAM TABOR has taken over the Lyceum again and is reconditioning it to reopen soon.

IRVIN LEVINE, who has been absent from the business for about 10 years, has come back to his old stand and reopened the Realart, which has been operated by MILTON CAPLON as the Dainty.

ISADOR M. RAPPAPORT in New York for a few days.

MORRIS A. MECHANIC, New Theatre president, engineered a "Thanks a Million" trophy race at Bowie.

TED ROUTSON arranged with the *Baltimore News* and *Post* to run the history of Annie Oakley with illustrations just prior to and during the run through M. BASKERVILLE, managing editor.

•

. . . Cincinnati

GOODWIN SABEL, manager Hollywood, suburban, has resigned to take charge of the RKO State, Dayton, O., which opened Saturday. JACK TIERNAN, who has been assistant at the RKO Paramount, succeeds SABEL. ARTHUR NAYER has been named manager of the Nordland, suburban, replacing MARTIN SHEAR, who went to the Strand, at Newport, Ky.

WILLIS VANCE, erstwhile prexy of the old M.P.T.O. Ohio, is opening a new 300-seat house in a suburban location, to be known as the Eden.

BERT WILLIAMS, Columbus, and PHIL CHAKERS, Springfield, among exhibitors noticed along Film Row.

•

. . Lincoln

E. A. PATCHEN and his wife back from a family reunion down in Kansas. PATCHEN is the Lincoln theatre exploiteer.

IKE HOIG, who handles the Cooper Enterprises personnel here, over an attack of yellow jaundice.

NEVINS LYNN, city manager of the World and Empress, Kearney, Neb., has married.

I. M. KUHL, Seward, Neb., is justly proud of a new decoration job on his Rivoli.

Dickstein Attacks Talent Importation

Importation of foreign talent for the stage and screen was attacked vigorously in a spirited talk by Representative Samuel Dickstein at the Cheese Club yesterday.

Dickstein said that there was enough talent available on Broadway without bringing over players from abroad. He added: "There are far too many Chevaliers."

Although he was unsuccessful in having his bill passed restricting importations recently when the Senate defeated the measure after the House had passed it, the Congressman asserted he would introduce another bill of the same nature when Congress convenes in January.

Harry Hershfield, president, acted as toastmaster, chairman and all-around man.

Special "Time" Copy

SAN FRANCISCO, Nov. 25.—The Golden Gate, RKO house, is running separate advertising in San Francisco newspapers on the "March of Time," and featuring it in drama pages.

Jolson's First Set

HOLLYWOOD, Nov. 25.—Al Jolson's first effort as associate producer for Warners will be "Three Men on a Horse." Production gets under way after the first of the year.



We're Putting On Our Christmas Whiskers for the 23rd Time!

It's up to us, as the oldtimers of the industry, to play **SANTA CLAUS** every year at this time with a bag full of pictures that'll pack 'em in during the holidays. Well, brothers, we've got 'em!



(1) **"COLLEGIATE"**--a big fast-stepping musical show built expressly for the youngsters from fifteen to twenty-five. **JOE PENNER** and **JACK OAKIE** jam the show with laughs and **FRANCIS LANGFORD,** radio favorite, sings a flock of new tunes by Mack Gordon and Harry Revel.

(2) **"SCROOGE"**...Dickens' immortal "Christmas Carol," the kind of picture that'll please the kiddies and have mothers and fathers smiling through real tears. Sir Seymour Hicks, England's great Dickens actor, plays "Scrooge"...and the supporting English cast is swell! Everyone who thrilled to "David Copperfield" will want to see the equally famous Dickens character, **"TINY TIM"**.

So here's holiday entertainment for everybody. Which, permit us to mumble through our whiskers, means that, as usual,--

Paramount Pictures

It Pays to Play a Paramount Picture!

Late Buying Complicates Film Release

(Continued from page 1)

suspicion, but the circuit men claim this happens to be a mere coincidence, and not a concerted action.

Skouras has been reported to be shying clear of Paramount, United Artists and Columbia, but Edward Peskay, film buyer for the 50 houses, says he has had preliminary talks with Moe Streimer of United Artists and Edward Schnitzer and Nat Cohn of Columbia. He also says E. L. Alperson is handling the Paramount deal with Neil F. Agnew. Scouting the reports, Peskay added: "We buy everyone's product."

Joseph M. Seider of Prudential declared he had bought several U. A. pictures on an individual basis and is now working on a deal with Columbia. Seider had been linked with Casey & Wheeler and Century circuits in a reputed move not to buy Paramount, Columbia and U. A.

These rumors are said to have spread because of Prudential's pool with Skouras in Huntington, Riverhead, Floral Park and Bellaire, L. I. Century has a booking and operating arrangement with Skouras in Hempstead, Freeport, Lynbrook, Valley Stream and Woodside, L. I.

Several small independents have been able to get exchanges to clear pictures in quick order as a result of the pending negotiations. Branch managers hold that by the time the circuits sign up the pictures will be too old, and hence are releasing them as scheduled.

Equity Heads Are Supported by Vote

The administration of Actors' Equity was endorsed by a vote of nearly three to one at a general membership meeting yesterday at the Astor. The vote is interpreted as a decisive setback for the so-called Forum group, the insurgent element in Equity. Endorsement of organization policies was a victory for President Frank Gillmore and Secretary Paul Dullzell, who had said they would resign if the Forum group was shown to have majority support.

No action was taken on Equity's policy toward the W.P.A. shows. It is believed that this subject will come up at a special meeting to be called in the next few weeks.

George Heeley Married

BOSTON, Nov. 25.—George Heeley, Jr., manager of the Dudley, has completed a tieup with the judiciary. As a result Judge James O'Donnell is without his private secretary. She is the former Margaret Smith, now Mrs. Heeley. Heeley has been with the M. & P. circuit for more than a decade.

Hirliman to East

HOLLYWOOD, Nov. 25.—George Hirliman will leave here by plane for New York Wednesday to arrange release on the color film, "Rest Cure," recently finished. He said he is negotiating with three major companies.

Reel Stirs Flare Up

Toronto, Nov. 25.—The City of Sault Ste. Marie, Ont., has newsreel excitement, due to the reactions of audiences when Italo-Ethiopian war scenes are flashed on the screen of the Algoma.

One night there was a demonstration by patrons when Haile Selassie was pictured and cheers went up for a topical shot of Mussolini. The next night, members of the Canadian Legion paraded to the theatre and watched for signs of a demonstration but nothing happened. The Legionnaires "guarded" the theatre for several succeeding nights, but all was quiet on the Algoma front.

U. S. Will List All Non-Theatre Films

WASHINGTON, Nov. 25.—The issuance of a check list of sources of non-theatrical films was announced today by the Department of Commerce.

The list covers film companies as well as industrial, agricultural and cultural producers of such films, but makes no attempt to list the individual films.

The directory was compiled by Nathan D. Golden, chief of the motion picture section of the department, with the assistance of Francis M. Johnson, to meet a constantly increasing demand for information on sources from which non-theatrical films can be secured.

American Display to Move for Expansion

American Display Co. will move on Dec. 2 to the Paramount annex at 525 West 43rd St. in order to gain 15,000 square feet of additional space. The company will occupy the entire floor running through to 44th St.

The 44th St. side will house the process, construction, photographic, art, copy sign and shipping departments, and the executive offices will be on the 43rd St. side.

"The well known depression is definitely showing signs of taking a welcome farewell," says Charles L. Casanave, general manager.

Polish Films to Bijou

Polish pictures on a grind policy will be inaugurated at the Bijou by Sam Krellberg this week. Present plans are to reopen the theatre Thursday, provided alterations can be completed by that time.

Last Wednesday the house was opened one day for a legitimate attraction, "Satellite." Previous to this, the theatre had been showing short subjects exclusively.

Korda Signs Pommer

LONDON, Nov. 25. — Alexander Korda, head of London Films, has signed Erich Pommer to do a series of pictures.

Sign Dolores Costello

HOLLYWOOD, Nov. 25. — Dolores Costello Barrymore will return to the screen in "Little Lord Fauntleroy," first for Selznick International.

Allied's Plan To Produce Is Far From Set

(Continued from page 1)

has talked to associated units at Pittsburgh, Detroit and Columbus.

It is expected that production plans will be among the topics scheduled for the six-day sailing convention aboard the *Queen of Bermuda*. Samuelson does not plan to return with conventionites. He will remain in Bermuda for two weeks. It will be his first vacation in some time.

It is understood a national organization whose interest centers about production of high class pictures is prepared to put up the ready cash for that angle of the plan. However, it is said, Allied is trying to get member units to finance the exchange system contemplated for handling of the product.

Unconfirmed reports have it that from 20 to 26 features will be scheduled for the first year. Sources outside of Allied are reported to have been contacted to finance the idea, but nothing has materialized with the result that the plan may go through according to the present setup.

Allied figures that negative costs on its own produced films will be returned by the numerous exhibitors who operate in closed situations. The members, it is said, will drop certain major product to make way for Allied-made pictures.

Amateur Acts Lined Up for Ampa Funfest

Eight amateur acts by film company employes have already been lined up for the Ampa meeting tomorrow at Jack Dempsey's restaurant and a number of professionals also have agreed to appear.

One of the features of the meeting will be a turkey raffle for the benefit of the *Film Daily* Relief Fund. Jack Dempsey will hold the hat and a Broadway beauty, as yet unnamed, will draw the number.

Appoint Lord Tyrell Chief British Censor

(Continued from page 1)

to France from 1928 to 1934 and previously had been Under-Secretary of State in the Foreign Office. His appointment came as a surprise, forecasts having indicated the choice was to be Sir Vivian Henderson, Sir Herbert Samuel or Sir Ian MacPherson.

London Bans Film

LONDON, Nov. 25.—"Dawn of Life," American film, has been banned by the London County Council as "offensive," although it was passed by the British Censor Board.

Deny Criterion Delay

Reports current during the last week that City Bank Farmers Trust would not build the 1,500-seat theatre planned for the former Criterion-Loew's New York site were denied yesterday. B. S. Moss has a lease on the theatre and plans to operate as soon as it is completed.

New Leaders Added In Charities Drive

David Bernstein, co-chairman with Albert Warner of the Motion Picture and Theatrical Division of the Federation for the Support of Jewish Charities, has added several men to his committee.

The new appointees are: Al Lichtman, in charge of organization; Paul Lazarus, United Artists' division; Leopold Friedman, Loew's-M-G-M; Walter Reade, I.T.O.; Howard Dietz, music publishers and composers; Ralph Whitehead, orchestra leaders and artists; Elias E. Sugerman, trade papers.

The film and theatre division quota is $125,000.

Supply Men to Meet At Chicago in June

The annual convention of the Independent Theatre Supply Dealers' Ass'n. will be held in Chicago sometime between June 15 and June 30. The Edgewater Beach Hotel will be convention headquarters. It is likely the session will be held June 20-23. The definite dates will be agreed upon later.

J. E. Robin, executive secretary of the organization, yesterday denied that standardization of a new Suprex carbon had been discussed at the three-day board of directors' meeting last week.

Drop Vancouver Shows

VANCOUVER, B. C., Nov. 25.—The Lyric has abandoned stage shows and has gone back to a straight picture policy. Acts booked in from the Bert Levy circuit received only three days' notice of cancellation, and the theatre has been compelled to pay for them.

The Beacon, now the only vaudeville-picture house in town, benefits from the Lyric's fold in more ways than one. Roy McLeod, Beacon manager, snapped up the headliners from the Lyric's bill, and combined them with his own to build a show around the Jack Lester line of girls.

The Lyric shift throws Calvin Winter and his 14-piece house orchestra out of work. The band had been playing under a continual week's notice for a month.

Carolina Unit Formed

ROANOKE RAPIDS, N. C., Nov. 25.—Halifax Amusements, Inc., with authorized capital of 5,000 shares, par value $10 each and subscribed stock of $300, has been chartered to operate theatres. The incorporators are Frank C. Williams, Lee Wheeden and J. Winfield Crow, Jr.

Gahagan Trying Opera

SAN FRANCISCO, Nov. 25.—Helen Gahagan, Broadway actress, will make her debut with the San Francisco Opera, singing a role in "Sister Angelica." Her husband, Melvyn Douglas is with her. "She" was a recent Gahagan venture in pictures.

Put Animals in Lobby

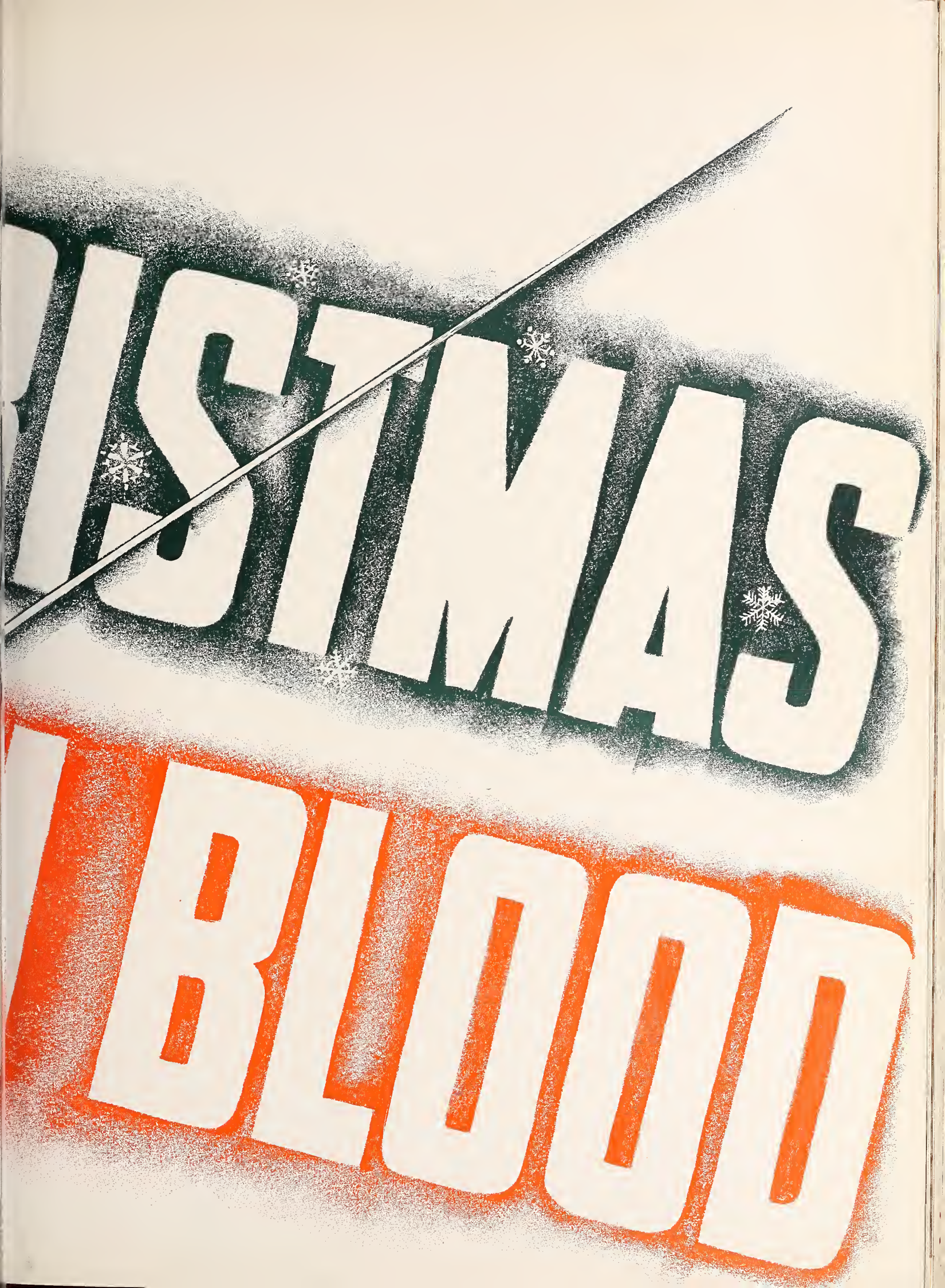
BOSTON, Nov. 25.—The Metropolitan is tying up with Fur Week by having an animal display in the lobby. A collection of African spears and knives is also being exhibited. Fox Furriers is footing the bills.


It's a Date!

FORCH

CAPTAI




ISTMAS
BLOOD

WITH A NEW XMAS STAR



ERROL FLYNN

Fighting idol of the London stage . . . an amazing new personality . . . fired with the very spirit of RAFAEL SABATINI'S immortal adventurer...in a cast of over a thousand players, including

OLIVIA DE HAVILLAND
Dream girl of A Midsummer Night's Dream

BASIL RATHBONE
LIONEL ATWILL
ROSS ALEXANDER
GUY KIBBEE
HOBART CAVANAUGH

A First National Picture directed by
MICHAEL CURTIZ

A COSMOPOLITAN PRODUCTION
to be launched with the most extensive promotion ever accorded a holiday attraction.

WARNER BROS.
earnestly invite you to compare 'Captain Blood's' production and promotion values with any other holiday show on the market.

Remodeling, Building Up In Oklahoma

OKLAHOMA CITY, Nov. 25.—Griffith Amusement Co. is opening new theatres and doing extensive remodeling.

McSwain Theatre at Ada, Okla., seating 1,100, has been opened after being remodeled and redecorated with new equipment installed throughout at a cost of $30,000. The foyer, lobby and marquee have been redone in modernistic manner and the auditorium is atmospheric. I. G. Killough and Mrs. Killough, Griffith partners operate the house.

A new Class A 300-seat house will open in Elk City Jan. 1 with Tom Davidson in charge. On Jan. 1 Vinita will have a new 500-seat, Class B theatre, with Foster Lyman in charge. This house will be operated by Consolidated Theatres, Griffith subsidiary.

Griffith circuit will expand the general office in Oklahoma City soon to include an additional 1,200 square feet of floor space. All offices will be redecorated at that time.

The Rex at Wink, Tex., will reopen Jan. 1 with Joe De Iorio, Griffith city manager, in charge of the Rex and the Rig. The Orpheum a Okmulgee, Okla., recently installed 300 new upholstered seats on the lower floor as well as new carpeting.

The Rialto at Chickasha, remodeled, redecorated 800-seater, was opened the same day the Cozy in that city went dark. The Cozy belongs to Griffith. Ollie Brownle is manager.

The Yale at Claremore, seating 760, is to be remodeled soon. Will Rogers' father operated a livery stable in this building many years ago. The theatre is next door to the new post-office, the site for which was given to the city by Will Rogers. The city sold it to the Government.

Spreading in Michigan

DETROIT, Nov. 25. — Schreiber, Smiley & London added another house to their circuit when they signed a 20-year lease on the 700-seat Temple at Bay City, which has been closed for the last four years. The Temple will be re-opened in about 90 days, following complete remodeling and equipment.

This gives the S-S-L circuit four out-state houses in addition to the several it operates in Detroit, having recently opened the Rialto at Flint and houses at Three Rivers and Albion under construction.

More for Butterfield

DETROIT, Nov. 25.—Continuing its expansion program, the Butterfield circuit has taken over the Roxy at Sturgis and announced that it would build a new 1,000-seat theatre in Midland.

Ruben Opens at Akron

AKRON, Nov. 25.—F. C. Ruben has opened his new National. The old National was dismantled earlier in the year.

Wisconsin Spots Open

MILWAUKEE, Nov. 25. — Recent reopening of theatres in Wisconsin include the Gayety, Milwaukee burlesque house, by the Acme Amusement Co., Inc.; the Bonham at Prairie du Sac, by Mrs. Lucille Forbes; Rex, Spring Green, by R. C. Wheeler; State, formerly the Crystal, at Burlington, by Jack Yeo; Opera House at Hilbert, by Fred Boeselager, and the Campus at Ripon, by Ben Marcus and I. E. Svinoff. The latter is a new 500-seat theatre.

To Build at San Francisco

SAN FRANCISCO, Nov. 25. — San Francisco Theatres, Inc., operators of six neighborhood houses, including the Coliseum and Alexandria, have just paid $250,000 for a site in San Francisco Heights.

A Class A theatre, of modernistic design, will be built, with space on the street level for stores and offices, says Samuel H. Levin, president. Construction is expected to begin soon after the new year.

Hamilton Houses Leased

HAMILTON, O., Nov. 25. — Southio Theatres, Inc., a Paramount subsidiary, has closed a 10-year lease on the Palace and Rialto here.

The two houses originally were leased to Midham Corp., Cincinnati, builders of the Paramount, but the lease, which expires April 1, 1936, was transferred to Southio when that organization was formed several months ago to acquire and operate the Paramount.

Finkelstein Remodeling

DES MOINES, Nov. 25.—The office of Finkelstein Theatres, Inc., has been moved and completely refurnished. Frank Rubel is manager. The move is part of a modernization program involving the entire group of 16 Finkelstein houses in Iowa. At Jefferson, Ia., a new theatre is being built and plans are under way for construction of two additional houses in the state, the sites to be announced later.

Leases Fort Wayne House

CLEVELAND, Nov. 25.—Sam Barck, owner of the Mackey Square, has taken a long-term lease on the Strand, Fort Wayne, Ind. This is a 1000-seat downtown house. He is playing two changes a week, with first run Republic and second run Universal product. Sam Stein is manager.

Schines Take Another

ASHLAND, Nov. 25.—Schine Enterprises have taken over the Palace. B. W. Bickert, former owner, remains as house manager.

Now Kansas City Knows

Kansas City, Nov. 25.—The future is like an open book now. Gene Dennis, well-known psychic widely known in the business and frequently turned to by a number of New York executives for a slant on what her crystal-gazing envisioned for them, was guest of the local Variety Club tent and told all, or pretty close to it.

There was Beverly Nichols, for example, who asked her what the next popular form of draw in theatres would be. Miss Dennis thought this:

"Business is going to be so much better, there will be less of that sort of extra-theatre promotion. Prices will be better. A good war won't do any harm to the show business. You remember what happened to it in the World War."

The psychic was the guest of Barney Joffee of the Tower where she appeared during the week. She told him there will be more independents in the Kansas City theatre field as time progressed. She predicted Joffee as the operator of a group of independents and that his business sphere of influence would move northward to include Iowa and Nebraska. Nobody thought to inquire how Abe Blank might like that.

It went beyond, what with questions fired away in rapid staccato. Miss Dennis probably made Douglas Desch, booker for G. B., restless when she advised him to forsake distribution for the writing and production end of the business; others have had the same idea and others will. She told Harry Taylor, Columbia exchange manager, that he would visit the west coast in the next nine or ten weeks; as a matter of fact, Taylor plans to visit his mother in Los Angeles during the holidays, Miss Dennis also predicted a shift in the eastern and western divisional sales setups of his company with Taylor playing an important part in the potential rearrangement.

About others, the crystal peeking revealed this:

That Glen Fields of National Theatre Supply was in the right business, but that he probably would be more successful if working for himself.

That Edgar Stern, insurance broker, was in the insurance business, believe it or not.

That Homer Blackwell, Independent Poster Exchange, was about to witness a merger or a consolidation or something of that sort in the near future.

That Jay Means had oil on his property near Wichita.

Taylor presided in the absence of the chief and vice-chief barkers. Kings for the day were Truly B. Wildman, Ernie Block and Desch. Guests, who by this time are probably speculating over their own futures, included Russell Swanson, *Kansas City Star;* Tom Page, and Robert Montgomery, Fox; Leonard Uhlman; L. L. Savage and Milt Goodman of the Columbia home office; R. A. Melville, Hollywood, who has been touring Fox Midwest houses in this territory with his Venetian glass blowing act; Claud Ezell, general manager, Affiliated Enterprises, Inc., and R. W. McEwan, bank night distributor in this territory. Melville, accompanied by Mrs. Melville, left later for the coast.

Schenck Says Zanuck Films Answer Query

HOLLYWOOD, Nov. 25.—*Fortune Magazine's* query as to whether Darryl F. Zanuck can make the more expensive, subtle type of pictures required by his association with Twentieth Century-Fox isn't taken seriously by Joseph M. Schenck. The question has already been answered, he says.

"Among the so-called expensive and polished pictures during the two years he produced for Twentieth Century," Schenck says, were: 'Gallant Lady,' 'The House of Rothschild,' 'Les Miserables,' 'Cardinal Richelieu' and 'Clive of India.'

"Since taking over production control under the merger of Twentieth Century-Fox," Schenck states, "he has, and is making, 'Metropolitan,' 'Thanks a Million,' 'Professional Soldier,' 'The Prisoner of Shark Island' and 'A Message to Garcia," to mention a few. All of these are productions of big scope.

"At the same time he is continuing to make such front page stories as 'Show Them No Mercy' and 'The Country Doctor.'

"His pictures have never been limited to one type, and have never been cheap. We have aimed our pictures at the box-office, and have kept production costs from being excessive by efficiency of operation."

Rene Brunet Gaining

NEW ORLEANS, Nov. 25.—Rene Brunet, owner and manager of the Imperial, is now recovering from a six weeks' siege of typhoid fever. He expects to be back in harness in a few days.

Sparta House Opens

SPARTA, TENN., Nov. 25.—The new Oldham, leased by the Cumberland Amusement Co., has opened.

Wall Street

Small Losses Mark Stock Trading

	High	Low	Close	Net Change
Columbia	72	69½	70	—2
Consolidated	5½	5⅜	5⅜	.....
Consolidated, pfd	18¾	18⅝	18⅝	.....
Eastman Kodak	168	164	164¼	—3
Eastman, pfd	155	155	155	.....
Loew's, Inc.	55⅛	53¾	54¼	+ ¼
Loew's, Inc., pfd.	106⅜	106⅜	106⅜	+ ⅜
Paramount	9¼	8⅞	9	— ⅛
Paramount 1 pfd.	76	73½	73½	—1
Paramount 2 pfd.	11¼	10¾	11	.....
Pathe Film	6¼	6	6	— ⅛
RKO	5½	5¼	5⅜	+ ⅛
20th Century-Fox	24	23⅜	23½	— ⅜
20th Century, pfd.	31⅜	30¼	30½	—1¼
Universal, pfd	73	69	71	—1½
Warner Bros.	9⅜	8⅞	9	— ⅛
Warner, pfd	47	47	47	—2

Technicolor Up a Point on Curb

	High	Low	Close	Net Change
Sentry Safety	½	½	½	— ⅛
Sonotone	2½	2⅜	2½	+ ⅛
Technicolor	19⅜	18⅛	19¼	+1
Trans-Lux	4¼	4⅛	4⅛	— ⅛

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre 6s '40	18⅞	18⅛	18¾	+ ¾
General Theatre 6s '40 ctf	18¾	18⅛	18½	+ ⅝
Loew's 6s '41 ww deb rights	104⅝	104¼	104¼	.....
Paramount B'way 3s '55	59	59	59	—1
Paramount Pict. 6s '55	91	89¾	90⅛	— ¾
Warner Bros. 6s '39 wd	88¾	88	88	.....

(Quotations at close of Nov. 25)

Short Subjects

'Voice of Experience—5'
(*Columbia*)

The Voice here is informed of the plight of a family whose sole support juggles the accounts of his post office sub-station to make ends meet and is subsequently found out by the authorities. As he is about to be arrested, his father, dependent on him for support, takes the blame. As the trial is proceeding and there is doubt as to his guilt, a juror intervenes with the knowledge that he heard the case described on the radio and knows who the guilty party is. The Voice had offered advice, but it was spurned. As the guilty party is marched away to jail he assumes the responsibility for the family. This compares with the others of the series in entertainment value, perhaps appealing to The Voice of Experience's radio audience. Production Code Seal No. 0651. Running time 10½ mins. "A"

"Feminine Invasion"
(*Columbia*)

Composed of a series of newsreel shots of the part played by women in the world of sport, this short offers little that is new or of any great appeal. The part females take in tennis, golf, gymnastics, boxing and finally some very sloppy wrestling perhaps may appeal to some but on the whole it is lacking. Production Code Seal No. 0724. Running time 11 mins. "G"

'Stars of Tomorrow No. 4'
(*Columbia*)

A conglomeration of tenth rate amateurs and their performing puts this short in the imitative class of an already hard-played cycle, in which there have been much better offerings. Performing in this one are a banjoist, vocal chorus, a Popeye imitation that is rank, xylophonic tap dancing and Harry Jans who is lost as master of ceremonies. Production Code Seal No. 0716. Running time 11 mins. "G"

"Yoo Hoo Hollywood"
(*Columbia*)

The Radio Rogues and Yvonne Monoff with the aid of the Tic Toc Girls conspire to convince Herman Bing that they should be film actors after convincing a director on location that they had talent. He tells them to look him up in Hollywood. At Bing's office they parade in imitation, even to a Garbo. Finally Bing sees something in them and they are signed up. Some of the imitations are good and others are overdone. This should go with indiscriminate audiences. Production Code Seal No. 1301. Running time 18 mins. "G"

Falaise Busy on Second

Marquis Henri de la Falaise, whose "Legong" is in its seventh week at the World, is cutting another picture, as yet untitled, which he made in French Indo-China dealing with the customs of a tribe known as the Mois, or Tiger men. The film is in color.

Levine in New Post

CHICAGO, Nov. 25.—C. E. Levine has been made manager of the Essaness Town which has just been opened. He was assistant manager at the Byrd.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Fire Trap"
(*Larry Darmour-Empire Film*)

HOLLYWOOD, Nov. 25.—Sandwiching interest-holding romance and love between exceptional thrill action, this picture stacks up as a far better than average program attraction. Basically, it is a dramatic exposure of the fire insurance-arson racket. Soundly produced, with careful attention devoted to substantiating details, it presents in its opening and closing sequences some exceptional fire scenes. Where entertainment and not consideration of producing company prestige or smash value of names is the primary consideration, the picture should prove decidedly popular.

In the yarn Norman Foster, fire insurance appraiser, and Evalyn Knapp, niece of Oscar Apfel, who, in conjunction with underwriter Sidney Blackmer, plans to grab off a million dollar fire loss, fall in love. At Apfel's country home Foster, knowing that the knowledge of the two men's plans which he has gained will widen a rift between him and Miss Knapp that rival suiter Blackmer has already started, informs her of her uncle's plan to recoup her misspent fortunes by arson and accuses her of being an indirect participant. Angry at first, Miss Knapp forces confirmation from Apfel and rejoins Foster and seeks to prevent Blackmer from carrying out his evil intent to burn a warehouse. In fire sequences that should enthuse audiences, Foster saves Miss Knapp's life and causes Blackmer's arrest.

Foster and Miss Knapp carry the story convincingly and Apfel and Blackmer are fine. The humor content is accentuated by a drunk scene featuring Arthur Housman and Herbert Corthell. Based on a story by Charles Royal, this aims to please the masses, which Burt Lynwood's capable direction practically assures. This should be a pleaser in neighborhood and smaller houses.

Previewed without production code seal. Running time, 63 minutes. "G."

Looking 'Em Over

"The Perfect Gentleman"
(*M-G-M*)

The able performances of Frank Morgan and Cicely Courtneidge are the outstanding features of this picture. Miss Courtneidge, one of the best known musical comedy stars in England, is not well known to American screen audiences, but her performance in this film should be worth selling.

From a play by Edward Childs Carpenter, the story is of the manner in which Morgan, ne'er-do-well and ever bragging father of a young, ambitious English country vicar, after causing much mental stress for his son, sacrifices his own happiness for the boy, and of course wins out in the end. The support features Una O'Connor, Herbert Mundin and Heather Angel.

Worked in is the insignificant romance of the boy and Miss Angel and the more important romance of Morgan and Miss Courtneidge. The picture is a combination of comedy which is sometimes subtle and sometimes slapstick and more serious moments which make for good dramatic contrast.

Morgan almost spoils his son's chances for an advancement, then accidentally meets Miss Courtneidge, vaudeville player on the small time, just getting her chance in London. Morgan helps her out on her opening night by jumping to the stage, and teams with her. Later, and again for his son, he leaves her, is reduced to almost nothing, but is reunited with her finally. Tim Whelan directed.

Production Code Seal No. 1,533. Running time, 70 minutes. "G."

"Forced Landing"
(*Republic*)

This is a continually interesting mystery drama, having its moments of suspense, original though somewhat improbable major situations and rapid-fire developments. With a transcontinental air trip and a forced landing en route for its novel background, the picture makes good use of its ingredients for heightening interest.

Nine of the 10 passengers on the air liner are linked by threads of the plot. The tenth, Julia Griffith, as an elderly woman making her

(*Continued on page* 15)

Variety Club

Kansas City

KANSAS CITY, Nov. 25.—Kings for a day have been designated as follows: Today, NORRIS CRESSAELL, DON DAVIS, MARTIN FINKELSTEIN; Dec. 2, L. A. JOHNSON, NAT HECHTMA and CHARLIE JONES.

Kings for the Saturday night "rendezvous," which have been very successful: Nov. 23, LEO FINKELSON and LES DURLAND; Nov. 30: DOC GILLIS, GEORGE FULLER and RUBEN FINKELSTEIN.

The party last week, for which GLEN FIELDS, STAN CHAMBERS and JACK CAMERON were kings, was attended by 60 and there was so much hilarity, four card games broke up. HARRY TAYLOR, FRANK HENSLER, FIELDS, GEORGE BAKER, TRULY WILDMAN and some others formed a minstrel show with ROY CATO at the piano. WILDMAN did a fan dance. Those who couldn't take it left around two o'clock, but most of the attenders were there then.

Omaha

OMAHA, Nov. 25.—EVERT CUMMINGS was greeted on his birthday by the Saturday noon luncheers at Variety Club with dime store gifts and a sailor's cap which he was forced to wear, since he is a member of Nebraska's Navy.

On Monday, ROY MILLER was king for the day, and introduced as guest speaker CHARLES BURKE, company manager for the San Carlo Opera Co. BURKE told of the inception of the famous organization and the method of its operation.

"Mutiny" 2nd Week Louisville Leader

LOUISVILLE, Nov. 25.—"Mutiny on the Bounty" at Loew's State took top grosses for the second week, drawing $8,500 to better par by $4,000.

"Thanks a Million" was good for $7,000 at the Rialto. "Confidential" with "International Follies" on the stage nicked the National box-office for $4,200, or $1,200 to the good.

Other first runs were well up to average or over, with not one instance of an under-par gross. The generally good business can be attributed to uniformerly better product and favorable weather.

Total first run business was $30,000. Average is $18,500.

Estimated takings for the week ending Nov. 21:

"THANKS A MILLION" (20th-Fox)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $7,000. (Average, $3,500)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $8,500. (Average, $4,500)

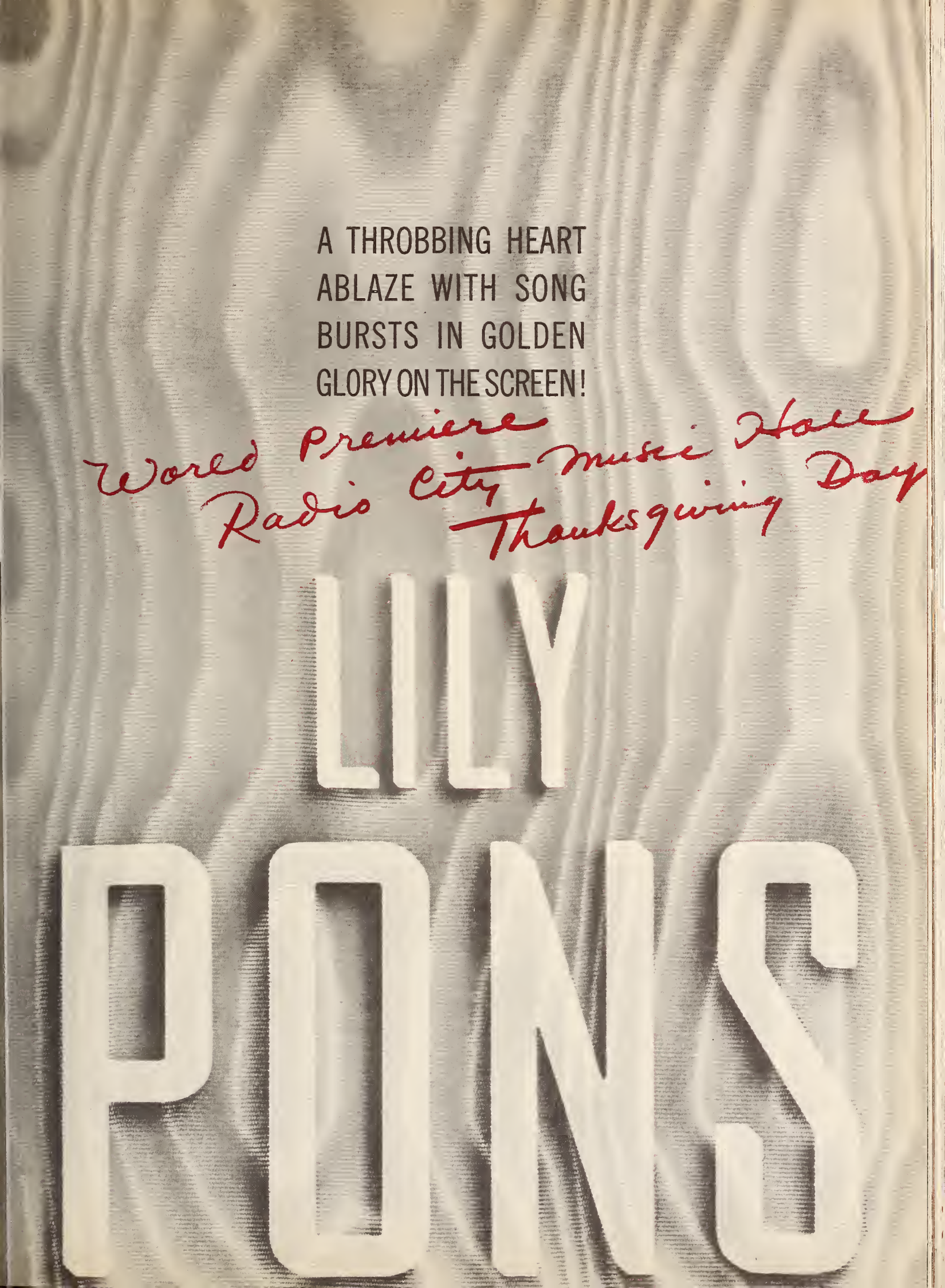
"PETER IBBETSON" (Para.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $2,700. (Average, $2,500)

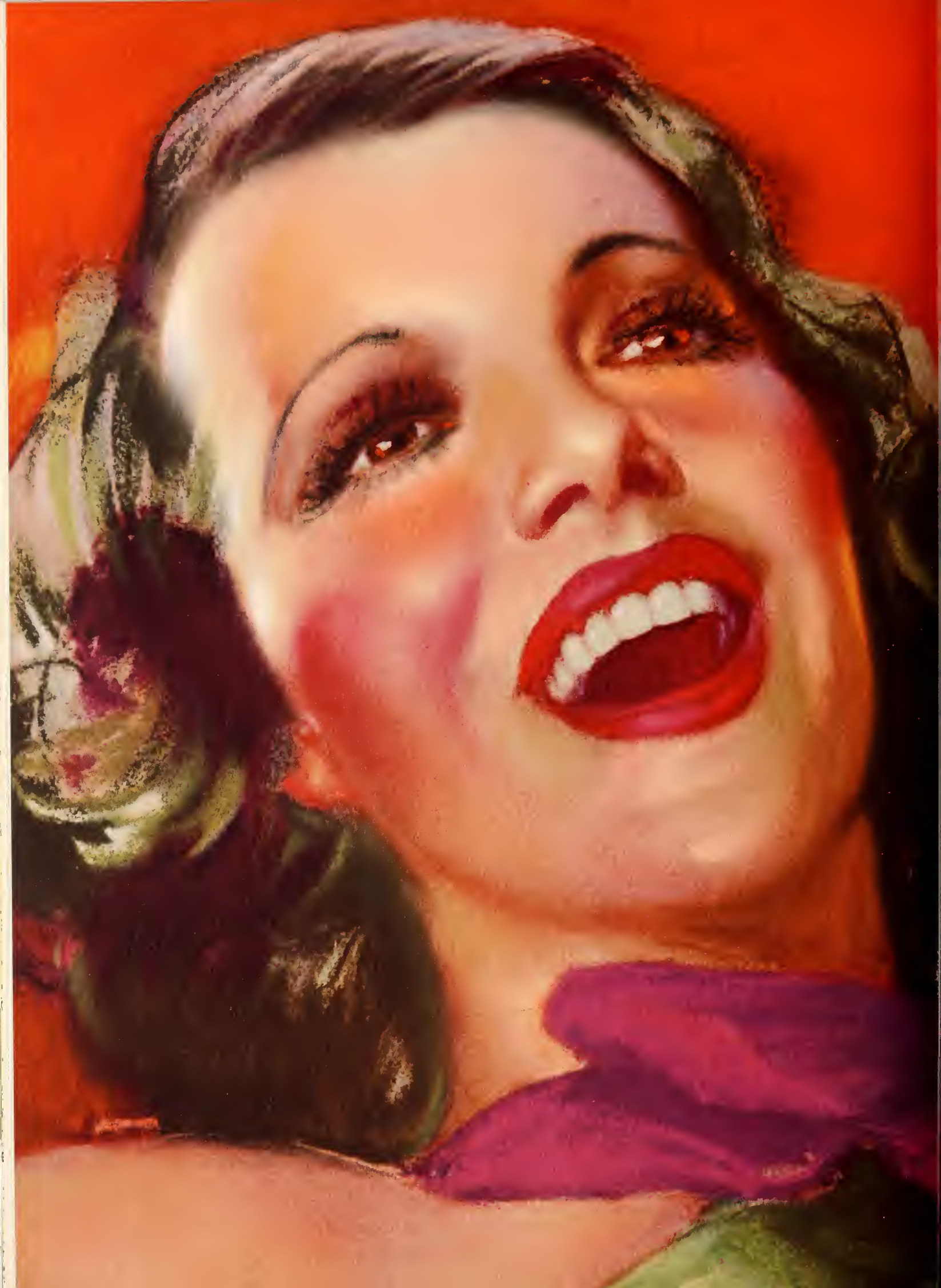
"SHE COULDN'T TAKE IT" (Col.)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $3,000. (Average, $2,000)

"I FOUND STELLA PARRISH" (F. N.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,800. (Average, $2,500)

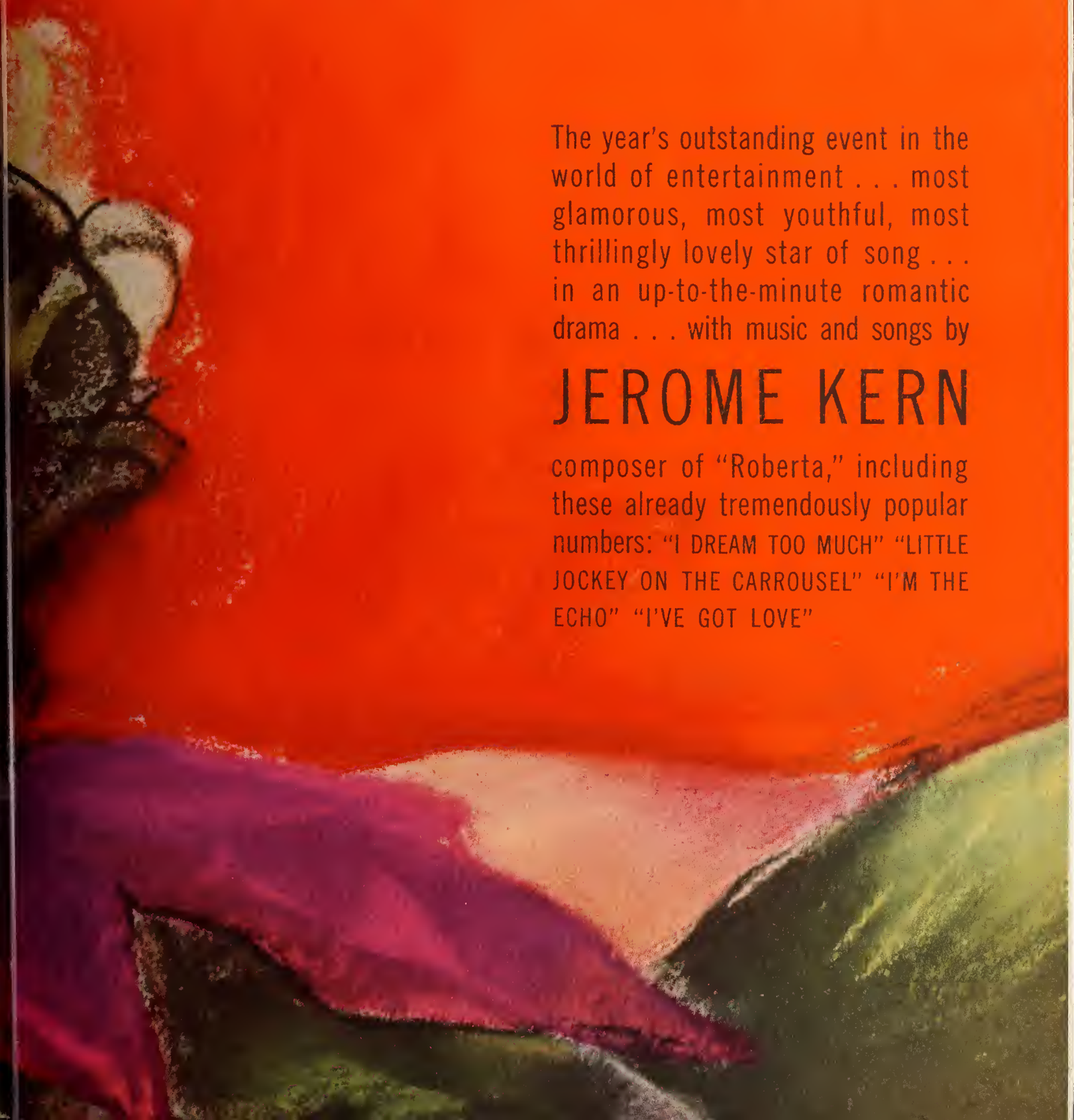
"CONFIDENTIAL" (Mascot)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: "International Follies," Willie Solar, Dorothy & King Brothers, Gregory & Elio, The Waltons, Mlle. Deslys. **Gross:** $4,200. (Average, $3,000)

"THE DARK ANGEL" (U. A.)
"MURDER IN THE FLEET" (M-G-M)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,400)


A THROBBING HEART
ABLAZE WITH SONG
BURSTS IN GOLDEN
GLORY ON THE SCREEN!
World Premiere
Radio City Music Hall
Thanksgiving Day
LILY
PONS



"I DREAM TOO MUCH"



The year's outstanding event in the world of entertainment . . . most glamorous, most youthful, most thrillingly lovely star of song . . . in an up-to-the-minute romantic drama . . . with music and songs by

JEROME KERN

composer of "Roberta," including these already tremendously popular numbers: "I DREAM TOO MUCH" "LITTLE JOCKEY ON THE CARROUSEL" "I'M THE ECHO" "I'VE GOT LOVE"

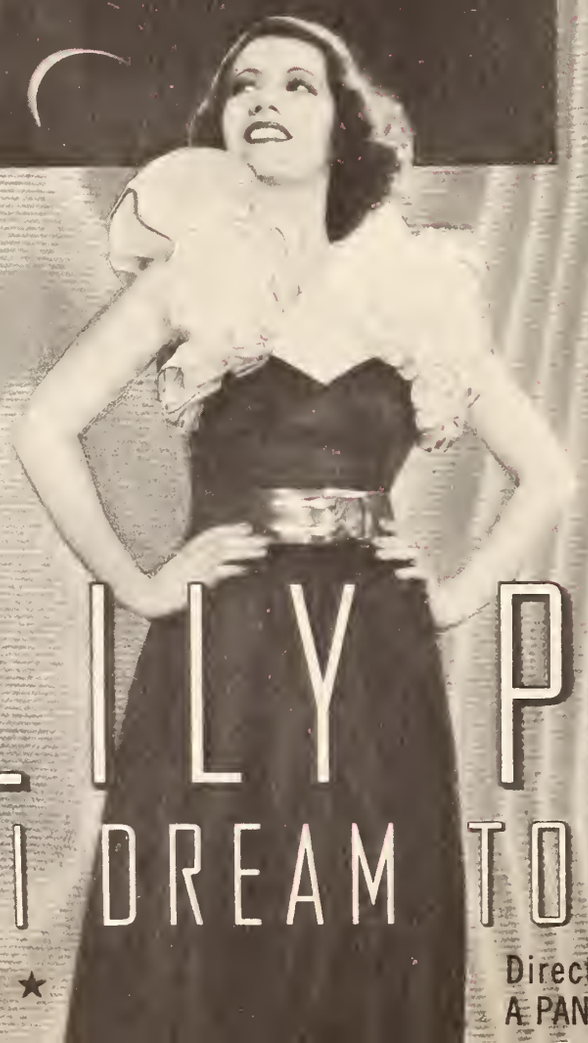


Open the floodgates of your heart for a new romantic thrill! . . . Lily Pons!... brilliant, beautiful, irresistible... as the girl who fought her way from the tinsel of the night clubs to the topmost rungs of fame!

with

HENRY FONDA

ERIC BLORE
OSGOOD PERKINS



LILY PONS

"I DREAM TOO MUCH"

RKO-RADIO PICTURE ★ ★

Directed by JOHN CROMWELL
A PANDRO S. BERMAN PRODUCTION

Minneapolis' Top "Bounty" With $14,000

MINNEAPOLIS, Nov. 25.—"Mutiny on the Bounty" was outstanding in a week of mild grosses on both sides of the river. The M-G-M feature was $4,000 to the good on a gross of $14,000 at the Minnesota.

"I Found Stella Parrish" went over the line by $1,000 on a take of $6,500 at the Orpheum, and "Barbary Coast" was $500 up on a take of $6,000 at the State.

Across the river "The Crusades" was strong at $7,000 in the Paramount, and "The Three Musketeers" reached $5,000 at the Orpheum.

Total first run business in Minneapolis was $36,500. Average is $30,000. Total first run business in St. Paul was $20,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Nov. 20:

"TRANSATLANTIC TUNNEL" (G-B)
WORLD—(400), 25c-55c, 7 days. **Gross:** $2,800. (Average, $3,000)

Week Ending Nov. 21:

"HERE'S TO ROMANCE" (20th-Fox)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"O'SHAUGHNESSY'S BOY" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

Week Ending Nov. 22:

"MUTINY ON THE BOUNTY" (M-G-M)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $14,000. (Average, $10,000)

"I FOUND STELLA PARRISH" (F. N.)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"BARBARY COAST" (U. A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"THE RAINMAKERS" (Radio)
TIME—(300), 15c-25c, 7 days, 2nd week. **Gross:** $1,500. (Average, $1,500)

St. Paul:

Week Ending Nov. 22:

"THE CRUSADES" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500)

"WAY DOWN EAST" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"THE EAGLE'S BROOD" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE THREE MUSKETEERS" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"THE KEEPER OF THE BEES" (Monogram)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Freund Behind Camera

HOLLYWOOD, Nov. 25.—Irving Thalberg has persuaded Karl Freund to abandon his directorial duties and to photograph "The Good Earth," which Victor Fleming will direct. Freund first won fame as a cameraman in this country for his work on the German pictures, "Variety" and "Metropolis."

Invincible to Start

HOLLYWOOD, Nov. 25.—Invincible will start its new season's list with "Tango" at the Pathe Studios. Marion Nixon, Chick Chandler, Marie Prevost, Warren Hymer, Herman Bing, Franklin Pangborn, George Meeker and others are featured.

Form Wotan Theatre

ALBANY, Nov. 25.—Wotan Theatre Corp., New York, has been formed here by I. E. Lambert, L. E. Thompson, Leon Goldberg, Edgar S. Knox, Dorothy Harrington and C. Raymond Burton.

Looking 'em Over

(*Continued from page* 10)

first air trip, is given her transportation for the comic interest, but doesn't earn it. The other passengers include Arthur Aylesworth, as a gangster who has just been released from prison after serving 15 years for the kidnapping of Kane Richmond, now a grown youth and eloping on the same plane with his sweetheart, Toby Wing. Also aboard are Onslow Stevens, a G-man and Sidney Blackmer, a former member of Aylesworth's gang, both of whom are trailing the latter in an effort to locate the $100,000 ransom money involved in the 15-year-old kidnapping and never recovered. Others include Willard Robertson, a banker; his wife, Barbara Bedford; Esther Ralston, the former sweetheart of Aylesworth and now the jilted girl friend of the banker.

The plane is forced to land in a storm and Aylesworth is discovered dead as the passengers alight. During the ensuing interrogation of the passengers the connecting threads among them are established as motives for which any or all might have committed the murder. The denouement disclosing the banker to be the culprit and in process of fleeing with the ransom money which had been left on deposit in his bank, lacks punch and conviction.

Produced by M. H. Hoffman and directed by Melville Brown, "Forced Landing" is from a story by William Boehnel and Morris Helprin. On the basis of its interest content and familiar cast names it should rate as a good contribution to any double feature program.

Production Code Seal No. 1,529. Running time, 63 minutes. "G."

"Lucky Legs" Does $22,000 in K. C.

KANSAS CITY, Nov. 25.—"The Case of the Lucky Legs," with "Folies Bergere" revue on the stage of the Mainstreet, was a box-office riot, the $22,000 gross leaving average behind by $13,000.

Two other attractions held up in the face of this competition. "The Little Big Shot" was strong at $9,000 in the Tower, helped by a stage show, and "Peter Ibbetson" was $900 to the good on a take of $7,900 at the Newman.

Total first run business was $50,900. Average for the period is $37,000.

Estimated takings:

Week Ending Nov. 21:

"THE CASE OF THE LUCKY LEGS" (F. N.)
MAINSTREET—(3,100), 35c-50c-65c, 7 days. Stage: "Folies Bergere." **Gross:** $22,000. (Average, combination bills, $9,000)

"THE LITTLE BIG SHOT" (W. B.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Gene Dennis, Billy Costelllo—"Popeye the Sailor Man Himself"—and the Three Blue Streaks. **Gross:** $9,000. (Average, $7,000)

"PETER IBBETSON" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,900. (Average, $7,000)

"MUTINY ON THE BOUNTY" (M-G-M)
MIDLAND—(4,000), 25c-40c, 6 days. **Gross:** $9,500. (Average, 6 days, $10,500)

Week Ending Nov. 22:

"I LIVE FOR LOVE" (W. B.)
"THE RAINMAKERS" (Radio)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,500)

Remodel in Los Angeles

LOS ANGELES, Nov. 25. — This should be known as building week along Film Row. Fox West Coast is remodeling the second floor offices and executives are dodging carpenters and painters, and sharing offices.

The Paramount sales staff is housed in the new building, but painting and partition building is going ahead, and draperies and floor coverings are still to be installed. The United Artists exchange is nearly through with a complete interior remodeling, and M-G-M is ringing with the sound of the enlarging of the booking office.

"Bounty" $12,000 Hit in Milwaukee

MILWAUKEE, Nov. 25.—Bucking a Milwaukee and Wisconsin industrial exposition at the Auditorium, "Mutiny on the Bounty" was the week's top at Fox's Wisconsin with a $12,000 take, $4,000 above par, for its first seven days.

Other houses felt the effect of the exposition which was offering the Mills Brothers, Pat Kennedy, the Morin Sisters, Gale Page, the Pickens Sisters, Ted Weems and seven local bands at 25 and 35-cent admissions. Only other business above par was at Fox's Palace where Phil Spitalny grossed $5,800 against a $5,000 average, and the Riverside, up $200.

Total first run business was $29,100. Average is $24,200.

Estimated takings for the week ending Nov. 21:

"MUSIC IS MAGIC" (20th-Fox)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Phil Spitalny and his band. **Gross:** $5,800. (Average, $5,000)

"MURDER AT GLEN ATHOL" (Invincible)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Eddie Peabody, Six Candreva Brothers, Billy Rolls and Dorothy, Leslie Ayres & Gold. **Gross:** $5,200. (Average, $5,000)

"NEW ADVENTURES OF TARZAN" (State Rights)
"FORBIDDEN HEAVEN" (Republic)
STRAND—(1,400), 20c-30c, 6 days. **Gross:** $1,100. (Average, $1,200)

"I FOUND STELLA PARRISH" (F. N.)
"REMEMBER LAST NIGHT" (Univ.)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $12,000. (Average, $8,000)

Open Greensboro House

GREENSBORO, N. C., Nov. 25.—The State, Greensboro's newest theatre, has opened under the management of the Elm Theatre Corp., of which J. F. White, Jr., of Asheboro and T. A. Little of Charlotte are owners. Ben W. Allen, formerly associated with the Wake at Raleigh, is manager.

The State occupies the site of the Rialto which was practically destroyed by fire several months ago.

"Bishop" and Show Chicago Bet, $18,700

CHICAGO, Nov. 25.—The Oriental was about the only bright spot on the Loop last week. It combined "The Bishop Misbehaves" with a low admission stage show called "Bring on the Dames" and ran the take up to $18,700. This is $3,700 over the line.

In its first week at normal prices here "The Crusades" was good for $7,100 at the Garrick. This is $1,600 to the good. All other spots were weak except the Apollo where "Shipmates Forever" was somewhat better than fair on a take of $4,700.

Total first run business was $113,300. Average is $117,000.

Estimated takings:

Week Ending Nov. 19:

"O'SHAUGHNESSEY'S BOY" (M-G-M)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $7,000. (Average, $11,000)

Week Ending Nov. 21:

"PETER IBBETSON" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Victor Herbert Melody revue. Jesse Crawford at the organ. **Gross:** $26,600. (Average, $32,000)

"THE BISHOP MISBEHAVES" (M-G-M)
ORIENTAL—(3,490), 25c-40c, 7 days. Stage: "Bring On the Dames" revue. **Gross:** $18,700. (Average, $15,000)

"CRUSADES" (Para.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $7,100. (Average, $5,500)

"3 KIDS AND A QUEEN" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Henry Armetta in person with Sunkist Revue. **Gross:** $14,200. (Average, $19,000)

"SHIPMATES FOREVER" (W. B.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $4,700. (Average, $4,500)

Week Ending Nov. 22:

"THE MELODY LINGERS ON" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 10 days. **Gross:** $12,000. (Average, $17,000)

"TWO SINNERS" (Republic)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Rita Rio and stage revue. **Gross:** $13,000. (Average, $13,000)

Levey to Aid Granara

BOSTON, Nov. 25.—Jack Granara, publicity manager for RKO Theatres in this territory, has named Robert Levey as his assistant in addition to Charles Patterson. Levey formerly was in the advertising departments of several department stores.

Drop St. Louis Tent

PITTSBURGH, Nov. 25. — The St. Louis Tent of Variety Club has been dropped from the list because of inactivity, according to John H. Harris, national president.

Another new tent is to be inducted soon at Dallas.

Warner Man Robbed

KANSAS CITY, Nov. 25.—William Warner, exchange manager for Warners, was robbed of a $2,500 ring and $5 by two bandits who accosted him as he left the office late and started to enter his car.

Cameron Aids Evangelist

WALLA WALLA, Wash., Nov. 25.—John Cameron, Film Row figure, recently took a week off to handle the Keylor-Grand for Aimee Semple McPherson. The grosses were something for other showmen to shoot at, it is said.

Variety Ball Sale Heavy

CLEVELAND, Nov. 25.—M. B. Horwitz, chairman of the ticket committee for the Variety Ball on Dec. 6, reports that with the affair still three weeks off, the ticket sale equals the total of last year. Because of the limited space in the Mayfair Casino where the affair will be held, Horwitz urges those who plan to attend to get tickets as soon as possible.

Shift Chicago Releases

CHICAGO, Nov. 25.—The Essaness Sheridan has gone into the "B" week class and the Devon has been upped to the "C" classification. With an exclusive first release on all United Artists pictures for the northside Sheridan, the house will inaugurate the new release schedule with "Dark Angel."

Ridgefield to Get Films

RIDGEFIELD, Nov. 25.—Terminating many weeks of controversy and town voting, the Town Hall will be let for film shows to Robert Horsley, a former New York man.

Renovation of the Town Hall will be undertaken immediately and equipment will be installed for a tentative opening in eight weeks.

Reassign Sutherland

HOLLYWOOD, Nov. 25.—Due to the shelving of "Song of Joy," which was to have been the first Marta Eggerth story at Universal, Edward Sutherland has been transferred to the direction of "Dracula's Daughter." The sequel to the horror film is from a story by John L. Balderston with a screenplay by R. C. Sheriff.

Natalie Kalmus East

HOLLYWOOD, Nov. 25.—Natalie Kalmus leaves for New York and London on Tuesday. She will confer with London Films on a Technicolor film to go into production in March and return here after the first of the year. She will go back to London again late in February.

Tomlin Aiding Charity

HOLLYWOOD, Nov. 25.—Pinky Tomlin has left for Texas and Oklahoma where he will make a series of personal appearances in the interest of local comunnity chest.

Conn Goes to Nine

HOLLYWOOD, Nov. 25.—Maurice Conn has added another feature to his group of eight, "China Flight."

The 4th Marx

Hollywood, Nov. 25.—Groucho, Harpo and Chico are reported pleading with Alex Woollcott to appear as a fourth in a comedy for production by Irving Thalberg at M-G-M in the spring.

Report Church Bookings

HOLLYWOOD, Nov. 25.—Since the showing at the Hollywood Beverly Christian Church of "Are We Civilized?", bookings for 50 churches in Southern California have been signed for the 16 mm film, according to Edwin Carewe who is making plans for his first production, "Courageous Hearts," an original dealing with the American Revolution. "The Life of Christ" is promised as the second.

Team Dunn-Eilers

HOLLYWOOD, Nov. 25.—Universal has signed James Dunn and Sally Eilers to be teamed in "Tomorrow is a Better Day," an original by William Thiele and Fred Hartman. William Nigh will direct under supervision of David Diamond.

Foreign Group Elects

HOLLYWOOD, Nov. 25.—Joseph B. Polonsky has been named president of the newly formed Foreign Press Society. Other officers are: Vice-president, Carlos Borcosque; secretary, Harold J. Salemson; treasurer, G. L. George; press agent, Desider Pek.

Gets Behind "Dream"

BOSTON, Nov. 25.—David Perkins, former stage star and present M. and P.-Publix assistant publicity manager, has been delivering radio bouquets throughout New England for "A Midsummer Night's Dream," which the circuit is roadshowing at the Majestic here.

Duffy Play Set In

HOLLYWOOD, Nov. 25.—Henry Duffy will open the Potter and Haight play, "The Post Road" in San Francisco Dec. 9 and bring it to the El Capitan here after two weeks.

Form Theatre Firm

KANNAPOLIS, N. C., Nov. 25.—Kannapolis Theatres, Inc., has been formed here by Morris Legendre, Marjorie L. Soper and Betty Woods.

Out Hollywood Way

HOLLYWOOD, Nov. 25.—HEATHER ANGEL is serious about that practicing on the L. A. police pistol range since her dogs nearly died at the hands of an unknown poisoner. . . . PRESTON FOSTER planning five weeks' vacation in New York following completion of "The Green Shadow." MRS. FOSTER will accompany him. . . . HARRIET HILLIARD signs agreement with Radio. She will not leave Hollywood until "Follow the Fleet" is finished Jan. 6. She has been threatening flying trips to visit her husabnd, OZZIE NELSON, now in New York. . . . ALBERT TRAYNOR, WILL ROGERS' stand-in for years, will be FRED STONE'S as long as STONE is in films. . . . MARGOT GRAHAME is director, cameraman, cutter and editor on a five-reel 16-mm. film, "Flying High," which she is making just for fun. . . .

+

BETTY GRABLE and JACKIE COOGAN rehearsing comedy skit which they will take on the road for four weeks, opening Christmas Week in Fort Worth. . . . KING VIDOR, MARGARET SULLAVAN and RANDOLPH SCOTT will be given the Cross of Honor by the Daughters of the Confederacy for their work in "So Red the Rose." . . . HELEN JEPSON will go to New York from San Francisco after completing her operatic appearances there. . . . LES WAGNER, U. P. Hollywood columnist covering the beat on crutches. Has a broken ankle. . . .

+

EDWARD L. MARIN and WALTER STROHM back from Detroit, where they made scenes for "Speed." . . . RICHARD BOLESLAWSKI and a company of 50 to the Mohave desert for "Three Godfathers." . . . JACK DAWN now in the lavish new make-up studio at M-G-M. . . . MURRAY ROTH in the Cedars of Lebanon Hospital with a shoulder infection. Just finished directing "Slide, Kelly, Slide" for Warners. . . . WALTER WANGER'S quarters at General Service remodeled and repainted and executive space expanded. JACK DAILY, publicity director, is enjoying the grandeur of a separate three-room bungalow and the writers have moved to another separate bungalow. At HAL ROACH'S, the casting office is being expanded to three times its former size in anticipation of added business this year. . . .

+

JACK DURANT very busy filming everybody with his eight mm. camera. . . . Letters flooding in both for and against having Little Lord Fauntleroy wear curls and lace collars. DAVID SELZNICK at a loss because opinions are about evenly divided. . . . KOLMA FLAKE, assistant to SAM W. B. COHN at Hal Roach studios, entertaining all of Our Gang at her daughter's first Christmas party. . . . Enormous invitations, 12 by 15, for a preview of MAX FACTOR'S new make-up studio getting gasps because name of each guest is printed on his bid. . . . EWING SCOTT and his technical crew of nine men have moved from Newfoundland to Shelbourne, Nova Scotia, for added background scenes on "Captains Courageous." . . . MICHAEL VAL ROSET, Austrian dance maestro, signed to direct the "Romeo and Juliet" number for "Rose Marie." . . . RAY JUNE appointed photographer and ARTHUR ROSE unit manager on "Wife vs. Secretary." . . .

+

EDDIE CANTOR and NORMAN TAUROG honored HELEN LOWELL at luncheon at the Goldwyn studio for her 50 years on stage and screen. . . . MISS LOWELL'S debut was in 1885 in a children's company of "Pinafore." . . . The California Yacht Club made TAY GARNETT an honorary member and gave him a burgee, or house flag, at a stag party. . . . WALTER WANGER entertaining ALEX WOOLLCOTT at dinner. . . . The cast of "Anthony Adverse," after two weeks of shooting, is demanding that MERVYN LE ROY play the part of NAPOLEON. . . .

+

Casting—CATHARINE DOUCET in "These Three." . . . JOSEPH TOZIER and WILLIAM STACK for "Little Lord Fauntleroy." . . . DOLORES COSTELLO will not be needed for the first 10 days of shooting and it is expected that details will be arranged to her satisfaction by that time. . . . SPRING BYINGTON and CHARLES GRAPEWIN added to "TheVoice of Bugle Ann" for M-G-M. . . . WILLARD ROBERTSON in "Three Godfathers" on same lot. . . . ERIK RHODES to "Don't Bet on Love" at Radio. . . . WILLIAM RICCIADI, ADDISON RICHARDS and PAUL SOTOFF in "Anthony Adverse." . . . WARREN HULL romantic lead in the KARLOFF picture, "The Walking Dead" and ROBERT STRANGE and JOSEPH SAWYER also in the same picture. . . .

+

ERNEST WHITMAN, colored actor from the New York stage, set in "Prisoner of Shark Island" at 20th Century-Fox. . . . E. E. CLIVE, ALEX POLLARD and MARY MACLAREN for "Little Lord Fauntleroy." . . . CHESTER MOORE, LOUIS STONE and WALTER BRENNAN to "Three Godfathers." . . . MAUREEN O'SULLIVAN and ERIC LINDON romantic leads in "The Voice of Bugle Ann." . . . LUIS ALBERNI in "Colleen" at Warners as well as in "Anthony Adverse." . . . OLIVIA DE HAVILLAND the lead in "Lawyer Woman," original by LUCY WARD, for Warners. . . . EUNICE HEALEY and LILI DAMITA in "Sons o' Guns." . . . MAY BEATTY in "Little Lord Fauntleroy." . . . ENRIQUE O'COSTA in title role in "A Message to Garcia" at 20th Century-Fox. . . . PIERRE WALKIRS into "Two O'Clock Courage" and FRANK MORAN, DORIS LLOYD and HUNTLEY GORDON to "Follow the Fleet" at RKO. . . . GEORGE BARBIER, on loan from Paramount, in "Wife vs. Secretary" at M-G-M. . . .

Writers—LEE FREEMAN to assist WELLYN TOTMAN and OLIVE COOPER on revision of "Dancing Feet" for Republic. . . . LOUISE LONG and ETHEL DOHERTY collaborating on adaptation of "Legion of the Lost" at same studio. . . . DAVID SILVERSTEIN and ROBERT LEE JOHNSON on screenplay for "The Harvester" on that lot and JACK NATTEFORD adapting "Ticket to Paradise." . . . WILLIAM JACOBS the screenplay for "Goin' to Town," original by GENE MARKEY for Warners. . . . MARY MCCALL, JR., doing the screenplay for DAMON RUNYON'S "A Slight Case of Murder" on same lot. . . . WILLIAM R. LIPMAN and HOUSTON BRANCH at work on the script of "Palm Springs," original by MILES CONNOLLY, for Walter Wanger. . . . STEPHEN MOREHOUSE AVERY, who scripted JESSE LASKY'S "The Gay Deception," signed to do script on an untitled FRANCIS LEDERER picture for Pickford-Lasky. . . .

+

Directors—CHRISTY CABANNE on "Plan 16" for RKO. . . . LOUIS KING on "Fugitive Gold" an ERLE STANLEY GARDNER story at RKO. . . . At 20th Century-Fox, ALAN DWAN assigned to "I Will Be Faithful," JAMES TINLING "Every Saturday Night," and JOHN BLYSTONE "Public Nuisance No. 1." . . . WILLIAM DIETERLE on "The Man With the Black Hat," taken from the novel, "Money Man," by DASHIELL HAMMETT for Warners. . . . ARTHUR LUBIN transferred from "The Leavenworth Case" at Republic to "My Old Kentucky Home." LOUIS D. COLLINS takes over his former assignment. . . . MITCHELL LEISEN, Paramount director and a camera crew, to Salt Lake, New York, Cleveland, Chicago, Reno, Omaha and San Francisco for shots on "13 Hours by Air."

+

Title Change—"Two O'Clock Courage" to "Two in the Dark" at RKO. . . . Next GENE AUTREY western for Republic will be "Coming 'Round the Mountain" instead of "Galloping Minstrels." . . .

+

Here and here—ROBERT SISK will be associate producer for Radio on "Plan 16," which CHRISTY CABANNE will direct. . . . Warners sign JANE FROMAN to do three more after seeing her work in "Stars over Broadway. . . . HAL MOHR will photograph "The Green Pastures" for Warners. He did camera work on "A Midsummer Night's Dream."

FILMDOM'S GREATEST TRADE SHOWING!...

FOR UNIVERSAL'S FARTHEST MILESTONE IN MOTION PICTURE HISTORY!

IN 38 THEATRES!...

In every important Universal Exchange center, from tip to tip, from coast to coast!

SIMULTANEOUSLY!

Every exhibitor in the United States, Canada and Alaska will be able to see it at the same time!

WATCH!....

For the national date and the name of the theatre in your territory!



Carl Laemmle presents IRENE DUNNE and ROBERT TAYLOR
in JOHN M. STAHL'S Production

MAGNIFICENT OBSESSION

From the best-selling novel by Lloyd C. Douglas with CHARLES BUTTERWORTH
BETTY FURNESS, SARA HADEN, RALPH MORGAN, HENRY ARMETTA

The Farthest Milestone in Motion Pictures!

"Bounty" at $25,000 Tops Philadelphia

PHILADELPHIA, Nov. 25.—Sunday's sleet storm knocked all optimistic expectations for the first open Sunday in the head, but in view of the weather break, exhibitors were encouraged by the showing when over 200,000 people turned out all over the city.

The downtown trade was spotty, with the cream going to the Stanley and the Fox. The former grabbed a big $25,000 for the second week of "Mutiny on the Bounty," one of the season's biggest hits, and the latter got $20,000 for "In Old Kentucky." Both films are holding.

The rest of the town was off, both for Sunday and daily showings with the exception of "Mary Burns, Fugitive" at the Stanton, which collected a neat $8,000 on the week and will stay until Thanksgiving Day, going five extra days.

Total first run business was $91,100. Average is $84,300.

Estimated takings for the week (first seven-day week) ending Nov. 21:

"RED SALUTE" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 9 days. **Gross:** $7,000. (Average, 7 days, $8,160)

"HANDS ACROSS THE TABLE" (Para.) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $2,200. (Average, $2,800)

"PETER IBBETSON" (Para.)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $11,000. (Average, $14,000)

"PERSONAL MAID'S SECRET" (W. B.)
EARLE—(2,000), 25c-40c-50c, 7 days. **Stage:** Little Jack Little and orchestra; Minor and Root, Bobby May. **Gross:** $12,000. (Average, $14,000)

"IN OLD KENTUCKY" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Willie, West & McGinty, Harmony Four, Kingsley and Chase. **Gross:** $20,000. (Average, $14,000)

"FEATHER IN HER HAT" (Col.)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,800. (Average, $4,000)

"I FOUND STELLA PARRISH" (F. N.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $3,100. (Average, $4,000)

"MUTINY ON THE BOUNTY" (M-G-M)
STANLEY—(3,700), 40c-55c, 7 days, 2nd week. **Gross:** $25,000. (Average, $14,000)

"MARY BURNS, FUGITIVE" (Para.)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

Back to Pictures

PITTSBURGH, Nov. 25.—Altering its decision to install stage shows, Shea's Fulton will reopen Thanksgiving Day after a 10-day shutdown with its old policy of straight pictures. Obviously the house intends to alternate, as in the past, between double and single features, with "Remember Last Night" and "Three Kids and A Queen" the attractions for the holiday week. Upon shutting down a week ago, the management said the stage would be remodeled for presentations at a cost of $15,000.

Theatre to Night Club

PITTSBURGH, Nov. 25.—The first Pittsburgh theatre to be converted into a night club is the Center Square, operated by Mark Browar and his associates. The spot has opened as the Harlem Casino, a black-and-tan club built to accommodate 500. The Center Square, situated in Little Harlem's Hill district, also catered to a mixed racial patronage during its days as a theatre.

"Bounty" Is Dual Hit in Hub Holdover

BOSTON, Nov. 25.—Even the opposition of the automobile show where they gave away a car a day and drew tremendous crowds failed to slow down "Mutiny on the Bounty." In its second week at Loew's State and Loew's Orpheum it took $18,000 at the former and $19,000 at the latter. Both of these grosses are away over normal.

The only other downtown house to reach normal was the RKO Boston where "To Beat the Band" hit $17,000, up by $6,000.

Total first run business was $91,000. Average is $80,500.

Estimated takings for the week ending Nov. 22:

"MIMI" (F. D.)
"IN OLD KENTUCKY" (20th-Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"TRANSATLANTIC TUNNEL" (G. B.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $8,000. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 2nd week, 7 days. **Gross:** $19,000. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 2nd week, 7 days. **Gross:** $18,000. (Average, $12,000)

"SO RED THE ROSE" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: All Star Cast including York and King, Sid Gray, Elida Ballet. **Gross:** $19,500. (Average, $22,000)

"MIMI" (F. D.)
"IN OLD KENTUCKY" (20th-Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $5,500. (Average, $7,000)

"TO BEAT THE BAND" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Gertrude Niesen, Frank and Milt Britton, and Edward Rosenwald and his Orchestra. **Gross:** $17,000. (Average, $11,000)

"In the Air" Gets $2,600, Oklahoma

OKLAHOMA CITY, Nov. 25.—"It's in the Air" was the money-maker of the week. It was over par by $600 on a $2,600 take at the Capitol.

The only other house to get into the black was the Liberty which reached $2,400 in four days with "Music is Magic" on the screen and "Cellophane Scandals" on the stage. Normal for seven days is $2,500. "This Is the Life," which finished out the week, didn't reach first base on a take of $450.

Total first run business was $12,450. Average is $13,500.

Estimated takings for the week ending Nov. 23:

"THANKS A MILLION" (Fox)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $4,600. (Average, $5,000)

"MARY BURNS, FUGITIVE" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 6 days. **Gross:** $2,600. (Average, $4,000)

"IT'S IN THE AIR" (M-G-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,600. (Average, $2,000)

"MUSIC IS MAGIC" (20th-Fox)
LIBERTY—(1,500), 10c-20c-26c-40c, 4 days. Stage: "Cellophane Scandals." **Gross:** $2,400. (Average for week, $2,500)

"THIS IS THE LIFE" (20th-Fox)
LIBERTY—(1,500), 10c-26c-36c, 3 days. **Gross:** $450. (Average for week, $2,500)

New Screen at Canton

CANTON, O., Nov. 25.—Loew's has installed a new screen and reproducing outfit.

Gets an Old Chaplin

Hollywood, Nov. 25.—Robert Lippert, manager of the Kalinski-Harband Circuit in the Bay District, is booking in first runs a 23-year-old Charlie Chaplin comedy. It is claimed to be the second comedy Chaplin made.

Featured in it are Wallace Beery, Mack Sennett, Gloria Swanson, Chester Conklin, Edgar Kennedy, with a lot of hair, and Mable Normand. Lippert has bought the only three prints known to exist, and is having dupes made. The negative has been lost, so far as is known.

The film was released in 1912 under the title of "A Hot Finish." Lippert is releasing it as "Roll Back the Years."

"Bounty" Hits $12,000 Mark In Cleveland

CLEVELAND, Nov. 25.—"Mutiny on the Bounty," in its second week, continued to hold the box-office spotlight with $12,000 at Loew's Stillman at advanced prices. This is three times average at regular prices, establishing an all-time gross record.

"I Found Stella Parish" at Warners' Hippodrome went $2,500 over the house average to a $10,500 gross.

"The Crusades" took $11,000, as against a $12,000 average at Loew's State where it played its first local popular priced run.

"Transatlantic Tunnel," with stage show headed by Dave Apollon and company, dropped from the $15,000 average to $12,500 at the RKO Palace. "Here's To Romance" survived five days at the Allen with a $2,000 take. "Tobacco Road" offered moderate competition.

Total first run business was $48,000. Average is $42,000.

Estimated takings for the week ending Nov. 22:

"HERE'S TO ROMANCE" (Fox)
ALLEN—(3,300), 30c-35c-42c, 5 days. **Gross:** $2,000. (Average for 7 days $3,000)

"THE CRUSADES" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $11,000. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 2nd week, 7 days. **Gross:** $12,000. Average, $4,000)

"TRANSATLANTIC TUNNEL" (G. B.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Dave Apollon and International Varieties. **Gross:** $12,500. (Average, $15,000)

"I FOUND STELLA PARRISH" (F. N.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $10,500. (Average, $8,000)

Oppose Bingo Parties

PROVIDENCE, Nov. 25.—The massing of legal and certain ecclesiastical opposition to Bingo parties here is being hailed by exhibitors who have suffered from the encroachment of this kind of entertainment on attendance. Half of the halls in town are offering two or more Bingo parties a week, which cuts considerably into film patronage.

"Mutiny" Top In Pittsburgh For 2d Week

PITTSBURGH, Nov. 25.—"Mutiny on the Bounty" continued to stand the town on its ear last week, getting $11,000, more than double average business, at the Warner, where it was moved following a sensational $28,000 week at the Penn. As a result of this great take, the picture was held over at the Warner, which will give it three weeks downtown.

The Stanley was the only other house in town to make any sort of showing, due principally to the bolstering influence of Mary Small, Molasses 'n' January and Cross and Dunn on the stage. They supported "Rendezvous" for an exceptionally fine $21,000. At the Alvin, "She Couldn't Take It" took it on the chin, getting just about $3,200, while "Barbary Coast" was a disappointment at the Penn, at $10,000.

"Metropolitan" held for three extra days beyond the regulation week at the Fulton and caught a fair enough $2,000.

Total first run grosses were $47,200. Average is $41,000.

Estimated takings for the week ending Nov. 21:

"SHE COULDN'T TAKE IT" (Col.)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $3,200. (Average, $5,500)

"METROPOLITAN" (20th-Fox)
FULTON—(1,750), 15c-40c, 3 days, 2nd week. **Gross:** $2,000. (Average, for 6 days, $4,000)

"BARBARY COAST" (U. A.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $10,000. (Average, $10,000)

"RENDEZVOUS" (M-G-M)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Mary Small, Molasses 'n' January, Cross and Dunn, Rufe Davis and his Radio Rubes, Four Steps, Jean Chorynak. **Gross:** $21,000. (Average, $16,500.

"MUTINY ON THE BOUNTY" (M-G-M)
WARNER—(2,000), 25c-40c, 6 days. Moved here at same scale from Penn for second week. **Gross:** $11,000. (Average, $5,000)

W. Ivan St. John Dead

HOLLYWOOD, Nov. 25.—W. Ivan St. John died yesterday of heart disease. He was 46. The funeral will be held tomorrow at Whittier.

St. John was one of the pioneer editors in the fan magazine field and for a long time managed the local office of *Photoplay*. In recent years he has been a scenario writer as well as magazine contributor. Adela Rogers St. John was his first wife.

He is survived by his widow and two children, William Ivan St. John and Mrs. Paul Gallico, both of New York.

Michael J. Walsh Dead

Michael J. Walsh, father of George C., who is upstate New York division manager for Paramount and part owner of the Strand, Yonkers, died yesterday after a long illness, Walsh had been former mayor of Yonkers and prominent for many years in Democratic circles.

Funeral arrangements have not yet been completed.

C. D. White Dies

HOLLYWOOD, Nov. 25.—C. D. White, RKO production manager for 14 years, died here Sunday after a brief illness. The funeral will be held Wednesday.

"Tunnel" and Vallee Heavy Detroit Draw

DETROIT, Nov. 25.—"Transatlantic Tunnel" with Rudy Vallee and his band on the stage at the RKO Downtown proved a winning combination. The $16,600 take was above normal by $6,600.

Several other spots were strong. "Thanks a Million" was $3,300 on the profit side of the line with a take of $18,300 at the Fox. "A Night at the Opera" was $2,500 up on a take of $22,500 at the Michigan, and "The Melody Lingers On" made a good showing with $12,200 at the United Artists.

Total first run business was $80,000. Average is $67,500.

Estimated takings for the week ending Nov. 22:

"KING SOLOMON OF BROADWAY" (Univ.)
"NAVY WIFE" (20th-Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,800. (Average, $5,000)

"THANKS A MILLION" (20th-Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: "Blue Venus" Revue. **Gross:** $18,300. (Average, $15,000)

"A NIGHT AT THE OPERA" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, five acts of vaudeville. **Gross:** $22,500. (Average, $20,000)

"THE BISHOP MISBEHAVES" (M-G-M)
"EAGLE'S BROOD" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"MELODY LINGERS ON" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $12,200. (Average, $10,000)

"DAUGHTERS OF TODAY" (State Rights)
LAFAYETTE—(2,000), 10c-40c, 7 days, 2nd week. **Gross:** $2,500. (Average, $2,500)

"TRANSATLANTIC TUNNEL" (G. B.)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. Stage: Rudy Vallee and band. **Gross:** $16,600. (Average, $10,000)

"Agent" at $2,700 Is Lincoln Leader

LINCOLN, NEB., Nov. 25.—In what threatened to be a very quiet week, with a dull week-end, "Special Agent" at the Lincoln turned in a $500 profit on a $2,700 take.

"The Crusades" finished $200 below average at the Stuart, turning in a bare $2,900. "Transatlantic Tunnel," making about the best showing ever seen here for a foreign film, sent the Varsity to a profit on $2,100, $400 over par.

Total first run business was $10,900. Average is $9,850.

Estimated takings:

Week Ending Nov. 20:
"DESERT TRAILS" (Monogram)
"STORMY" (Univ.)
COLONIAL—(750), 10c-15c, 7 days. **Gross:** $1,000. (Average, $850)

"SPECIAL AGENT" (F. N.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,700. (Average, $2,200)

"TRANSATLANTIC TUNNEL" (G. B.)
VARSITY—(1,100), 10c-15c-20c-25c, 7 days. **Gross:** $2,100. (Average, $1,700)

"VIRGINIA JUDGE" (Para.)
"BISHOP MISBEHAVES" (M-G-M)
"I LIVE FOR LOVE" (W. B.)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days, 3 with vaudeville headlining Henry Santry and his "Broadway Varieties" unit. **Gross:** $2,200. (Average, $1,700)

Week Ending Nov. 22:
"CRUSADES" (Para.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,900. (Average, $3,100)

"Opera" Leads in Cincinnati Upturn

CINCINNATI, Nov. 25.—Business last week pointed definitely upward. "A Night at the Opera" led the parade with $15,250 at the RKO Albee, bettering average by $3,250. It continues at the RKO Lyric.

"In Old Kentucky" was $2,850 to the good with a $12,850 take at the RKO Palace. It was moved to the RKO Capitol for a second stanza. "Mutiny on the Bounty" turned in $8,000, or $1,500 better than normal, at the RKO Capitol, after doing nearly two and a half times that on the initial week at the Albee. It is now playing the RKO Grand for a third downtown week.

Keith's hit average at $6,500 with nine days of "I Found Stella Parrish," and the independent Strand broke even with "Two Sinners" and "Confidential" on a double bill, plus an amateur show on stage.

Total first run business was $64,950. Average is $60,200.

Estimated takings:

Week Ending Nov. 20:
"TWO SINNERS" (Republic)
"CONFIDENTIAL" (Mascot)
STRAND—(1,300), 15c-25c, 7 days. Stage: Amateur show. **Gross:** $1,500. (Average, $1,500)

Week Ending Nov. 21:
"A NIGHT AT THE OPERA" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $15,250. (Average, $12,000). Moved to RKO Lyric.

"IN OLD KENTUCKY" (20th-Fox)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $12,850. (Average, $10,000). Moved to RKO Capitol.

"TO BEAT THE BAND" (Radio)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Phil Harris and Orchestra. **Gross:** $11,500. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2d downtown week. **Gross:** $8,000. (Average, $6,500). Moved to RKO Grand.

"RAINMAKERS" (Radio)
RKO LYRIC—(1,400), 25c-40c, 7 days. **Gross:** $4,600. (Average, $6,500)

"HANDS ACROSS THE TABLE" (Para.)
RKO GRAND—(1,200), 25c-40c, 7 days, 2d downtown week. **Gross:** $2,500. (Average, $2,750)

"LAST OUTPOST" (Para.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,250. (Average, $1,250)

"HI GAUCHO" (Radio)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,200)

"I FOUND STELLA PARRISH" (F. N.)
KEITH'S—(1,500), 30c-40c, 9 days. **Gross:** $6,500. (Average, 7 days, $6,500)

Czechoslovaks Form New Picture Group

WASHINGTON, Nov. 25.—The Central Ass'n. of M. P. Exhibitors, in Czechoslovakia, at its recent annual general meeting, approved unanimously a plan for creation of a body to be known as "Motion Picture Cooperation" (Filmova Spoluprace), to be composed of representatives of the Exhibitors' Association and of producers, according to a report to the U. S. Department of Commerce from Commercial Attache Sam E. Woods, in Prague.

This new body, which is to be accorded a certain amount of cooperation from public agencies, will work on features to be released for the 1936-37 season.

Cchechoslovakians appear to have become conscious that their domestic productions leave much to be desired as far as themes, properties and production technique are concerned, particularly so since the return of American films to this market last spring, the report states.

"Agent" and "Band" Get $9,800, Omaha

OMAHA, Nov. 25.—"Special Agent" and "Here Comes the Band" on a dual at the Orpheum were in the money to the tune of $9,800. This topped par by $1,800.

Also among the big money-makers was a combination of "Hands Across the Table" and "Transatlantic Tunnel" at the Omaha where the $6,800 gross was $1,800 to the good. All houses were above normal.

Total first run business was $23,400. Average is $17,600.

Estimated takings:

Week Ending Nov. 15:
"MUTINY ON THE BOUNTY" (M-G-M)
"KING SOLOMON OF BROADWAY" (Univ.)
OMAHA—(2,200), 25c-40c, 2 days, 2nd week. **Gross:** $2,000. (Average, $1,600)

Week Ending Nov. 20:
"I FOUND STELLA PARRISH" (F. N.)
"TO BEAT THE BAND" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,800. (Average, $4,000)

Week Ending Nov. 21:
"HANDS ACROSS THE TABLE" (Para.)
"TRANSATLANTIC TUNNEL" (G. B.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $6,800. (Average, $5,000)

"SPECIAL AGENT" (W. B.)
"HERE COMES THE BAND" (M-G-M)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $9,800. (Average, $8,000)

Turns Press Agent

SAN FRANCISCO, Nov. 25.—Lloyd ("Tiger") Thompson, former drama editor of the *San Francisco Examiner*, is handling publicity on all Shubert attractions booked for this city during the winter. Shubert is using both the Curran and Columbia here.

Giveaways Blamed

BOSTON, Nov. 25.—Cash giveaway nights are held principally responsible for the action started against Massachusetts motion picture theatres by the Dept. of Public Safety for practices of overcrowding, blocking exits, encumbering lobbies with displays, and the like.

"Mutiny" Holdover $12,000, Buffalo

BUFFALO, Nov. 25.—"Mutiny on the Bounty" is turning up the best grosses of the year here. Drawing $12,000 in its second week, its pull has been worth $34,000 to the Great Lakes, where $7,300 is par. It will be held over until Thanksgiving, at least.

Other grosses were generally off, the Lafayette's dual excepted. "King Solomon of Broadway" and "Storm Over the Andes" were $2,000 to the good at $8,000.

Total first run business was $42,600. Average is $38,400.

Estimated takings for the week ending Nov. 25:

"PETER IBBETSON" (Para.)
BUFFALO—(3,000), 30c-50c, 7 days. **Gross:** $10,600. (Average, $12,000)

"LAST DAYS OF POMPEII" (Radio)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5,600. (Average, $7,300)

"MUTINY ON THE BOUNTY" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $12,000. (Average, $7,300)

"BAD BOY" (20th-Fox)
"MUSIC IS MAGIC" (20th-Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,400. (Average, $5,800)

"KING SOLOMON OF BROADWAY" (Univ.)
"STORM OVER THE ANDES" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $8,000. (Average, $6,000)

Ad Men Transferred

Stanley Chase, formerly ad sales manager of Paramount's exchange in Washington, has been transferred to Philadelphia in a similar capacity, succeeding Barney Slaughter, resigned. John I. Brian, formerly Chase's assistant, has been promoted to head ad sales at the Capitol branch.

To Honor 2 Cameramen

BOSTON, Nov. 25.—A testimonial dinner for Jake Coolidge and Al Richards, veteran Paramount cameramen, will be given Dec. 17 at the Copley-Plaza. A large attendance from the Boston and New Haven areas is expected.



"Bounty" Tops Seattle with Nice $9,650

SEATTLE, Nov. 25.—First honors went to "Mutiny on the Bounty" which grossed $9,650 at the 5th Ave. which normally does $7,000. So good was it that the attraction has been transferred to the Blue Mouse for an extended run.

"Thanks a Million" did all right by itself and the Orpheum, too. It gave that house $7,100 as against a routine $6,000 and was moved over to the Music Box. With "The Last Outpost" and "The Case of the Lucky Legs," the Paramount, with $5,250, rose above its recent average. The theatre ordinarily does $5,000.

Total first run grosses were $36,700. Average is $32,500.

Estimated takings for the week ending Nov. 22:

"RENDEZVOUS" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (3rd week, extended run from Orpheum). **Gross:** $3,700. (Average, $4,000)
"MUTINY ON BOUNTY" (M-G-M)
5TH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $9,650. (Average, $7,000)
"RED SALUTE" (U. A.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $5,100. (Average, $4,000)
"HANDS ACROSS THE TABLE" (Para.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (2nd week, extended run from Orpheum.) **Gross:** $3,650. (Average, $4,000)
"THANKS A MILLION" (20th-Fox)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $7,100. (Average, $6,000)
"THE LAST OUTPOST" (Para.)
"CASE OF THE LUCKY LEGS" (F. N.)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $5,250. (Average, $5,000)
"MUSIC IS MAGIC" (S. R.)
REX—(1,500), 15c-25c, 7 days. "Brown Skin Models" revue on stage. **Gross:** $2,250. (Average, $2,500)

Wilson Moved Up

HOLLYWOOD, Nov. 25.—Harold Wilson, former story assistant to Raymond Griffith at 20th Century-Fox, has been promoted to assistant to B. G. De Sylva, associate producer. Wilson has been with 20th Century since the company was founded and recently completed a story called "Four Gallant Men" in collaboration with Aiden Roark.

Powell Is Shifted

HOLLYWOOD, Nov. 25.—William Powell, who was set for the cast of "Wife Vs. Secretary" by M-G-M, has been withdrawn because of other assignments. The picture will have Clark Gable, Jean Harlow and Myrna Loy. Clarence Brown will direct and Hunt Stromberg produce.

Talk New Hub League

BOSTON, Nov. 25.—Another bowling league is being discussed for the film district, now that golf courses are hardening. Such organizations have been effected during other cold seasons. National Screen Service men were champs last winter.

I.T.O. to Have Rooms

KANSAS CITY, Nov. 25.—I.T.O. has made arrangements for club rooms at 208 Zoglin building. Independent exhibitors, according to E. Rolsky, president, will furnish it, conduct meetings there, and use it for loafing and entertainments.

'Bounty' Continues a Smash In Denver; So Is 'Million'

DENVER, Nov. 25.—"Mutiny on the Bounty" continued to break house records at Huffman theatres. It cracked all precedent at the Paramount in the first three days of run there, after having turned the same trick at the Denver the week previous. The picture transferred from the Denver to the Paramount cold with the result the opening matinee was light, but business boomed at night and kept going.

"Thanks a Million" is nearly equalling the record set by "Mutiny" the previous week at the Denver. Continuous holdouts prevailed Saturday and Sunday with business booming the balance of week.

"Night at the Opera" was a draw for Marx Bros. fans. Their followers thought it was their best.

"Metropolitan" dipped strongly following a week at the Aladdin and was taken out after three days on a second week and got four days at Broadway.

"The Virginia Judge," backed by WLS national barn dance stage unit, did better than average at the Denham.

Weather was perfect for theatregoing, cold but not enough to freeze up radiators.

Total first run business was $33,800. Average is $19,500.

Estimated takings for the week ending Nov. 21:

"METROPOLITAN" (20th-Fox)
ALADDIN—(1,500), 2nd week, 25c-35c-50c-60c, 3 days. **Gross:** $800.
"SHE GETS HER MAN" (Univ.)
ALADDIN — (1,500), 25c-35c-50c-60c, 4 days. **Gross:** $800. (Average for week, $2,600)
"SHE COULDN'T TAKE IT" (Col.)
BROADWAY—(1,500), 25c-40c, 3 days. **Gross:** $500.
"METROPOLITAN" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 4 days, following 10 days at the Aladdin. **Gross:** $700. (Average for week, $1,000)
"THE VIRGINIA JUDGE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days; and stage show. **Gross:** $5,600. (Average, $4,000)
"THANKS A MILLION" (20th-Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $12,000. (Average, $5,000)
"A NIGHT AT THE OPERA" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $5,000)
"MUTINY ON THE BOUNTY" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 7 days, following week at Denver. **Gross:** $5,000. (Average, $2,500)

Frisco Gets Revivals

SAN FRANCISCO, Nov. 25.—Old successes are being revived here by Herman Cohen at the Embassy, RKO downtown continuation house.

"Scarface" and "Cock of the Air" were showing last week, with "The Front Page" and "Hell's Angels" slated for following weeks. Public response has been excellent.

Takes "Dream" Space

BRIDGEPORT, Nov. 25.—Warners' Palace, Danbury, which has never advertised in the local area, is taking plenty of space in Bridgeport newspapers for "Midsummer Night's Dream." The film plays here the first week in December.

Fend in New Post

CHILLICOTHE, O., Nov. 25.—Harland Fend, Cleveland, has been named manager of the Warner house here. He succeeds Ray Allison, who has been called to Cleveland for another assignment.

Wahoo Off Athletics

Omaha, Nov. 25.—Film men, who have followed with casual interest Darryl Zanuck's activities as an athlete—especially on the polo field—are wondering what his reaction will be when he hears what the boys in his home town of Wahoo, Neb., have recently decided.

Because of lack of interest, Wahoo High School abandoned its football team in 1934. A questionnaire distributed among the high school boys again this year has indicated the boys still do not want the rough game!

Connecticut Warner Managers Are Moved

NEW HAVEN, Nov. 25.—The Warner theatre department has made several changes in personnel as a result of the reopening of theatres dark for several years.

George Harvey, brother of Jack Harvey of the Palace, Danbury, is now at the Empress, Danbury. John Pickett has the Gem, reopened for one day a week, in addition to supervising the Capitol, Willimantic. Jack Sanson will supervise both the State and Circle, South Manchester. Jake Melinkoff has been transferred from the Broadway, Lawrence, to the Warner in the same city.

Ted Smalley, recently at the Paramount, here, has taken the Broadway, Lawrence. A. R. Davis has been returned to the Modern, Lawrence. Paul Wenzell is at the helm of both the Strand and Premier, Newburyport, while Tom Grace heads the Bristol, Bristol.

Many Canada Prints Out

TORONTO, Nov. 25.—Reports of the Canadian Government Motion Picture Bureau show that 5,437 prints of scenic and industrial shorts covering Canada are in circulation throughout the world. Of these, 2,831 have been shipped to the United States, 387 to the United Kingdom, 150 to Australia, New Zealand and Tasmania, 120 to Germany, 100 to South America, 84 to Austria, and others to Japan, South Africa, Turkey, the East Indies and other places.

Tracks Took $5,000,000

BOSTON, Nov. 25.—About $5,000,000 was spent by the people of Massachusetts in the past five months merely for the opportunity to gamble legally on horse and dog races. The State Racing Commission reveals that the cut of track promoters and the State in pari-mutuel so far this year, Massachusetts's first of betting on the races, amounted to no less than $4,788,751.36.

"Ghosts" Cast Shifts

HOLLYWOOD, Nov. 25.—M-G-M has withdrawn Charles Butterworth and May Robson from the cast of "Three Live Ghosts," for other assignments. They will be replaced by Claude Allister and Beryl Mercer.

Providence's Best $7,500 To 'Crusades'

PROVIDENCE, Nov. 25.—"The Crusades," which pulled $7,500 for the Strand, was king-pin among the week's attractions, the figure being $1,000 over the usual take. "Mutiny on the Bounty," in its second week at Loew's State, caught $10,000 which is only $2,000 under par and half of what it grossed the opening week. Other houses in town, Fays, Albee and the Majestic were close to average.

With the closing of the race track at Narragansett exhibitors anticipate a pick-up in matinee attendances.

Total first run business was $37,900. Average business is $40,500.

Estimated takings for the week ending Nov. 21:

"THE CRUSADES" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,500. (Average, $6,500)
"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 6 days. **Gross:** $10,000. (Average, $12,000)
"DANCE BAND" (G. B.)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Streamline Revue." **Gross:** $6,700. (Average, $7,000)
"TRANSATLANTIC TUNNEL" (G.B.)
"FRECKLES" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)
"GOOSE AND THE GANDER" (W. B.)
"DR. SOCRATES" (W. B.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)
"JEALOUSY" (Col.)
"WHOLE TOWN'S TALKING" (Col.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

Await N. H. Decision

BOSTON, Nov. 25.—A decision is expected next month on the Bank Night suit against Attorney General Francis Johnson of New Hampshire to establish the legality of the cash giveaway scheme in that state.

The Premier in Littleton, operated by John Eams, is being used as the medium in the test suit, which has been entered in the state Supreme Court at Concord. George S. Ryan is the Bank Night attorney in New England.

Kelley with Stamp Firm

LOS ANGELES, Nov. 25.—Charles G. Kelley has joined the local office of the National Theatre Gift Stamp Co. as sales manager for Charles Emanuel. Kelley formerly was with the Home Business Builders, another stamp company. Under his direction the local office, which has been concentrating in the theatre field, will expand to cover merchants. So far, stamps in connection with giveaways have had little success here due to heavy competition of Bank Night and Buck Night.

Takes Film on Italy

BOSTON, Nov. 25.—With the Ethiopian-Italian situation getting primary attention now, the Century Film Distributing Corp. has acquired New England distribution rights on "The Truth About Italy."

Wolfe Joins Century

BOSTON, Nov. 25.—Robert Wolfe has been named sales manager of Century Film Distributing Corp. Wolfe has been with Hollywood Films in Albany and Buffalo.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 126 NEW YORK, WEDNESDAY, NOVEMBER 27, 1935 TEN CENTS

Warners Quit Ascap; to Deal Independently

Will Withdraw 11 Music Firms on Dec. 31

Warners yesterday withdrew their 11 music publishing subsidiaries from membership in the American Society of Composers, Authors and Publishers, effective with the termination of their current contract on Dec. 31, and stated that, in the future, they would deal "independently and directly" with radio broadcasters and other music licensees, presumably through a Warner organization to be set up at once.

The action was taken at a meeting of the board of Ascap yesterday at which Warners was represented by Herman Starr, who also tendered his resignation as an Ascap director.

The Warner secession results from the company's belief that it had been receiving insufficient revenue for its music catalogues under Ascap's licensing system. The Warner music

(*Continued on page* 12)

Mexicans Alarmed By Boycott Report

By JAMES LOCKHART

MEXICO CITY, Nov. 26.—The Mexican industry is considerably alarmed by rumors from Spanish speaking countries that American distributors are forcing exhibitors to establish a virtual boycott of Mexican pictures because of the difficulties Americans are having here over tax problems.

The story here is to the effect that U. S. distributors are refusing to supply films where Mexican pictures are shown.

At the Hays office yesterday the only comment was that such moves were "highly improbable if not impossible."

Arguments Heard on Sound Patents Use

Arguments were heard by Federal Judge Mortimer W. Byers in Brooklyn Federal court yesterday in a patent suit by Western Electric, Erpi and A. T. & T. against General Talking Pictures Corp. The arguments were made by Charles Neave and Henry Ashton for the plaintiffs and Samuel Darby and Ephraim Berliner for the defendants.

Testimony in the case was taken

(*Continued on page* 18)

Figure in Paramount Changes



George J. Schaefer, who yesterday resigned as a vice-president. The move had been anticipated.



Neil F. Agnew, sales manager, who succeeded Schaefer as vice-president of the same company.

Free Films Go To 470 Spots Survey Shows

Free shows are now being provided to 470 institutions, hospitals and associations through the 32 Film Boards of Trade, according to a checkup completed by the Hays office on Nov. 1. This is the first recapitulation in eight years.

In 1927, the peak of the silent era, more pictures were serviced gratis throughout the country than at the present time. This is due to the fact, it is stated, that many institutions have not yet added sound apparatus to their machines.

Accounts served without remuneration today are given shows once a week, bi-weekly, monthly and twice a

(*Continued on page* 18)

Fox Detroit Setup Is Discussed Here

Reorganization plans for the Fox, Detroit, which has been in receivership for some time, are now being discussed in New York. The bondholders' committee and David Idzal, manager of the theatre, arrived from the Auto City yesterday to talk over rehabilitation.

Reports emanating from Detroit have it that Spyros Skouras will take an active part in the reorganization, following which the Fox will be included in the groups operated by the Skourases.

N. Y. Critics Band to Name Year's Best

Motion picture critics of the New York dailies quietly have been organizing an association for mutual benefit, including prestige, and for selection of the best picture of the year. The awards which will single out no individual credits, but merely designate the majority choice by title, will get under way with designation of a film seen locally during 1935. Announcement to be accompanied by generous space in the film departments of the New York dailies will be made shortly after the first of the year.

The plan is designed to parallel the step inaugurated several months ago by the drama critics who have deter-

(*Continued on page* 18)

Julius Hagen Takes Whitehall Studios

LONDON, Nov. 26.—Julius Hagen of Twickenham Studios has purchased the Whitehall Studios at Elstree, several adjoining acres, to permit expansion and has formed a new company, J. H. Prod., Ltd.

It will produce there with Maurice Elvey as director of production with a personal commitment to make three himself each year.

The floor which recently burned at the Twickenham plant will be recon-

(*Continued on page* 18)

Schaefer Out; Agnew Is Made His Successor

Former's Plans Not Set; Theatre Deal Off

George J. Schaefer yesterday resigned as a vice-president of Paramount, effective immediately. Neil F. Agnew, who as Paramount sales manager has been Schaefer's assistant, was named as his successor and also elected to a vice-presidency.

Schaefer, who, in addition to being a vice-president, was also a Paramount director, is severing his relations with the company completely, it was learned. Proposals by which he would acquire a partnership interest in Minnesota Amusement Co., Paramount's northwest theatre subsidiary, which were under discussion between him and officials of the company for some time, have been definitely abandoned, the company stated officially.

Schaefer said last night that his plans for the future were indefinite at this time.

"Until today," he added, "I had ex-

(*Continued on page* 18)

Arbitration Cases Show a Drop Here

With most of the cases being settled before trial, arbitration locally has taken a sudden drop. This is in contrast with the unusual number of complaints filed by exchanges with the New York Film Board at the time of the expiration of the NRA.

Not one session has been held at the local board within the past few weeks, despite the fact that numerous cases have been on the docket. Where differences between exhibitors and branch managers are not immediately settled, the tendency is to postpone the cases in the hope of working out settlements. In numerous instances

(*Continued on page* 18)

Sunday Shows Prove Big Pittsburgh Help

PITTSBURGH, Nov. 26.—The first Sunday shows went off without a hitch and proved that the seven-day week will be a big factor in the industry's success hereabouts. Newspapers estimated that close to 100,000 customers paid nearly $25,000 into theatre treasuries in the immediate Piftsburgh area.

Both the downtown district and

(*Continued on page* 18)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 27, 1935 No. 126

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Représentative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Exchange Men Hear Long Reel Reports

Managers of exchange operations for major distributors received a further report yesterday on plans for the adoption next April 1 of the standard 2,000-foot reel during a meeting at M.P.P.D.A. headquarters. The report, prepared by the Academy of M. P. Arts & Sciences, related to the use of a 15-inch reel for the changeover instead of the 15½-inch reel which has been considered heretofore.

The changeover has been approved by all major distributors with the exception of Universal. It is believed that the chances of the latter company approving the new standard reel are increased as a result of additional economies claimed for the 15-inch reel.

Delay Skouras-RKO Trial

Trial of the Skouras action against RKO and Twentieth Century-Fox involving release of the latter's product to the RKO 81st St. day and date with competing Skouras houses, which was scheduled for today, will be postponed again pending the continuation of efforts to work out a settlement of the action, it was stated yesterday.

No Paper Tomorrow

There will be no edition of *Motion Picture Daily* tomorrow, which is Thanksgiving Day and a legal holiday.

Insiders' Outlook

By RED KANN

MORE collusion and again in friendly pre-holiday style came into the open yesterday with this column once more flirting a temporary merger with "Asides and Interludes," weekly department conducted by James P. Cunningham in Motion Picture Herald. Under the general heading, "What They Are Thankful for on Thanksgiving," this is the result, for better or for worse:

HARRY WARNER, NED DEPINET, GRAD SEARS, HERMAN STARR, GEORGE SCHAEFER, JIM REED, FRED WOOD, JACOB LASHLY, WILLIAM GENTRY, SAM FORDYCE, BOB PERKINS—12 good men and true.

RUSSELL HARDY—Certainly *not* St. Louis.

JUDGE GEORGE H. MOORE—Old Senator Reed.

PHILADELPHIA, PITTSBURGH, SCRANTON, HARRISBURG — Sunday shows.

MAX REINHARDT—Warners.

HOWARD DIETZ and ARTHUR SCHWARTZ—"At Home Abroad."

BROADWAY STAGE PRODUCERS—Paramount, Warners and Metro.

GROUCHO, HARPO and CHICO—Irving Thalberg.

H. G. WELLS—U. A. publicity department.

MOE SILVER—That baby.

SYLVIA SIDNEY—Bennett Cerf.

BENNETT CERF—Sylvia.

▼

ALEX KORDA—Prudential Life Assurance Co.

JIMMY GRAINGER—Promise of better pictures.

CHARLIE EINFELD—Stan Shuford.

ALL NEW YORK PRESS AGENTS—Kate Cameron and Wanda Hale.

JOAN CRAWFORD—Franchot Tone.

FRANCHOT TONE—Joan.

ADOLPH ZUKOR—Calm.

WILL HAYS—"The rock-bound shores of Maine to sunny California."

MARK LARKIN—Mary Pickford.

MARY PICKFORD—Ah, me!

HOWARD CULLMAN — Cigars, bridges, tunnels and receiverships.

JESSE LASKY—That he won't be sheehan things.

BRUCE GALLUP—Jack Cohn.

▼

JOHN and BARNEY BALABAN—That seven-year pact with Paramount.

LEO SPITZ—John D. Hertz.

ARTHUR W. KELLY—Al Lichtman.

HARRY D. BUCKLEY—Ditto.

AL LICHTMAN—Nick Schenck.

NICK SCHENCK, LOUIS B. MAYER, IRVING THALBERG, BOB RUBIN, CHARLIE MOSKOWITZ, JOE VOGEL, FELIX FEIST, WILLIE RODGERS, EDDIE SAUNDERS, TOM CONNORS, HOWARD DEITZ, SI SEADLER, the Loew managers — That the "Bounty's" crew mutinied.

LEO—$7,579,743 net.

JOHN BARRYMORE—Fast express service to California.

CARL LAEMMLE, SR.—Cowdin and Rogers.

J. CHEEVER COWDIN—Erpi and Eastman Kodak.

CHARLES R. ROGERS—"Doc" Giannini and Adolph Ramish.

▼

LON YOUNG—That he's no longer with Nat Levine.

PAN BERMAN—Just a coupla hours with Leo Spitz.

The Nation—WILL ROGERS

EDDIE SELZER—Louella Parsons.

LOUELLA PARSONS—Marion Davies.

MARION DAVIES—Warners.

MONROE GREENTHAL—Hal Horne.

HAL HORNE—Walt Disney and Mickey.

BEN GOETZ—Nick Schenck and Arthur Loew.

LEONARD GOLDSTEIN—Ben Goetz.

BOB GOLDSTEIN—Joe Moskowitz.

JOE MOSKOWITZ—Bob.

ARTHUR GREENBLATT—Phil Meyer.

PHIL MEYER—George Weeks.

HARRY H. THOMAS—Pathe.

HERMAN GLUCKMAN—Ditto.

▼

ENGLISH AS IT IS SPOKEN—Sam Goldwyn.

MANNY COHEN—Gullible reporters.

FRANK CAPRA—That award.

JACK FULD—Castor oil.

SOL ROSENBLATT—Bill Jaffe.

BILL JAFFE—Sol.

MAURICE MCKENZIE—That it wasn't worse.

W. RAY JOHNSTON—Herb Yates.

EDDIE GOLDEN—Ray.

REGINA CREWE—Herb Cruikshank.

HERB CRUIKSHANK—Regina.

ANDY SENNWALD—Mordaunt Hall.

AMKINO—Sennwald and Dick Watts.

ARTHUR MAYER—The new Rialto.

20TH CENTURY-FOX—Darryl Zanuck.

DARRYL ZANUCK—Winnie Sheehan.

WINNIE SHEEHAN—Privacy.

▼

CHARLIE SKOURAS—Sam Goldwyn.

LYNN FARNOL—His "smeller."

SAM BRISKIN — Self-exile from Harry Cohn.

HUNT STROMBERG—Six months' leave.

DAVE SELZNICK—Freddie Bartholomew and the Victorian era.

LOUIS B. MAYER—Any chance to orate.

EDDIE MANNIX—Canadian passports.

ROBERT ROBIN—William Sirovich.

EDGAR S. BLOOM—Western Electric.

WILL SHAKESPEARE'S GHOST—Harry, Albert and Jack.

HARRY, ALBERT and JACK—$674,158 net.

EDDIE CANTOR—Parkyakarkus.

SAM DEMBOW—Herman Robbins.

HERMAN ROBBINS—Trailers.

MAJOR BOWES—Amateurs.

MOX SHOBBUS—Ali Gaga.

ALI GAGA—Mox Shobbus.

▼

MILT SCHWARZWALD—Mentone.

MILTON WEISMAN—The Fox Theatres receivership.

CLAUD EZELL—Bank Night.

JIM CUNNINGHAM—Richmond.

NEIL AGNEW—His new vice-presidency.

DAVE PALFREYMAN—Southern exhibitor powwows in winter.

HAL ROACH—Dave Loew.

HENRY GINSBERG—Ditto.

DAVE LOEW—20th Century-Fox.

LESTER COWAN—Ann Ronell.

ANN RONELL—Lester.

SOL LESSER—Jacob Lurie.

JACK SCHLAIFER—Bennie Zeidman.

JACK DEMPSEY—The Ampa.

ED KUYKENDALL—Ghost writer Dave Palfreyman.

▼

FELIX FEIST—"Shan."

DAVID SARNOFF—Atlas and the Lehmans.

STEVE LYNCH—A home in Florida.

CHARLIE PETTIJOHN—Bigger and better legislatures.

CHASE NATIONAL—Schenck, Kent and Zanuck.

J. R. MCDONOUGH—M. H. Aylesworth.

M. H. AYLESWORTH—Floyd B. Odlum.

HERBERT BAYARD SWOPE—Mike Meehan.

MIKE MEEHAN—The SEC.

MERIAN COOPER, ROUBEN MAMOULIAN, GLEN ALLVINE, BILLY ROSE, DAVE SELZNICK, TECHNICOLOR, THE MODERN MUSEUM—Jock Whitney.

BERT SANFORD—"Grow Fast" hair tonic.

BILLY FERGUSON'S DUSENBERG—A rising stock market.

JACK LEVIN—Bicycling.

EARL WINGART—Charlie McCarthy.

ARCH REEVES—Ditto.

CHARLIE MCCARTHY—Sid Kent.

SID KENT—Darryl Zanuck.

▼

LILLIAN HELLMAN—"The Children's Hour."

FRED AYER—"Parnell."

BILLY ROSE—"Jumbo."

JACK GOETZ—Canada.

HARRY GOETZ—Eddie Small.

RKO—Fred Astaire.

GINGER ROGERS—Ditto.

WILLARD MCKAY—"21."

JACK, CHARLIE and MAC—"Deac" Aylesworth, Herb Yates, Charlie Paine, Ned Depinet, Phil Reisman, Herman Robbins, Sam Dembow, Grad Sears, Leslie Thompson, Ralph Rolan, Cress Smith and McKay.

MARLENE DIETRICH—The Civil Guard.

GEORGE CUKOR — Charles Dickens.

LUCIEN HUBBARD—Quick quickies.

BILL KOENIG—Large moving vans.

▼

W. R. HEARST—Carfare east.

FRANK FREEMAN—Good nature and a sense of humor.

BILLY WILKERSON—Still Trocadero and Vendome.

JOHN C. FLINN—*Variety.*

LESTER THOMPSON—New teeth.

ARTHUR LOEW—That he's not a director.

CLAYT SHEEHAN—No more time tables to read.

JOHN W. HICKS—Spain, for getting rid of "The Devil Is a Woman."

JOE VON STERNBERG—Harry Cohn.

CONNIE BENNETT—One more chance.

JACK GAIN—The Zanuck Drive.

PHIL GERSDORF—That fathers have sons.

JUNIOR LAEMMLE—Thalberg's kind words.

GEORGE SKOURAS—The U. A. Theatres.

TRUMAN TALLEY, A. J. RICHARD,

(*Continued on page* 11)

"PARDON MY BACK!"



"I've been so busy with
my record-breaking successes,
'Mutiny on the Bounty' and
'Night at the Opera', that I'll let
the critics tell you about
my next sensational box-office
attraction 'AH WILDERNESS!'"

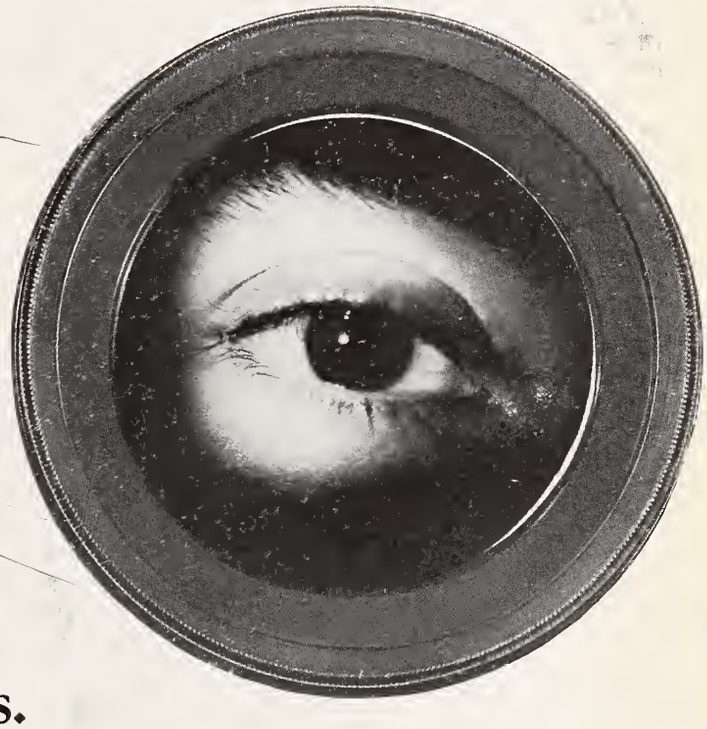
(Here goes! Next page!



Get re
Y

Cast your eye on what HOLLYWOOD REPORTER SAYS:

M-G-M's "Ah Wilderness" an all-round natural. Direction, writing, cast, all superb. A thing to place next to that great American classic, "Seventeen," and a picture that stands head and shoulders above the run of the mill for gentle humor, the drama of youth, the lovely memory and entertainment that one and all should see. It's a gift on a silver platter from Producer Hunt Stromberg, Director Clarence Brown, Writers Goodrich and Hackett (not to mention O'Neill), and Eric Linden, Lionel Barrymore and Wallace Beery. The story is a simple and homely tale of a youngster back in 1906 who has to go through all the crashing despondency of an idealistic lad of seventeen. There is no sense in going into the details of that story, for it is the way in which they are told by camera, acting and writing that make it something you cannot afford to miss. Frances Goodrich and Albert Hackett have taken the comedy of O'Neill and transferred it faithfully to the screen and made a screen play out of it. There can be no complaints from the first writer of the stage about what two of the best screen writers have done to and for his play. The added scenes give greater pleasure, and give it a bit more life than it had as a play because they widen the scope of action. Clarence Brown has directed with such complete good taste and feeling for the proper sentiment, without for a moment going banal and sloppy, that he hereby adds still another feather to his cap which must make an Indian Chief envious by now. Eric Linden comes back to the screen with a bang. Restrained, sincere, and with a fine appreciation of the character, he delivers a moving and delightful performance of the kid you love but not to have around the house too long. He is particularly good when he comes back from his first kiss with the girl of his dreams. Lionel Barrymore as the father need have no worries about comparisons between his conception of the role and the original. That father and son scene is still the highlight, and Barrymore is grand. Cecilia Parker as the little sweetheart is everything that ever stepped out of the story books about those times. Aline MacMahon is perfectly lovely as the semi-tragic spinster whose memory of one incident blights her life. Spring Byington is a thoroughly right mother and lovely to watch. Mickey Rooney and Bonita Granville as the youngsters do a swell job and Frank Albertson, Edward Nugent and Charles Grapewin are excellent. Helen Flint delivers her lines in an elegant whiskey tenor and scores brightly in her few scenes. Clyde DeVinna's photography is beautiful and gentle as the story, with the backgrounds just right. The montage in the graduation scene is something to note particularly, as is the entire sequence. Hunt Stromberg has chalked up another winning production for himself. It's a honey from start to finish and that includes a very effectual musical score put together by Herbert Stothart for the added enjoyment of the picture.



And COAST VARIETY:

"Ah Wilderness" (M-G-M) Saga should whiz turnstiles. Earns bows all around.

For the general excellence of "Ah Wilderness" all concerned can take bows. Picture is a saga of Americana that should make box office records. Hunt Stromberg is to be congratulated for his handling of the picture. In story, direction and casting he has given the O'Neill play intelligent supervision. Clarence Brown's sympathetic and understanding direction gives the comedy a homeliness that is its biggest asset. His knowledge of the bewildered and bewildering youngsters and the feeling he has given the knowing father stand out as the picture's high spot. Picture sticks close to the play with the exception of the father's counseling of his son against the association with questionable women. Story has to do with Eric Linden, son of Lionel Barrymore, who tries to fathom the ways of love. When his girl seems to have gone back on him, he tried one night of riotous living, finds it does not pay. His father sets his course and he's off again on the primrose path. Barrymore as the father gives a sterling performance. At all times he appreciates the adolescent viewpoint of his son, never worries about the outcome. Young Linden turns in a class performance as the boy. Cecilia Parker is excellent as his girl, indicates she has a future in pictures. Spring Byington as the mother is true to type, makes her portrayal real. Aline MacMahon, as the spinster who loves Beery, also adds greatly to the picture's excellence. Mickey Rooney, as the bothersome youngest son, is always the real boy. Frank Albertson, as the older brother, contributes a nice performance as does Charles Grapewin, the town grouch, Edward Nugent, a young sport, and Tom Dugan, a bartender. Helen Flint deserves special mention for her work as a trollop. Frances Goodrich and Albert Hackett have made a faithful transcription of the play, have written some added scenes that gives the picture an even flow lacking in the stage version.



"You'll find 'AH WILDERNESS!' in their next issues!"

ady to put it in ear's 10 Best! FILM DAILY SAYS:

Outstanding production, expertly handled all-around, with appeal for all audiences. This picture of a regular down-to-earth American family should undoubtedly be considered for the "10 Best of the Year." That goes for production as well as for box-office. Any exhibitor can safely give his personal recommendation to "Ah Wilderness." Everything about the production merits the highest praise, and Eric Linden's work should receive the utmost consideration when choosing the Academy prize performance of the year. Wallace Beery's portrayal of the easy-going, lovable drunk is outstanding, and Lionel Barrymore, as the understanding father, makes the role live. The scene in which he tries to give his son some knowledge of the facts of life is handled expertly. Eugene O'Neill's play was quite a piece in itself, but Frances Goodrich and Albert Hackett have added some fine material, bringing in added scenes, movement, a lot more comedy and they have wisely built the son's role while keeping the father as important as he was in the play. Clarence Brown has directed with a fine understanding, giving the characters the humanness that makes this picture all that it is, his individual touches can be noted throughout and they bring the proper responses. There are many children's roles in the picture, and Brown brings them out so that they each mean something. Although the picture delves into characterizations, there is plenty of action so that there is never a moment in which one loses interest. Clyde DeVinna's photography and the choice of outdoor locations are worthy of special mention. Hunt Stromberg has given the production everything that should make it outstanding. Linden, an idealistic sort of chap, is in love with Cecilia Parker, a very innocent girl, who is closely watched by her father. When the father suspects that Linden has wronged his daughter, he forces her to write Linden that all is over between them. He becomes very much upset and goes off on a wild party from which he returns with a pain in the head and the stomach. He and the girl are happily brought together. All through the picture Beery and Aline MacMahon are having their on and off love affair, on when he is sober and off when he is drunk. They, too, come to an agreement with Beery definitely swearing off liquor. *Direction,* Expert *Photography,* Best.



No "BUTS" about it according to the Quigley Publications:

M. P. HERALD SAYS:

This picture has just about all the essentials that audiences want and exhibitors demand. A domestic comedy-drama, close to the hearts of American families. In the power of its simplicity, natural humanness and reflection of problems confronting every family, it is one of the most impressive features brought to the screen in recent years. There are many things in the picture commendable in their ability to entertain, to play upon sentimental interests as smiles are blended with tears—entertainment features which should engage the most keen-minded showmanship. It does not seem possible that "Ah, Wilderness" will be anything but one of the season's high ranking attractions. This picture should be a great popular success. The manner in which the preview audience reacted to the show is indicative of the reception that can be expected with its release. It laughed and cried; time after time it burst into applause. A show with a definite heart sock, it is also a comedy chock full of smiles and laughs. It should be sold with a type of exploitation emphasizing it as an attraction which any kind of patron, old or young, cannot afford to miss.

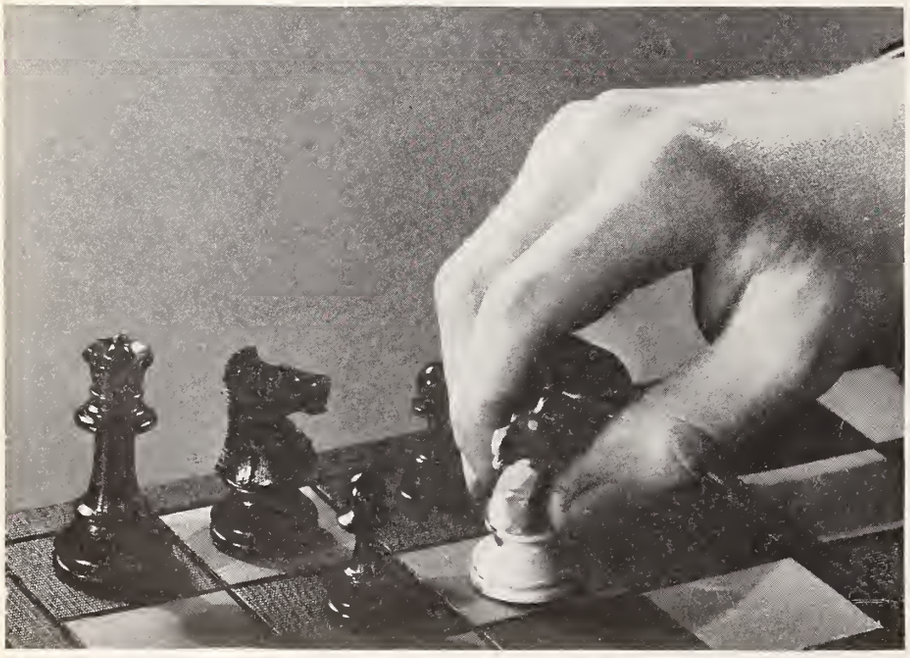
M. P. DAILY SAYS:

HOLLYWOOD —This picture mirrors life. It reflects ordinary human emotions, ambitions, tragedies, triumphs with sincere conviction. It does so with the simplicity that makes for power, giving audiences and the showmen the most to be desired in screen merchandise, a good story that was intelligently acted on the stage. It is hardly to be doubted that the picture will make a popular impression. It is certain to win approval. The comedy drama glows with homey humor. The drama is natural. Following vivid contrasts it builds to a sock climax when the father tries to explain the facts of life to his son.

SHOWMEN'S TRADE REVIEW

says it's just what the public wants:

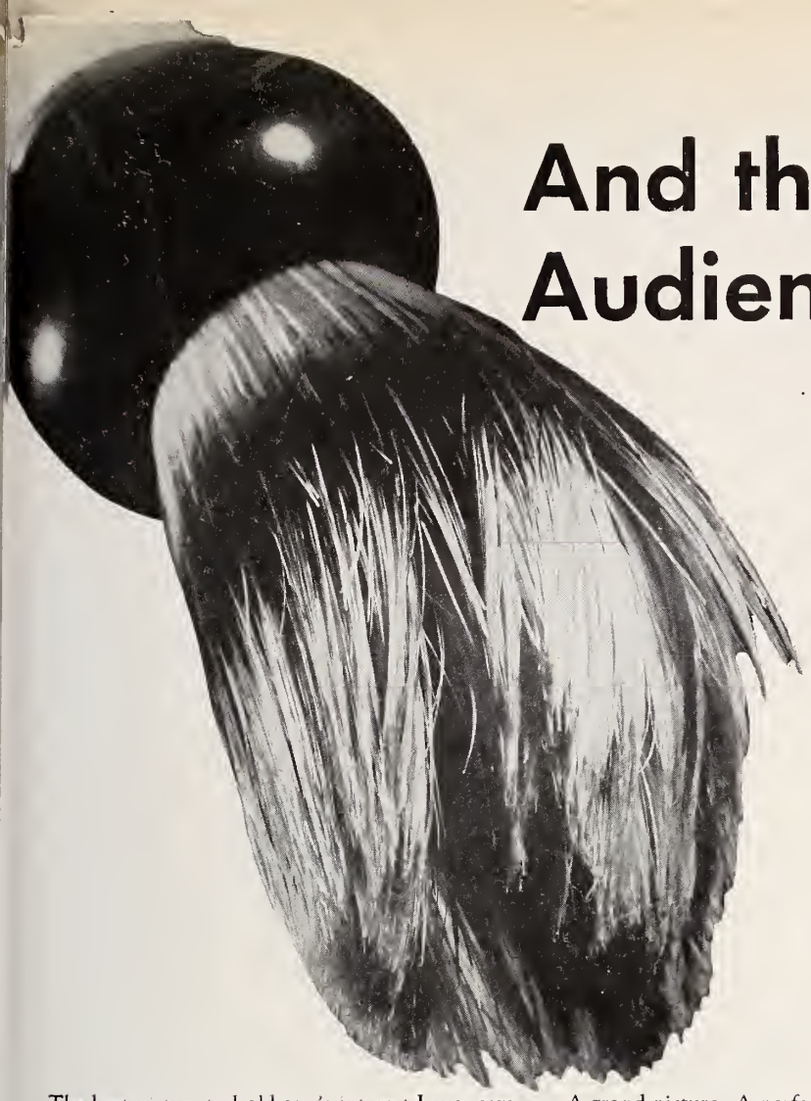
"Ah Wilderness"— M-G-M's famed Eugene O'Neill stage hit — a natural for big B. O. profits; romance and comedy Barrymore is a small town publisher. His son, Eric, falls in love with Cecilia Parker, daughter of Grapewin, who forbids the two lovers to see each other after finding radical utterances and love notes addressed to his daughter. Eric is drawn into bad company by Edward Nugent and his conduct brings about considerable consternation in the household. Beery is Eric's uncle and constantly falling off the wagon. His romance with MacMahon is dependent upon his keeping sober. Finally an understanding comes about between all concerned and happiness is the outlook for evermore. *Summary:* This is just what the public wants in the way of entertainment. Gobs of romance and oodles of comedy, with several dramatic situations that hold and sustain interest throughout This Eugene O'Neill stage hit is destined for profits and real big ones, too. It has plenty of the qualities that make for word of mouth advertising. The acting is superb. Eric Linden steps right up and snatches all honors right away from such old-timers as Barrymore, Beery and others, who are all outstanding in their respective roles. This time youth must be served, and Linden, with his love-light, Cecilia Parker, capture top honors. Clarence Brown's direction is grand. His comedy timing is immense and appreciation of the romantic values certainly commendable. Cast and title outstanding draws.



And just a word from the LOS ANGELES TIMES:

This new M-G-M production is something to be treasured close to the heart like a brooch or a photograph. The producers have done a superb job.

"IT'S YOUR MOVE NOW! Ballyhoo 'Ah Wilderness' to the skies!"



And the Preview Audience

GOT ALL LATHERED UP ABOUT IT!

(Just a few of the post-cards returned to M-G-M studios after its preview last week at the Village Theatre, Los Angeles.)

The best picture to hold one's interest I ever saw We want more such pictures. The father and mother were perfect. A good old American picture. True to life. Very interesting. Comedy of Beery is full of hearty laughs. The New England 4th of July perfect. School room, love scenes and whole cast perfect. The two young lovers were fine. —*B. H. L.*

•

The finest preview I have ever seen. The whole cast was marvelous. I hope you put out more pictures of this kind.—*Van Gaston, Santa Monica.*

•

Very good, an excellent film. Congratulations to all the actors. All did exceptional work. Keep up the good work.

•

Hurrah for Mr. Beery. A most interesting picture in every phase. Give us more of these good American pictures. —*C. A. B.*

•

"Ah Wilderness" is the best picture I've seen this year. Eric Linden was perfect. He is the best juvenile on the screen.—*Mrs._____Beverly Hills.*

•

A grand picture! Why not more pictures of simple home life. —*Bertha McKenzie.*

•

A real hit. Sure to please all ages and audiences. Makes one yearn to be back again in high school. Eric Linden especially good. Let's have more stories of young people. —*R. E. K.*

•

It was marvelous! And Eric Linden was simply superb! He was so sweet, so dear. The pefect type of noble young manhood. May he make many more pictures! All the rest of the cast were splendid, too. —*Rosemary Moore.*

•

The most entertaining picture I've seen in years. To cut out even one foot of it would be sacrilege. —*N. Carter.*

•

Enjoyed it very much. Why don't you put Eric Linden in "Seventeen"? He was marvelous! —*Anita Hope, Pasadena.*

•

A fine production. Lionel Barrymore gives a perfect performance. —*G. M.*

•

M-G-M can be proud of this one — Eric Linden should be back definitely. Swell show. —*E. G.*

•

A grand picture. A perfect cast. We were glad to see Eric Linden back in pictures (with his hair cut). We are looking forward to seeing Wallace Beery with his hair combed. Miss MacMahon was more perfect than ever. Barrymore was more perfect than usual.

•

It's colossal.

•

Swell!

•

There is no pampas grass in the New England states. This picture was fine.

•

One of the finest pictures ever put before the public. More power for Aline MacMahon.—*Jean Innes.*

•

"Ah Wilderness" is one of the best pictures I have seen this year. The acting was perfect and the scenes were beautiful.
—*Donna L. Hewes, 2118 Malcolm Ave., L. A.*

•

One of the finest pictures ever produced. Clarence Brown has done a beautiful and intelligent piece of work. The performances were excellent. Eric Linden was very fine.

•

A grand picture. Give Eric Linden more like it. —*O. S.*

•

You have an actor in Eric Linden. That boy has more intelligence and appeal than all the juveniles rolled into one. Barrymore was excellent. He and Linden should work together often. —*John Kenn.*

•

Excellent picture. Every one of the actors did their part in making it an exceptionally good performance. —*Mrs. Roberta Thiederman.*

•

The picture was most interesting and so well directed. —*Irene Tenney.*

•

Excellent casting and masterful direction combined with a great story make a delightful picture.

•

I think the picture is very good.

•

An excellent performance.

•

This was one of the most interesting pictures I have ever had the pleasure of witnessing. It has a great "Human Appeal" and hits this young love square on the nose.

•

"Ah Wilderness" held my interest up to last minute and was sorry when it ended. —*F. W. Terring.*

•

Picture very good. Put more of Eric Linden in pictures, please. He is my ideal dream man. I am in love with him. Please have him in more pictures. —*Jane A. Brown.*

•

I saw "Ah Wilderness" on the legitimate stage in New York and also in L. A. The picture is even better than the stage play. Lionel Barrymore, Wallace Beery and (Richard) are excellent in their parts. This picture is good for the young and old. Wishing you success. —*Catherine R. Meehan.*

•

Great picture — cast swell. Eric Linden going places. Barrymore and Beery first rate as usual.

•

A superb picture.

•

One of the most enjoyable evenings I have spent for a long time. There was not a dull moment from first to last.
—*H. W. Herman, 828 18th St., Santa Monica.*

•

I enjoyed the picture very much. I wish I could see Eric Linden in more pictures. —*B. L.*

•

I enjoyed picture very much. —*J. S.*

•

Fine performance.

•

Your picture "Ah Wilderness" is tops. Wally Beery and Aline MacMahon can't be beat as a comedy team, and Barrymore was always my favorite. More just like it. —*R. H. Williams.*

•

Wonderful—a production you can be proud of and a credit to American producers.
—*Mr. Ben Davis, 2204 Patricia Ave., WLA.*

•

Excellent.

•

As a discriminating person, I wish to say that "Ah Wilderness" seemed to me quite perfect in every detail. It is perfectly cast, scenically true, balanced, beautifully photographed, and in every respect one of those pictures which I am sure will be a box office success. The spontaneous reactions of the preview audience must have convinced you of the truth of the above. —*A fan.*

AH! WILDERNESS! AH! MR. EXHIBITOR! AH! M-G-M! AH! NEXT PAGE!

"ALLEZ OOP!"


MUTINY ON THE BOUNTY
I LIVE MY LIFE
NIGHT AT THE OPERA
RENDEZVOUS
AH WILDERNESS
ANNA KARENINA
CHINA SEAS
BROADWAY MELODY OF 1936
M-G-M
1935-1936

Australian Houses Gain, Says Marks

Reporting a big improvement in business during the last year, Cecil Marks, general manager for United Artists (Asia), Ltd., yesterday stated there is a definite theatre building trend in the Antipodes. He added plenty of money is available for building if product is open, pointing out that a new 1,500-seat theatre is being built for the Williamson circuit in Auckland, New Zealand, and several new structures are going up in the suburban territories of New South Wales and Victoria.

Marks arrived yesterday from Sydney and plans to spend the next few days conferring with Arthur W. Kelly and Haskell Masters on next season's product. He expects to leave either Dec. 3 or Dec. 4 for San Francisco where he will sail on the *Mariposa*. He intends to arrive home Dec. 30.

Most Houses Use Duals

Although there are numerous other smaller situations, United Artists figures on 1,536 theatres in Australia and New Zealand as possibilities, Marks declared. In New South Wales, the company's possibilities total 480; in Queensland, 225; in Victoria, 284; South Australia, 93; Tasmania, 38; Western Australia, 105; New Zealand, 338.

Practically all theatres are double featuring, the U. A. sales executive said. There are four shows a day given in theatres in key cities, the first show starting at 11 A. M., the next at 2 P. M., the third at 5 P. M. and the last at 8 P. M. Reserved seats are sold for each performance and there are 10-minute intermissions after the first hour and a half.

Not Handling B. & D.

"United Artists is not handling British & Dominion pictures in the Antipodes," Marks said. "Ernest Turnball has taken over the distribution of this product, but we continue to sell London Films. We will have 26 features in Australia next season."

Although Snider & Deane recently took over the Fuller circuit, giving the former group an interest in 14 houses, Marks sees buying combines breaking up. Paramount and M-G-M, the former with two theatres in Australia, and the latter with three, are playing their own product in addition to independents. The Union and Hoyt's groups, once a part of General Theatres, are now booking on their own, he said.

In New South Wales, a five per cent quota is nettling distributors, Marks concluded. It is hoped, he said, that the quota laws will be done away with, and it is reported distribution interests are working on plans to that end.

Cecil Marks, U.A. manager for Australia, was honor guest at a luncheon yesterday which was given by Arthur W. Kelly, vice-president in charge of sales, in the Crane Room at the Waldorf-Astoria.

Marks arrived in New York yesterday from Hollywood. Among those present were: Harry D. Buckley, Harry Gold, Paul Lazarus, Haskell Masters, Monroe Greenthal, Sam Cohen, Morris Helprin, H. J. Muller, E. W. Silverstone, W. Liebler, H. W. Schroeder, Lowell Calvert, L. B. Daly and R. G. Hilton.

Insiders' Outlook

(*Continued from page 2*)

ED HATRICK, CHARLES FORD, JACK CONNOLLY—Italo-Ethiopian war.

▼

E. C. MILLS—Ascap.
JOHN STAHL—That time has no essence.
GABE YORKE—One little word.
C. B. DE MILLE—The Bible.
SIDNEY SAMUELSON—Abe Myers.
A. F. MYERS—Congressman Pettengill.
EQUIPMENT MANUFACTURERS—The 2,000 ft. reel changeover.
MAE WEST — The Community Chest.
B. B. KAHANE—Any good hair restorer.
JEFF LAZARUS—Paramount's library.
JOE REDDY—Softest job in Hollywood.
CLIFF REID—Bigger budgets.
SAM ROTHAFEL—Unstifled ambition.
MARQUIS HENRI—Connie Bennett.
GRACE MOORE, LAWRENCE TIBBETT, GLADYS SWARTHOUT, HELEN JEPSON, NINO MARTINI, LILY PONS, et al.—Hollywood pay checks.
CHARLIE O'REILLY—"Jumbo."

▼

ROY LARSEN, JOHN MARTIN, RALPH ROLAN, A. K. MILLS, etc. —RKO.
LIONEL BARRYMORE — His new Metro contract.
BOB O'DONNELL—Karl Hoblitzelle.
KARL HOBLITZELLE — That 60-day extension.
BILL FOX—Still the Chase bank.
JOHN E. OTTERSON—Sensayuma when he thinks of "The Crusades."
DAVE EPSTEIN—Five cent cigars.
ART UNGER—Spice of life.
HARRISON CARROLL — Any one's gags.
RALPH WILK—Warren Stokes.
BEN BERINSTEIN—Ed Kuykendall's consistency.
TREM CARR—Nat Levine.
GABE HESS—Pete Harrison.
MIKE LEVEE—Jack Warner's courtesy.
LLOYD PANTAGES—Your guess.
AMEDEE J. VAN BEUREN—Nothing.

▼

KATHARINE HEPBURN—Garbo complex.
CHARLIE FARRELL—Eternal youth.
HARRY LACHMAN—Vivid imagination.
BENNIE ZEIDMAN—No royalties in the public domain.
GORDON WHITE—Earle Hammons.
EARLE HAMMONS—Duals.
LOU GUIMOND—Rose.
CASEY ROBINSON — "Captain Blood."
PETE SMITH—Bicarbonate of soda.
W. S. VAN DYKE—Repeal.
HARRY BRAND—His palsee walsees.
AL COHN—The Roosevelt administration.
BING CROSBY—Manny Cohen.
FRANCIS LEDERER—Gay Deceptions.
RUPERT HUGHES — Dinners to m. c.'s.
JOE RIVKIN—Hal Roach.
ROY CHARTIER—Carol.
SAM SHAIN—His tailor.

▼

ERNST LUBITSCH—The touch that tells.
PAUL MUNI—Louis Pasteur.
ALL HOLLYWOOD—Bromo seltzer.
CLARK GABLE—South American photographers.
JAMES CAGNEY—Dept. of Justice.
GARY COOPER—Bengal lancers.
JIMMY FIDLER—Lax libel laws.
ANN HARDING—Clipper ships to Honolulu.
GEORGE RAFT—Mack ("Killer") Gray.
PARAMOUNT—Hands Across the Table.
ELEANOR POWELL—George White.
JOEL MCCREA—The heir.
THREE MARXES—Zeppo's an agent.
W. C. FIELDS—A well-stocked cellar.
VIC MCLAGLEN—No more lawsuits.
JACK OAKIE—Anti-fat tablets.
FRANK WHITBECK—That Garbo is really talking.

▼

J. WALTER RUBEN—Upping "Riffraff" budget.
THE INDUSTRY—Governor Laffoon.
HORTENSE SCHORR—Sensayuma.
SATURDAY EVENING POST—Straight - from - the - Shoulder Cochrane.
LOUIS NIZER—Lawsuits.
JULES BRULATOUR—Raw stock royalties.
JERRY HOFFMAN—Bylines.
HOWARD STUBBINS—Nat Levine.
MIKE HOFFMAN—That he still has an office boy.
FRED S. MEYER—The M.P.T.O.A.
JOE SCHNITZER—Period costume pictures.
WALTER WANGER—Francis Langford.
ARTHUR HORNBLOW—Myrna Loy.
MYRNA LOY—Arthur.

▼

HAROLD LLOYD — For escaping "Milky Way" sickness jinx.
JOE E. BROWN—Films and baseball.
HARRY COHN—Genius, Cohn brand.
ROY DEL RUTH—"Thanks a Million."
JACK WARNER—Affirmative assistants.
RALPH KOHN—Harry Cohn.
JOSEF VON STERNBERG — Another chance.
HAZEL FLYNN — W. G. Van Schmus.
EDDIE CHURCHILL—Music Hall, Center, Rivoli, M-G-M.
JOE BREEN—Celluloid conscience.
GEORGE BATCHELLER—Pathe.
MAURY COHEN—Ditto.

▼

GEORGE BAGNALL—The Kent drive.
HOWARD STRICKLING—Travel.
FRANK BUCK—Zoo on the loose.
LINDSLEY PARSONS—That westerns are not dead.
WILLIAM DIETERLE—Max Reinhardt.
SHIRLEY TEMPLE—Million dollar grosses.
HARRY WARREN—Old music masters.
MIKE ROSENBERG—Catalina pottery.
EDDIE QUILLAN—Vacation from the family.
EDDIE SMALL—Radical sheets and pickets plugging "Red Salute."
ALLEN RIVKIN—Unabridged dictionaries.
BOB SISK—Our Little Nell stories.
BILL GOETZ—Unending conferences.
LOLA GENTRY—Theatre rackets.

Four to Go

Another Cantor has entered the business, but not on the Goldwyn payroll. She is Natalie, one of the comedian's five daughters, who is serious about her job with B. F. Zeidman, Inc.

SAM GOLDWYN—That he doesn't make pictures for "maroons."
JIMMY STARR—Walter Winchell.
DANNY THOMAS—Fair weather friends.
BOB WELSH—Unimpaired sight.
CHARLIE CHAPLIN — Shumiatsky's idea for ending "Modern Times."
SAM BISCHOFF—That N. Y. trip.
TOM BAILY—Anyone who will give him a nice quote.
DICK POWELL—Soup and songs.
SIDNEY SKOLSKY—That he isn't sicker.
WILLIAM POWELL—Tax collectors.
JEAN HARLOW—Chestnut hair dye.
CLAYT BOND—His recovery.
HELEN MORGAN—Harry Kannen.
PHIL REISMAN—Reisman Month in Holland.
GREG LA CAVA—"Shan."
SI SEADLER—An understanding Dodo.
N. L. MANHEIM—What could a vegetarian be thankful for on Thanksgiving?
BOB MCNEIL—Nick Schenck.
ANDY SMITH—Dave Loew.
NATE BLUMBERG—Leo Spitz.
BOB GILLHAM—Handball courts.
HARRY BUXBAUM—Likewise.
BUSBY BERKELEY—To be alive.
JULES LEVY—"Top Hat."
LESLIE THOMPSON—M. P. Daily's "Purely Personal" column.

▼

SHERMAN and AL KRELLBERG—"Satellite."
MERVYN LE ROY—"Body Beautiful" and "Play, Genius, Play."
DAVE BERNSTEIN—$7,579,743.
IRWIN ZELTNER—Oscar Doob's rug.
JOHN HARRIS—Plenty of film for the Alvin.
TOBY GRUEN—Trailers.
GEORGE DEMBOW—Herman Robbins.
FRISCH—Rinzler.
BEN KAHANE—June's seven months off.
CHARLIE PAINE—U's export department.
EDMUND GRAINGER — "Diamond Jim."
RALPH POUCHER—For not knowing.
MARTIN JOHNSON—Africa and Fox.
MORT SPRING—Arthur Loew.
DAVE BLUM—Me, too.
JOE SHEA—Dave Selznick.
S. BARRET MCCORMICK—Bob Sisk.
CRESS SMITH—Ned Depinet.
EDDIE BONNS—Jimmy Grainger.
EDDIE GRAINGER—Abe Schwartz.
BOB COCHRANE—That the studios didn't move East.
EDDIE MCEVOY—That he could sell pictures while the St. Louis trial was on.
LEP FRIEDMAN—That it's only so far from a horse's back to the ground.
ED SCHILLER—Nick Schenck.
HERSCHEL STUART—Only has one box-office to worry about.
H. B. FRANKLIN—That he doesn't own a yacht.
HOLLYWOOD—600 releases every year.

Short Subjects

"Old Occupations"
(*Vitaphone*)

Unusual commercial occupations found in American localities are pictured in No. 5 of E. M. Newman's "Our Own United States" series. The camera goes to sea with the sponge-fishing sloops and the turtle hunters in Florida waters, then turns to the new Texas sulphur mines, roof shingle manufacturing by primitive methods in the Arkansas pine forests, and an individual's wooden shoe industry, a product of the depression. Interesting in subject matter and in Kenneth Roberts' narration. Good photography. Production Code Seal No. 0653. Running time 10 mins. "G."

"One Big Happy Family"
(*Educational*)

Tim Ryan is in a spot when his troupe walks out on him on the eve of a performance in a hillbilly town. He sends George Shelton out for some talent and he comes back with Irene Noblette, a mountain gal, with her gunbearing brothers. Miss Noblette's brothers convince Ryan that she is an actress and he is coerced into putting her on. The performance is attended chiefly by Miss Noblette's "folks" who fill the theatre with their artillery and spittoons. A somewhat mock performance is given and there are some good comical situations developed presumably from the script on which David Freedman exercised his talents. It is a humorous offering and should be satisfying. Production Code Seal, No. 0686. Running time, 19 min. "G."

"Rooftops of Manhattan"
(*Vitaphone*)

Floor show entertainment of the hotel roof and night club variety make up this addition to the "Broadway Brevities" series. A thread of story is built around the night club visit of a girl with her forbidden "date" while other members of her family also have a night out. Several good song and dance numbers contribute to the entertaining two reels. Production Code Seal No. 0574. Running time 22 mins. "G."

"Can It Be Done?"
(*Vitaphone*)

There is good entertainment in this addition to the "Pepper Pot" series which presents the success dreams of an amateur inventor who, under the influence of gas, finds his numerous household devices perfected and put to use. His rude awakening is accomplished by his one successful invention, a cigarette lighter, which ignites the escaping gas. Production Code Seal No. 0549. Running time 11 mins. "G."

"Perfect Thirty Sixes"
(*Educational*)

Perfect for feminine audiences and possessing some good comedy sequences and tuneful music, this should be well received by a general audience. The story concerns a dress designer, Fred Lightner, who gets into a mix-up with a prospective buyer who has taken his girl out. When his outfit is ready to give a show, who walks in but the insulted buyer. After placating him they run their models out before

(*Continued on page* 15)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Tale of Two Cities"
(*Selznick—M-G-M*)

HOLLYWOOD, Nov. 26.—With the great effort expended in its production reflected on the screen, this picture will long be recalled as an outstanding contribution to film entertainment. Dickens enthusiasts will have no quarrel with Producer David Selznick or Adaptors W. P. Lipscomb and S. N. Behrman for the screen play accurately follows the book, even at times using subtitles to keep the audience posted on transitions and historical backgrounds.

The roles, down to the smallest, are expertly acted. With the story of Ronald Colman's devotion to Elizabeth Allan, who is married to Donald Woods, and with counterplots of personal hates against a background of French Revolution, the film works up to the tremendous climax of the storming of the Bastille. Colman plays Sidney Carton always with the proper shading, giving a ring of truth to the Dickens philosophy.

Blanche Yurka as Madame La Farge beautifully underplays the courtroom scene, the climax of the role. Reginald Owen as Colman's sober associate adds humor and emphasizes the contrast between the partners. Jack Conway's direction reaches new heights in the mob scenes, carrying the high tension through the guillotine scene which concludes the film. The camera work of Oliver Marsh is a delight. In the large supporting cast the work of Henry B. Walthall, Edna May Oliver, Basil Rathbone, Walter Catlett and Claude Gillingwater is outstanding.

Though definitely a class picture there are enough elements to make mass acceptance likely. It should rate as a credit to the industry.

Production Code Seal No. 1,471. Running time, 123 minutes. "G."

"Seven Keys to Baldpate"
(*Radio*)

HOLLYWOOD, Nov. 26.—This seemingly perpetual favorite holds its own on the screen with a pleasant intermingling of mild mystery and comedy. Gene Raymond plays the author who seeks lonely Baldpate Inn on a winter night to write a novel in 24 hours on a bet. He is kept busy running up and down stairs, popping in and out of secret panels and thwarting the intrigues of a set of crooks.

The old prologue and epilogue in which the mystery is kidded are eliminated and the story played as fact. Raymond brings a boyish charm to the part, although his sidelong looks of quizzical suspicion are overdone to the point of slowing otherwise smooth action.

Henry Travers gets the full comedy values from the part of the woman-hater and volunteer ghost. Moroni Olsen is satisfactory as the gang leader. Ray Mayer and Murray Alper stand out as the stupid assistant crooks. Grant Mitchell is properly timid as the novice embezzler. Harry Beresford and Emma Dunn are good as the backwoods caretakers. Others contributing are Walter Brennan, Erville Alderson, Margaret Callahan and Erin O'Brien Moore. Eric Blore's comedy is missed in a straight part.

Anthony Veiller and Wallace Smith added modern touches and emphasized the comedy in the screen play from the book by Earl Derr Biggers and the play by George M. Cohan. William Hamilton and Edward Kelly handled the direction well. Robert De Brasse's photography is good. William Sistrom produced.

Production Code Seal No. 1,698. Running time, 80 minutes. "G."

Looking 'Em Over

"The Great Impersonation"
(*Universal*)

Cast in the popular entertainment mold, "The Great Impersonation" is an interesting and well-done adventure story, sometimes reminiscent of the horror sequences in the "Frankenstein" cycle.

Nicely produced by Alan Crosland under the producing guidance of Edmund Grainger, the picture is well acted by a cast which includes Edmund Lowe, as star in a dual role; Valerie Hobson, Wera Engels, Murray Kinnell, Spring Byington, Henry Mollison, Lumsden Hare, Frank Reicher, Brandon Hurst, Leonard Mudie, Claude King, Charles Waldron, Esther Dale and Dwight Frye.

The story deals with a renegade Englishman and a conniving Aus-

(*Continued on page* 15)

Warners Quit Ascap; to Deal Independently

(*Continued from page* 1)

companies, Ascap said, were paid approximately $340,000 in royalties last year. Warners are reported to have estimated that a satisfactory return on the music controlled by them should approximate $900,000 to $1,000,000 annually. The Warner subsidiaries control about 25 per cent of Ascap's total catalogue.

The principal Warner music subsidiaries are Harms, T. B. Harms, Witmark and Remick. There are seven subsidiaries of these companies which were Ascap members.

In a statement issued last night confirming the resignations Warners gave as the "chief reason" for the action "the insufficient royalties" received and stated that radio broadcasters, who, they said, had killed the sales of music in its various commercial forms, should pay more than they now do under Ascap's licensing system. The company added that the move was "necessary in its own interest" and that Ascap's failure to obtain more revenue would eventually prevent its music subsidiaries from continuing in business. The Warner statement said that the company would deal directly with the broadcasters in the future.

In a statement issued by E. C. Mills, general manager of Ascap, that organization said that it accepted the Warner resignations "with regret." It declared that it did not believe the Warner action to be the will of the company's music subsidiaries, several of which are charter members of Ascap, or that the subsidiaries even had been consulted on the move. The statement added that several member composers and authors were "very much disturbed over the Warner action," believing that it jeopardized the royalties of others and was motivated by "selfish consideration."

The statement emphasized that Warner was the only member company which was dissatisfied with the Society's policy.

Lease Buffalo Palace

BUFFALO, Nov. 26. — Dewey Michaels and Al Boasberg, operators of the Palace, films-burlesque house, have leased the Gaiety and expect to open a stock company by Dec. 1. The Gaiety has been closed since September.

W. K. Howard Sailing

William K. Howard sails for London Thursday to discuss plans for a picture which he will direct for London Films. Mrs. Howard will remain in New York while the director is abroad.

Hamilton to Pay $1

Hamilton United Theatres, Ltd., has declared an accumulation dividend of $1 a share on the seven per cent preferred payable Dec. 31.

Evelyn Venable Mother

HOLLYWOOD, Nov. 26.—Evelyn Venable, wife of Hal Mohr, cameraman, gave birth to a nine-pound boy today.

Every role in this splendid dramatic romance demanded such expert and finished characterization . . . that only a cast as great as this could do full justice to each part!



IRIAM HOPKINS as "hylis Lorrimore" who wanted appiness.



JOEL McCREA as "Brighton Larrimore" who wanted wealth.



RUTH WESTON "Edith Gilbert" w wanted a man s couldn't get.

SAMUEL GOLDWYN
PRESENTS

Miriam
HOPKINS

in

Splendor

with

JOEL McCREA
PAUL CAVANAGH
HELEN WESTLEY
BILLIE BURKE
DAVID NIVEN
RUTH WESTON



PAUL CAVANAGH a "Martin Deering who wanted beaut at any price.



HELEN WESTLEY as "Mrs. Lorrimore" who wanted social prestige.



BILLIE BURKE as "Clarissa" who want- ed unceasing gaiety.

Screenplay by RACHEL CROTHERS • *Directed by* ELLIOTT NUGENT
Released thru United Artists

REFLECTING THE SPLENDOR OF A BRILLIANT PRODUCTION!









Released thru **UNITED ARTISTS**

The posters reproduced above use Silver, on outdoor paper, for the first time in the history of the film business. Millions of eyes will be attracted by this unusual display...giving added importance to your outdoor campaign. It is, easily, the most unique paper you have ever used and is bound to create widespread comment. See these posters at your United Artists exchange now!

ITHO. IN U. S. A.

Short Subjects

(Continued from page 12)

him and he plays bored. But when his companion of the night before shows him one of his love notes written on a handkerchief behind his wife's back he gets panicky and buys the whole line. There is an appealing ensemble number which spots Niela Goodelle, who sings rather well. Also in the cast acquitting themselves well are Earl Oxford and Nell Kelly. Production Code Seal, No. 0687. Running time, 18 mins. "G."

"Argentine Argosy"

(*Twentieth Century-Fox*)

Beginning with views of the cosmopolitan city of Buenos Aires and the continental aspect of its illuminated advertising, this short of the Magic Carpet series goes into the interior of Argentina and there follows the usual finely photographed shots of the natives, landscapes that resemble the American Rockies and the gauchos at work with livestock. An exceptional shot is that of the Iguazo Falls, twice as high as Niagara. It is of the same high merit of the others of this series and well worth playing. Production Code Seal, No. 0693. Running time, 11 mins. "G."

"Vitaphone Variete"

(*Vitaphone*)

This is a four act "Big Time Vaudeville" reel with Alf Loyal's Stallions, a trained dog act; The Symphonettes, a feminine sextet; Hal Sherman, comic dancer, and Louis Prima and his colored orchestra. The last named rates as the best of the four. Song selections are good and the reel, as a whole, will be enjoyed by vaudeville fans for whom, of course, it is intended. Production Code Seal, No. 0588. Running time, 11 mins. "G."

"Gangsters of the Deep"

(*Educational*)

There is excitement and great interest in this effort. It is of the adventures of a boat after big fish in the Gulf of Lower California. Primarily after sharks, a whale and a big seabass are excitingly taken. The struggles of the landed fish, particularly the sharks, reach a high mark in realism. One scene has a shark on board the boat entangling itself into nets and lines in its effort to be free. The offering will no doubt thrill most audiences. Production Code Seal, No. 0721. Running time, 10 mins. "G."

'Jack Denny & Orchestra'

(*Vitaphone*)

This addition to the Melody Master series features some good tunes, vocal and dance specialties and Jack Denny and his orchestra. It is a tuneful little number worth its 10 minutes of any one's short subject playing time. Production Code Seal No. 0699. Running time 10 mins. "G."

Jarrett Heads Local

HAMILTON, O., Nov. 26.—Isaac Jarrett has been elected president of the I. A. T. S. E., Local 136. Other officers elected are: Vice-president, Jene Stempley; corresponding secretary, John Janzer; treasurer, Robert Wentz; business agent, stage hands, Neil Johnson; business agent, operators, Robert Wentz.

Looking 'em Over

(Continued from page 12)

trian in the employ of an international munitions trust. It tells how the Austrian presumably takes the place of the Englishman, found on the brink of death in the African jungle, and returns to London to advance the predatory aims of the arms makers by crippling British factories and thereby inducing orders for replenished supplies from the factories which make up the munition king's domain. With the opening days of the World War as background and running through the action but without war scenes being shown, the plot advances until the unraveling reveals the central character, not as the plotting Austrian posing as the patriotic Englishman, but as the Britisher himself.

It's good stuff keyed in a popular, adventure vein and should please the rank and file of the average picture house audiences. Direction by Crosland is well timed and effective. Production values are high.

Production Code Seal No. 1,682. Running time, 70 minutes. "G."

K.

"Never Too Late"

(*Reliable Pictures*)

A police yarn, with Richard Talmadge in the lead as the detective who poses as a crook to get evidence against a gang leader and, incidentally, succeeds in freeing the wife of the commissioner from a compromising situation and falling in love with her sister, this film is routine action material of its type. With no distinguishing features, either of player, or performance, or situation, it may prove fair on a dual program. A full quota of police-bandit automobile pursuits is included, which makes for action, at least.

Every opportunity seems to have been hunted to permit Talmadge to play the acrobat in his battles with the crooks, from which he always emerges the victor, often at great stretch of the imagination. On the trail of the crooks, he accidentally meets Thelma White, who herself appears to be a crook after a necklace. Eventually he learns that Miss White is attempting to retrieve the necklace her sister had foolishly left with the gang leader on an indiscreet visit.

Talmadge works himself in as a member of the gang, and succeeds, after many feet of gun-popping chase, in bringing about the capture of the gang and returning the necklace to Miss White's sister. Talmadge, of course, finds a romantic conclusion with Miss White. Harry S. Webb was associate producer, and Franklin Shamray director.

Production Code Seal No. 1,530. Running time, 57 minutes. "G."

"Scrooge"

(*Twickenham-Paramount*)

This rates high among the Dickens films and makes a good Christmas booking.

Some of the poignant suffering of Scrooge in a dream sequence leading up to his reform is dragged out to a point that may prove depressing to holiday audiences, but the picture as a whole is extremely well done.

Two individual performances are outstanding—one by Sir Seymour Hicks as Scrooge and the other by Donald Calthrop as Tiny Tim's father. These two men dominate the film. Instead of melodramatic caricatures, they make of these central characters vital figures whose emotions play upon the heartstrings.

The film was produced in England by Julius Hagen for Twickenham. The settings and the camera work are high class.

It can be sold as a family picture, for the appeal is aimed at adults as well as children. Women's groups and high school and college English classes, and those who go in for the so-called "better things" will take to it, too.

Production Code Seal No. 0751. Running time, 90 minutes. "G."

"Midnight Phantom"

(*Reliable Pictures*)

Independently produced by Harry S. Webb, as associate producer, and B. B. Ray, as director, this is something of a mystery film, which rates as only ordinary fare, suitable perhaps for the second half of a double bill. The cast is headed by Reginald Denny, Lloyd Hughes, Claudia Dell and James Farley.

For a murder mystery too much time is permitted to elapse before the murder is committed and too little in uncovering the real culprit. The film is set in the atmosphere of the police department and most of the action, what little there is of it, occurs in and about the office of Police Chief Farley. His daughter, Miss Dell, is engaged to Hughes, detective, while Denny is the scientific criminologist and rejected suitor.

The greater portion of the footage is devoted to a buildup of motives

(Continued on page 18)

Wall Street

Universal pfd. Off Six Points

	High	Low	Close	Net Change
Columbia	70	68⅝	68⅝	—1⅜
Consolidated	5½	5¼	5¼	— ⅛
Consolidated, pfd.	18⅝	18⅛	18⅛	— ½
Eastman Kodak	165	158½	160½	—4
Eastman, pfd	157½	157½	157½	+2½
Loew's, Inc.	54⅝	52¾	53	—1½
Loew's, Inc., pfd.	106¼	106¼	106¼	— ⅛
Paramount	9	8¾	8¾	— ¼
Paramount 1 pfd.	74¾	73	73	— ½
Paramount 2 pfd.	11¼	10¾	10⅞	— ⅛
Pathe Film	6¼	6	6⅛	+ ⅛
RKO	5⅜	5⅛	5⅛	— ¼
20th Century-Fox	23⅞	22¾	23	— ½
20th Century, pfd	31⅛	30¼	30¾	+ ¼
Universal, pfd	68¾	65	65	—6
Warner Bros.	9	8⅝	8¾	— ¼

Sonotone Lone Curb Gain

	High	Low	Close	Net Change
Sonotone	2½	2⅜	2½	+ ⅛
Technicolor	18⅞	18¼	18¼	.....
Trans-Lux	4⅛	4	4⅛	.....

Paramount Bonds Up ½

	High	Low	Close	Net Change
General Theatre 6s '40	18½	18	18	.....
General Theatre 6s '40 ctf	18⅛	17⅝	18	+ ¼
Keith B. F. 6s '46	94½	94½	94½	.....
Loew's 6s '41 ww deb rights	104¼	104⅛	104⅛	— ⅛
Paramount Pict. 6s '55	89½	89	89½	+ ½
Warner Bros. 6s '39 wd	87½	87¼	87⅜	— ⅛

(Quotations at close of Nov. 26)

Warners to Reopen Davis, Pittsburgh

PITTSBURGH, Nov. 26.—In the face of a product jam resulting from the recent Loew-Warner pool, Warners will reopen the Davis Thanksgiving Day for double features. The house has been closed for several years. It will be managed by Ed Segal.

The Warner, long the circuit's first run dual house, will switch to single features, also playing smashes that the Penn can hold for no longer than one week.

At present, the Warner has "Mutiny on the Bounty," which had one sensational week at the Penn, another at the Warner and is now in its second week at the latter house.

Set Jesters' Jambouree

CHARLOTTE, Nov. 26.—The annual Jesters' Jambouree will be called the Jesters' Jinx Jambouree this year because it will be held on Friday, Dec. 13. H. H. Everett, Republic manager, is chairman of the committee. The proceeds will go to needy members of the industry.

Fred Savage Dead

KANSAS CITY, Nov. 26.—Fred Savage, 56, who formerly operated theatres at Hutchinson, Great Bend and Wellington, Kan., died at St. Luke's hospital after a long illness.

Schine Votes Dividend

Schine Chain Theatres has voted a dividend of 75 cents a share on account of accumulations on the $3 preferred, payable Dec. 1.

Pickford to Aid Youth

HOLLYWOOD, Nov. 26.—Mary Pickford has become a member of the Los Angeles County Advisory Committee of the National Youth Administration.

AND NOW THE C
SOMETHING TO R

DEATH-STREWN FIELDS OF STARVING RUSSIA DESCRIBED BY U. S. REFUGEE | Turn to Page 2

EXTRA

New York American

6 A. M. FINAL

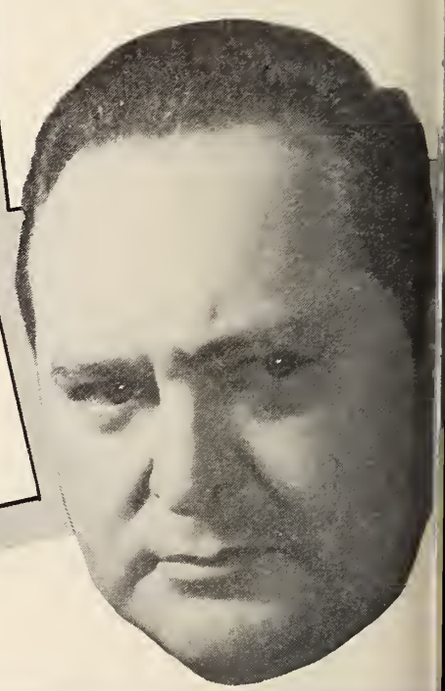
"'REMEMBER LAST NIGHT?' HAS MIRTH AND MYSTERY AT EVERY TURN OF PLOT. ACHIEVES HEIGHTS OF HYSTERICAL HILARITY AS GIGGLE-AND-GASP MOTION PICTURE ENTERTAINMENT. THERE'S A GAG TO TOP EACH KILLING AND A CHILL TO CHOKE EACH CHUCKLE. BETWEEN THE TWO, AUDIENCES ARE FAIRLY WELL REDUCED TO AISLE-ROLLING BEFORE THE FINALE IS REACHED . . . THE ACTION ALTERNATES BETWEEN HIGH-POWERED DRAMA AND FAST FARCE, WITH NEVER A LET-DOWN IN SUSPENSE . . . IT'S MERRY MOVIE MEDICINE . . . EDWARD ARNOLD FOLLOWS EARLIER TRIUMPHS WITH A SWEET CHARACTERIZATION OF THE SUAVE CRIME HOUND."

—Regina Crewe, N. Y. American

"All the News That's Fit to Print."

The New

"MURDER WITH A SMI





CARL LAEMMLE proudly presents a million dollar cas

EDWARD ARNOLD • CONSTANC

and ROBERT YOUNG in JAMES

"REMEMBER

with ROBERT ARMSTRONG • LOUIS HENR

A CARL LAEMML

From the novel by ADAM HOBHOUSE

RITICS GIVE YOU
EMEMBER IT BY!

rk Times. LATE CITY EDITION

NOVEMBER 22, 1934. PP TWO CENTS

'REMEMBER LAST NIGHT?'"

—Andre Sennwald, New York Times

EXTRA DAILY NEWS FINAL

NEW YORK'S PICTURE NEWSPAPER

Vol. 17. No. 129 20 Pages New York, Friday, November 22, 1934

"...A MURDER MYSTERY HEAVILY SPICED WITH COMEDY . . . IT IS LAVISHLY SET AND PLAYED BY A HAND-PICKED CAST WITH EVERY NAME ON IT A WELL-KNOWN SOMEBODY OF THE SCREEN. THE DIALOGUE BRISTLES WITH WISE-CRACKS."

—Kate Cameron, Daily News

EXTRA DAILY MIRROR

Vol. XII. No. 129 New York, Tuesday, November 12, 1934

"'REMEMBER LAST NIGHT?' AMUSING. GAY, DIVERTING AND BAFFLING MURDER MYSTERY, WITH A GREAT CAST. PLAYED EXUBERANTLY FOR LAUGHS . . . ELABORATELY PRODUCED...HIGHLY DIVERTING. . . THE FANS WILL RELISH IT."

—Bland Johaneson, Daily Mirror



versal's picture of a thousand surprises! Starring

JMMINGS • SALLY EILERS

HALE'S GREATEST ACHIEVEMENT

AST NIGHT?"

GREGORY RATOFF • REGINALD DENNY

.. PRODUCTION

story that's making million's talk!

Schaefer Out; Agnew Is Made His Successor

(Continued from page 1)

pected to work out a partnership deal in theatres, as you know, but that did not develop. However, at the moment, if everything works out as I plan, I shall leave Friday morning for a hunting and fishing trip in Mexico and will be away for several weeks."

Reports are still current linking Schaefer's name with Al Lichtman's former post as vice-president in charge of domestic distribution at United Artists. Schaefer had no comment to make on the report last night.

Schaefer had been with Paramount for 15 years, going with the company as a booker at the New York exchange in 1920. Prior to that he had been secretary to L. J. Selznick and had been assistant sales manager and district sales manager for the old World Film Co. In 1921 Schaefer became New England district manager for Paramount and sales manager for District No. 1 in 1926. He was promoted to general sales manager following the resignation of Sidney R. Kent from Paramount in Jan., 1932, and later became vice-president and general manager. He was also president of Famous Theatres Corp., holding company for most of the Paramount theatre subsidiaries, for a time.

Agnew, likewise, has been with Paramount for 15 years. He served as branch manager at Milwaukee, later at Chicago, and subsequently was made district manager for that territory. In 1933 he became New York division manager in charge of the western sales territory and was made assistant sales manager under Schaefer. For the past 18 months he has served as sales manager.

Indie Producers To Sign with Union

HOLLYWOOD, Nov. 26.—Independent producers will sign contracts with either the I.A.T.S.E. or I.B.E.W., at an early date, it was decided at a meeting last night of the Independent Producers' Ass'n. I. E. Chadwick, president, said the independents were forced to affiliate with one of the unions to avoid difficulties, as experienced by several recently. A committee, including Chadwick, William Berke and Billy Hackel will report at a meeting in two weeks.

Postpone Mass Meeting

HOLLYWOOD, Nov. 26.—The mass meeting of all players and crafts relative to the W.P.A. theatre project, set for today, has been postponed pending the arrival next week of Mrs. Hallie Flanagan, national director of the project.

Hays on Coast

HOLLYWOOD, Nov. 26.—Will Hays, arriving here with Mrs. Hays, today announced that 2,000 committees have been organized throughout the country for the Will Rogers Memorial Fund drive. The drive has been extended to Dec. 15, he said.

Chaplin No. 2

United Artists has another Charles S. Chaplin in its organization. The second one is not on the creative end, but in the selling field.

Chaplin No. 2 has just been appointed manager of the company's St. John branch, succeeding the late Gerald M. Hoyt.

Sunday Shows Prove Big Pittsburgh Help

(Continued from page 1)

the neighborhood houses had healthy patronage. In a couple of outlying spots, independent exhibitors remained closed, preferring to await the outcome.

It was unlike any other Sunday that Pittsburgh has ever seen. The downtown streets were crowded, the streets buzzed with cars all day long, the trolley company reported a great increase in Sunday business and restaurants had crowds all day long. People, however, weren't going to shows just for the sake of seeing a show on Sunday. They went where the best attractions were playing and the theatres with weaker films did only mediocre trade.

Many expressed disappointment with the legislative act for its failure to include stage shows. The only theatre affected by this, however, was the Stanley, where Rudy Vallee is appearing. He played only one show, a midnight performance.

N. Y. Critics Banding To Name Year's Best

(Continued from page 1)

mined among themselves to pick the best stage play of the year, probably in cooperation with the famed Pulitzer Prize Committee.

Film critics, it is understood, are yet to hit upon a name for their proposed organization. Those who will participate in the voting will include: Regina Crewe, *New York American;* Bland Johaneson, *Daily Mirror;* Kate Cameron, *Daily News;* Rose Pelswick; *Evening Journal;* Richard Watts, Jr., *Herald-Tribune;* Thornton Delehanty, *Evening Post;* Eileen Creelman, *Evening Sun;* Andre Sennwald, *New York Times* and William Boehnel, *World-Telegram.*

Arbitration Cases Show a Drop Here

(Continued from page 1)

this result has been accomplished. Several exhibitors in the last few months have defaulted, with the result a unanimous decision against them is registered with the courts.

Twentieth Century-Fox yesterday had five complaints scheduled for arbitration. Two were postponed, two settled and one defaulted. The delayed complaints were against the Casino, Richmond Hill, and the Regent, Brooklyn. Settled were the Vanity, Brooklyn, and Howard, Howard Beach, L. I., cases.

After appointing arbitrators to hear its side of the issue, the Monterey, Brooklyn, yesterday failed to show up at 4:30, the scheduled time, following which a default was taken. The amount involved totaled around $50.

Practically all of the complaints are filed by distributors for alleged breach of contract.

Arguments Heard on Sound Patents Use

(Continued from page 1)

about 18 months ago before Judge Byers, sitting in the Manhattan Federal court. The so-called Lowenstein. Mathes and Arnold patents owned by the telephone company, of which W. E. is a manufacturing subsidiary, are concerned in this case. The validity of the patents is not involved, the question being merely whether the defendants went beyond the bounds of their lease when they distributed vacuum tube amplification circuits for loud speakers in talking picture apparatus for commercial use by theatres. The plaintiffs contend that use was restricted to radio receivers and use by radio amateurs. Judge Byers reserved decision.

Julius Hagen Takes Whitehall Studios

(Continued from page 1)

structed, Hagen declared at the same time.

In the offing are "Pickwick Papers," with Sir Seymour Hicks, and three Arthur Conan Doyle stories by arrangement with Lady Doyle. These will be "The House of Temperley," "Poisoned Belt" and "Silver Blaze." Edward Everett Horton will return here for another picture.

Looking 'Em Over

(Continued from page 15)

on the part of police officers and others for the murder of Farley at a midnight lecture at headquarters by Denny. The mother of Farley's secretary, Hughes, a dozen policemen are made possible murderers. Hughes' brother is killed in a bandit car and Farley insists Hughes give up Miss Dell. He refuses and indirect threats are made.

Only at the conclusion, in too short a space, Hughes traps the murderer, who is revealed as Denny himself, whose mind had become warped by the thought of losing Miss Dell.

Production Code Seal No. 1,667. Running time, 60 minutes. "G."

"I Dream Too Much," which was previewed by wire from Hollywood on Nov. 18, opens at the Radio City Music Hall tomorrow morning.

"So Red the Rose," another Thursday opener, but at the Paramount, was reviewed from Hollywood by wire on Nov. 5.

"In Old Kentucky," opening tomorrow morning at the Roxy, was reviewed by wire from Hollywood on July 2.

Free Films Go To 470 Spots Survey Shows

(Continued from page 1)

month and in some instances only three or four times a year. Because of the irregular bookings, the Hays office is reluctant to hazard a guess on the total number of films supplied annually as well as the amount of money exchanges would get if these dates were turned into cash. In some cases, complete programs of shorts, newsreels and features are booked while in others requests are limited to features.

The New York Film Board figures it provides about 40 institutions in the metropolitan area. Boston leads with a greater number of weekly requests. It is estimated that the local bookings would approximate $1,000 a week, if sold.

Thanksgiving and Christmas weeks are two weeks in the year when the demands for free shows are the greatest. In this vicinity the jump during these weeks is from the regular 40 to 200, part of which is attributed to theatres, in conjunction with benevolent organizations, putting on morning shows and turning the proceeds over to charities.

At one time, it was estimated that the free show bill for distributors amounted to about $500,000 a year.

Cantor, Rotner Take Four Rockaway Spots

Samuel Cantor and Abe Rotner, president and treasurer, respectively, of Renroe Theatres, Inc., have taken over four Rockaway theatres formerly operated by David Davis. The quartet are New and Rivoli, Rockaway Beach; Boardwalk, Arverne, and Edgemere, Edgemere. The latter two are open air houses. The changes become effective Dec. 1.

Other local theatre changes have Louis Goldberg stepping out of the Pelham, Pelham, with his partner continuing operation under Coney Island M. P. Corp. The Peerless is being demolished. David Weinstock and Emanuel Hurtiz are president and treasurer, respectively, of Kornston & Raypat, Inc., the former taking the Garden and the latter company acquiring the State, both in Paterson, N. J. The State was formerly known as the Orpheum. It reopens Jan. 1.

The directory of picture theatres in the metropolitan territory, now being compiled, will be ready the early part of January.

Go to Callander Soon

HOLLYWOOD, Nov. 26.—Joseph Moskowitz and a production unit of Twentieth Century-Fox leave for Callander, Ont., Friday, to take pictures of the Dionne quintuplets for "The Country Doctor." Moskowitz will return to New York after the necessary scenes have been taken while the coast crew return to Hollywood.

Set South America Deal

Distribution of Republic's complete list has been set in Argentina, Uruguay and Paraguay for the next three years through the signing of a deal with H. Staunton Wallach and Monogram Films of Argentina.

A Parrot Could Never Be a Showman



A parrot's great asset is his ability to imitate.

A showman to be successful must never imitate.

Darryl F. Zanuck, one of the industry's most successful showmen, hates imitation.

In fact, if he has one outstanding characteristic, it is his ability to explore new entertainment fields.

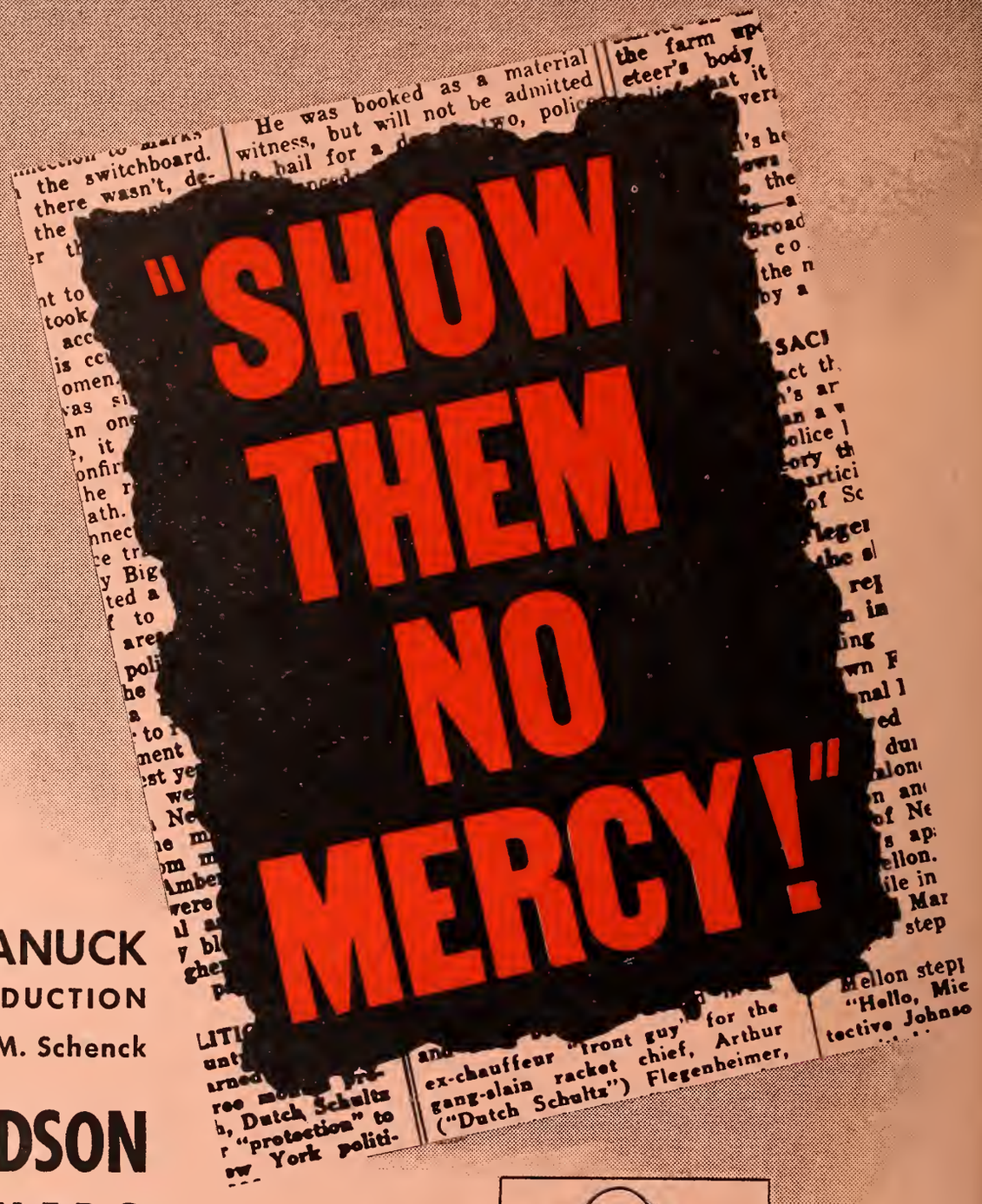
In the field of crime pictures, he demonstrated this with his "Little Caesar," "The Public Enemy," and "I Am a Fugitive from a Chain Gang."

Because each brought out a new and amazing phase of life, each made exhibitors an astonishing amount of money.

Darryl F. Zanuck demonstrates his originality again with "SHOW THEM NO MERCY," his next 20th Century Picture.

It, too, is thrilling, suspenseful, packed with action AND STARTLINGLY DIFFERENT! And it, too, will make you a lot of money!

IT BLASTS A NEW UNDERWORLD TERROR INTO THE OPEN!



A

DARRYL F. ZANUCK

20th CENTURY PRODUCTION

Presented by Joseph M. Schenck

with

ROCHELLE HUDSON

CESAR ROMERO

BRUCE CABOT

EDWARD NORRIS

Directed by George Marshall. Original story and screen play by Kubec Glasmon. Adaptation by Henry Lehrman.

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Purely Personal

FRED QUIMBY, BOB LYNCH, CLAYTON BOND, LOU KAUFMAN, NEIL F. AGNEW, SAM SHIPMAN, LOUIS NIZER, BOB BENJAMIN, LOUIS FRISCH, SAM RINZLER and MAX COHEN, at the Astor, and JULES LEVY, JAMES A. FITZPATRICK, WHITNEY BOURNE, HERB BERG, HARRY H. THOMAS, BUDD ROGERS, WILLARD C. MCKAY, PAUL O'BRIEN, TRUMAN TALLEY, LEW LEHR, CHARLES CASSANAVE, JACK D. TROP, AL KRELLBERG, JULES BRUTALOUR, DICK BRADY and AL HOVEL at The Tavern during yesterday's mid-day recess.

•

CHARLIE MACARTHUR is due back from Hollywood in a few days after lining up players for the next Hecht-MacArthur production, "Murder at 21," which is slated for production early in January. BEN HECHT and JOHN OJERHOLM, production manager for the team, leave Saturday for Chicago with a print of "Soak the Rich," just completed by H-M, which will be shown to the Paramount sales meeting there.

•

BEN Y. CAMMACK, general manager for RKO in South America, reaches these shores Thanksgiving Day. Therefore, ALIDA (MRS. NED DEPINET), "TOOTSIE" (MRS. BARTLETT) and MARGARET (MISS CAMMACK) are properly excited.

•

DON BAKER and LOUIS RUSH will put the twin organs at the Paramount to work starting tomorrow. BAKER was the theatre's first organist and recently returned from a two-year engagement abroad.

•

LILY PONS was guest of honor yesterday at a reception in the studio of the Music Hall with W. G. VAN SCHMUS as host. Her picture, "I Dream Too Much," opens there tomorrow.

•

CHARLES PETTIJOHN gets back from that conference with Premier Mussolini tomorrow on the *Conte Di Savoia*. He'll hurry up to Harrison to check up on his election.

•

DAVID BERNSTEIN was all smiles as SAM SHIPMAN told him a story on the corner of 48th & Broadway yesterday afternoon.

•

FRED HERRON of the M.P.P.D.A. is due in from Europe tomorrow on the *Manhattan*.

•

John W. Hicks, Jr., is scheduled to return from Europe in December, probably around Christmas.

•

IRENE BORDONI has been signed by SAM SAX for a two-reel Vitaphone musical.

•

MICHAEL BALCON is due back here from the coast late next week.

•

MARK OSTRER is back from that Milwaukee junket.

•

JOHN P. MARQUAND'S "No Hero" has been acquired by M-G-M.

•

JOSEPH M. SCHENCK is due from the coast shortly.

Key City Takes Up Sharply; 185 Houses Do $1,722,305

Key city grosses reflected a sharp improvement for the theatre week ending Nov. 14-15 when 185 theatres in the 30 cities which comprise MOTION PICTURE DAILY'S index reported aggregate receipts of $1,722,305 as compared with 183 houses grossing $1,545,710 the previous week.

Boston, Buffalo, Charlotte, Cincinnati, Cleveland, Denver, Houston, Indianapolis, Kansas City, Lincoln, Los Angeles, Louisville, Milwaukee, New Haven, New York, Oklahoma City, Omaha, Philadelphia, Pittsburgh, Portland, Providence, San Francisco and Seattle all turned in gains over the previous seven days. In practically all of these instances, "Mutiny on the Bounty" and "Thanks a Million" were directly responsible for the boosts, Pittsburgh being a notable instance. There, five first runs bulked $81,000 as compared with $38,600 for six first runs the week before.

Boston gained $22,000; Buffalo, $8,040; Charlotte, $1,500; Cincinnati, $600; Cleveland, $14,200; Denver, $10,800; Houston, $4,250; Indianapolis, $1,500; Kansas City, $6,400; Lincoln, $700; Los Angeles, $11,000; Louisville, $12,300; Milwaukee, $4,300; New Haven, $10,800; New York, $49,300; Oklahoma City, $6,450; Omaha, $800; Philadelphia, $3,400; Pittsburgh, $42,400; Portland, $1,300; Providence, $16,100; San Francisco, $6,900; and Seattle, $1,700.

This is how the two weeks compare:

	Week Ending Nov. 14-15		Week Ending Nov. 7-8	
	No. Theatres	Gross	No. Theatres	Gross
Boston	7	$116,000	7	$94,000
Buffalo	5	53,600	5	45,560
Charlotte	3	14,000	3	12,500
Chicago	8	117,600	8	127,500
Cincinnati	9	57,600	9	57,000
Cleveland	5	56,900	5	42,700
Denver	6	36,800	6	26,000
Detroit	7	70,800	7	75,700
Houston	4	30,600	4	26,350
Indianapolis	5	30,500	5	29,000
Kansas City	5	46,200	5	35,800
Lincoln	5	14,000	5	13,300
Los Angeles	11	102,000	11	91,000
Louisville	7	30,300	7	18,000
Milwaukee	5	29,300	5	25,000
Minneapolis	7	34,000	7	40,530
Montreal	5	42,000	5	54,500
New Haven	4	28,800	4	18,000
New York	9	281,400	9	232,100
Oklahoma City	4	17,350	4	10,900
Omaha	3	20,500	3	19,700
Philadelphia	9	81,900	9	78,500
Pittsburgh	5	81,000	6	38,600
Portland	6	30,000	6	28,700
Providence	6	55,600	6	39,500
San Francisco	8	83,000	8	76,100
St. Louis	5	44,625	6	57,850
St. Paul	5	17,000	5	18,000
Seattle	7	32,650	7	30,950
Washington	7	74,200	8	82,400
	183	$1,722,305	185	$1,545,710

Comparative grosses for the last available periods:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305

(*Copyright*, 1935, *Quigley Publications*.)

Mankiewicz Signed

LONDON, Nov. 26.—Herman J. Mankiewicz has been signed by Herbert Wilcox to write the story of a musical to co-star Anna Neagle and Tullio Carminati.

Opens Christmas Day

Arthur L. Mayer declared yesterday the New Rialto is scheduled to throw open its doors on Christmas Day.

Avery Goes to Lasky

HOLLYWOOD, Nov. 26. — Stephen Morehouse Avery has been signed by Pickford-Lasky Prod. to write the screen play for the company's first effort, an adaptation of a French comedy.

Retitle "Minstrel"

HOLLYWOOD, Nov. 26.—Republic's "The Galloping Minstrel" is now "Coming 'Round the Mountain."

U.S. Has 14 Films Ready for Showing

WASHINGTON, Nov. 26.—Fourteen films, sponsored by eight bureaus of the U. S. Department of Agriculture, are included in recent releases by the Division of Motion Pictures.

The Forest Service has sponsored six of these, five silent and one sound. "Chaparral" is a two-reel subject setting forth the value of this plant as a cover crop in the water-supply problem of Southern California. "Game Management on the Kaibab," two reels, methods employed in managing deer in the Kaibab National Forest, Arizona. "Regulated Deer Hunting," a two-reeler in sound, describes how a regulated deer hunt was conducted as a measure for maintenance of balance between game and forage. "Trail Riders of the Wilderness" is a two-reel record of an American Forestry Ass'n tour of Western Montana. The work done by the personnel of Civilian Conservation Corps in California in fighting the Pickens Canyon fire is shown in the two-reeler, "Lest We Forget." "We Can Take It" is a one-reel general story of CCC activities in California.

The Bureau of Biological Survey contributes "The How and Why of Bird Banding," a two-reel silent release showing bird banding activities and the results obtained.

"Tunneling to Yosemite," a two-reel Bureau of Public Roads silent film, shows how the Wawona Tunnel in Yosemite National Park was constructed, and includes many scenic shots of the park.

Other subjects are: "Canning and Grading Lima Beans," two-reeler, Bureau of Agricultural Economics; "Control of Worms in Hogs," two-reeler, Bureau of Animal Industry; "The Mosquito—Public Enemy," lecture by Dr. L. O. Howard, Bureau of Entomology and Plant Quarantine; "Irrigation—a Broad Outline," Bureau of Agricultural Engineering; "Farm Women's Markets," one-reeler, Extension Service.

All available in both 16 and 35 mm, except bird banding subject, which is available only in the wider size, upon application to the Division of Motion Pictures of the U. S. Department of Agriculture.

Selznick Signs Alden

HOLLYWOOD, Nov. 26.—David O. Selznick has signed Eric Alden as the first member for his stock company. Selznick has a new plan for rehearsing scripts before company executives for the purpose of trying out both players and scripts before starting a picture.

Delay Basquette Suit

BOSTON, Nov. 26.—Action on two suits brought by Lina Basquette against the Empire, New Bedford, and Harry and Fischer Zeitz for alleged unauthorized use of her picture was postponed today in U. S. District Court by Judge Hugh D. McClellan for two weeks.

Allied Talks Production

Proposed production plans and the next meeting aboard the *Queen of Bermuda* were the principal topics of discussion at the Allied of New Jersey meeting yesterday. Sidney Samuelson presided.

OLD CHIEF EAR-TO-THE-GROUND

REPORTS: HEAP BIG

The Old Chief has had that ancient cauliflower of his glued



to the pavement for the past two weeks, much to the annoyance of our favorite traffic cop. But he's



come through with some news! "MILLIONS IN THE AIR" is big stuff in Hollywood, the Chief reports. He says the boys who have seen it in production say it's got plenty on the ball and, if given the works, is a box-office find. He predicts the trade



reviews will be raves. Well, that makes sense to us. For the subject is timely . . . millions are still nuts on those amateur hour broadcasts . . .



the story is good, not just a hashed out musical plot . . . and the cast, though frankly not a bunch of big names, has plenty of



All For Laughs

Paramount is having editorial trouble with "Millions in the Air," although the reverse of the usual post-preview sorrows. After a sneak preview last week it was found that the audience laughed so long and loud at Willie Howard's comedy as to kill succeeding laugh lines and gags. The film is due for editorial revision to re-space so that all the laughs get an even break.—HOLLYWOOD REPORTER.

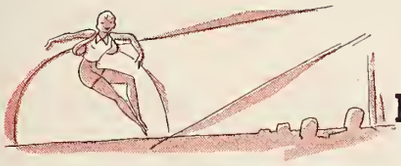
NOISE IN THE WEST!

audience appeal. Wendy Barrie clicked in "The Big Broadcast" and John Howard paid off plenty in "Annapolis Farewell." Besides, the picture has some of the most competent comedians in the business... Willie Howard, Bennie Baker and Joe Cook's contribution to Stooge Heaven, Dave Chasen. And, then, as an added attraction there's Eleanore Whitney, whom the Hollywood sports writers have timed as the fastest tap dancer in the world. So take it from the Chief, you'd better get into this one. **"MILLIONS IN THE AIR"** a "sleeper" that wide awake exhibitors, yes, and we mean first-run boys, too, can clean up on... which reminds us of the old saying,











It Pays to Play a Paramount Picture!

Paramount Pictures

"Bounty" Is Washington's $27,000 Wow

WASHINGTON, Nov. 26.—Records were in danger for a while last week with "Mutiny on the Bounty" packing them in from the start at Loew's Palace. The week's take was $27,000, over average by $11,000.

Only two other spots got into the profit side of the column. "The Last Outpost" was $1,300 up on a take of $5,600 at the Metropolitan, and "Evensong" was $1,300 to the good with a gross of $3,500 at the Belasco.

Loew's Fox and the Earle with stage shows—failed to meet par. "Hands Across the Table" took $19,000, down $1,900, at the former, and "Peter Ibbetson" took $16,500, down $1,900, at the latter. "Transatlantic Tunnel," despite a great opening, slipped to $7,500 for the week, or $3,600 under average.

Total first run business was $82,600. Average is $75,900.

Week Ending Nov. 19:

"TRANSATLANTIC TUNNEL." (G.B.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $7,500. (Average, $10,600)

Week Ending Nov. 21:

"PETER IBBETSON" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: "One Hour With You" Revue, with Al Norman & Stooges, Joaquin Garay, Libonati Trio, David Bines Girls, Prosper & Marat. **Gross:** $16,500. (Average, $18,400)

"MUSIC IS MAGIC" (20th-Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. Stage: Adrienne. **Gross:** $3,500. (Average, $3,600)

"HANDS ACROSS THE TABLE" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Bob Hope, J. Harold Murray, Dolores Reade, Five Elgins, Shepard Carlton Revue. **Gross:** $19,000. (Average, $20,900)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $27,000. (Average, $15,900)

"THE LAST OUTPOST" (Para.)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $5,600. (Average, $4,300)

Week Ending Nov. 22:

"EVENSONG" (G.B.)
BELASCO — (1,140), 25c-65c, 7 days. **Gross:** $3,500. (Average, $2,200)

Paramount Chicago Meet Goes to Drake

The Paramount sales meeting which opens in Chicago next Sunday will be held at the Drake Hotel instead of the Edgewater Beach, Neil Agnew, sales manager, said yesterday.

Home office executives will leave here for Chicago on Friday afternoon. In the group will be Adolph Zukor, John E. Otterson, George Agnew, Robert Gillham, Al Wilkie, J. J. Unger, Charles Reagan, Russell Holman, Alec Moss and Don Velde. Coming to the Chicago meeting from the coast are Ernst Lubitsch, Chandler Sprague, Bill Pine and Watterson Rothacker. Also attending the meeting will be Milton Kusell, P. A. Bloch, Harry Goldstein, William Erbb, Oscar Morgan, Jack Dugger, J. E. Fontaine, R. C. Libeau, Hugh Braly, M. H. Lewis and Ben Blotcky, all from the field sales force.

Transfer M. W. Cantrell

SPARTANBURG, S. C., Nov. 26.—M. W. Cantrell has been transferred from the Carolina to the State as assistant manager.

"Parish" and Show $17,000, Houston

HOUSTON, Nov. 26.—"I Found Stella Parish," with Ina Ray Hutton and her girl band and stage unit on the stage, set up some kind of a new fall record at the Metropolitan. The $17,000 take was $10,000 to the good. Credit for most of the draw was given to the stage show.

"Mutiny on the Bounty," playing a second week at Loew's, and "In Old Kentucky," running a second week at the Majestic, were nip and tuck, each grossing around $6,000, which in both theatres is $1,000 under average for first run features. "Mary Jane's Pa" at the Kirby also fell off a bit, grossing $1,400 as against $1,500 average, but "Way Down East" at the Kirby four days made up the difference by pulling $3,850, or $350 to the good.

Total first run business was $34,250. Average is $26,000.

Estimated takings for the week ending Nov. 21:

"WAY DOWN EAST" (Fox)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,850. (Average, $3,500)

"MARY JANE'S PA" (W. B.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,400. (Average, $1,500)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $7,000)

"IN OLD KENTUCKY" (20th-Fox)
MAJESTIC—(2,250), 25c-50c, 7 days, 2nd week. **Gross:** $6,000. (Average, $7,000)

"I FOUND STELLA PARISH" (W.B.)
METROPOLITAN — (2,600), 25c-50c, 7 days. Stage: Ina May Hutton. **Gross:** $17,000. (Average, $7,000)

"Thunder," Bowes' Unit Montreal Hit

MONTREAL, Nov. 26.—A combination of "Thunder in the Night" and Major Bowes' amateurs proved unbeatable at Loew's. The take ran up to $13,000, over par by $2,500.

The Imperial's new policy of one English-language feature as well as a French film and French stage revue brought $4,500, while the Princess broke even at $7,000 with "Red Salute" as Feature No. 1. "The Three Musketeers" and "His Night Out" registered $10,000 at the Palace.

Total first run business was $45,000. Average is $41,500.

Estimated takings for the week ending Nov. 23:

"THANKS A MILLION" (20th-Fox)
"THE CASE OF THE LUCKY LEGS" (F.N.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,500)

"LA ROUTE IMPERIALE" (French)
"THE CHURCH MOUSE" (British)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "Paris La Nuit." **Gross:** $4,500. (Average, $3,500)

"THUNDER IN THE NIGHT" (20th-Fox)
"MUSIC IS MAGIC" (20th-Fox)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $13,000. (Average, $10,500)

"THE THREE MUSKETEERS" (Radio)
"HIS NIGHT OUT" (Univ.)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $10,000. (Average, $11,000)

"RED SALUTE" (U.A.)
"AWAKENING OF JIM BURKE" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $7,000)

Columbia Registers Cut

ALBANY, Nov. 26.—Columbia Pictures Corp., has filed a certificate in the office of the Secretary of State decreasing the number of its shares of capital stock from 1,100,000 to 1,075,000 shares. Papers were filed by Nathan Burkan.

"Kentucky" Heavy Draw in Charlotte

CHARLOTTE, Nov. 26.—Will Rogers' last picture, "In Old Kentucky," got off to a swift start here. It ran up to $7,000 in five days at the Carolina. Average for six days is $4,000. It was moved to the State for a second week.

"Thanks a Million" at the Imperial was 100 per cent over normal at $6,000 in three days. This business was pulled in spite of the competition of a one-night stand of Earl Carroll's Vanities which took an estimated $2,500.

Total first run business was $17,000. Average is $11,000.

Estimated takings for the week ending Nov. 23:

"SHIPMATES FOREVER" (F.N.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $2,500. (Average, $2,000)

"SHE COULDN'T TAKE IT" (Col.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross:** $1,500. (Average, $2,000)

"IN OLD KENTUCKY" (20th-Fox)
CAROLINA — (1,441), 25c-40c, 5 days. **Gross:** $7,000. (Average, six days, $4,000)

"THANKS A MILLION" (20th-Fox)
IMPERIAL — (949), 30c-40c, 3 days. **Gross:** $6,000. (Average, $3,000)

Cincy Club Film to Open

CINCINNATI, Nov. 26.—"First Option," a full length feature made here by members of the Cincinnati Cine Club, recently formed, will have its premiere at the Taft Dec. 3. Mayor Russell Wilson, Cincinnati, and Mayor Allen C. Rodebaugh, of Norwood, a suburb, will be among the speakers. State Senator William E. Handley, Judge-elect of the Municipal Court, will be master of ceremonies and introduce the cast prior to the showing.

Two Firms Chartered

ALBANY, Nov. 26.—Tobis Playhouse, Inc., has been incorporated here by Herman Roth, H. Sampson Goldfarb and Ben Gold.

Weiner-Lewis Theatres, Inc., has been formed by Lewis Weiner, Jacob W. Lewis and Harold Lewis of Utica.

Prison Gets New Sound

BOSTON, Nov. 26.—Wide range sound, a new screen and booth equipment have been installed in the Charlestown State Prison by the Theatre Service & Supply Co.

"Mutiny" Gains in Portland Holdover

PORTLAND, Nov. 26.—"Mutiny on the Bounty" secured even a larger take in its second week at United Artists than it did the first week, with $8,500 registered, or over par by $3,500.

"In Old Kentucky" in its first week at the Paramount brought in $7,500, or $2,500 over normal, and indications point to a large second week.

Total first run business was $31,000. Average is $24,700.

Estimated takings for the week ending Nov. 24:

"RENDEZVOUS" (M-G-M)
BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"MAN ON THE FLYING TRAPEZE" (Para.)
"BECKY SHARP" (Radio)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $2,000)

"WANDERER OF THE WASTELAND" (Para.)
"TO BEAT THE BAND" (Radio)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,000)

"PETER IBBETSON" (Para.)
ORPHEUM—(1,700), 25c-35c-40c, 6 days. **Gross:** $4,000. (Average, $5,000)

"IN OLD KENTUCKY" (20th-Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $7,500. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. 2d week. **Gross:** $8,500. (Average, $5,000)

RKO Boston Drops Vaud

BOSTON, Nov. 26.—Vaudeville will go out of the RKO Boston for the first three weeks of December, according to Division Manager Charles Koerner. It will be resumed for the rest of the winter, probably, during the last week of the holiday month. Stage shows have been billed above films since double features were dropped. The move will leave the Metropolitan the only vaudeville stand for three weeks.

Beano Banned in Lynn

LYNN, Nov. 26.—Beano must cease in this city, according to an order issued by Mayor J. Fred Manning. The Mayor declared that Beano games, ostensibly conducted under the auspices of local charities, have been run for the personal gain of a few individuals, the organizations deriving little benefit. The drive is in the hands of William K. Wallace, license inspector.

"MARY BURNS, FUGITIVE"

played the CIRCLE THEATRE

INDIANAPOLIS, IND.

and turned in a gross

20% above average

It Pays to Play a Paramount Picture!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 127 NEW YORK, FRIDAY, NOVEMBER 29, 1935 TEN CENTS

Warners Say Ascap Future Is Uncertain

Point Out Law Suits and State Restrictions

Asserting that the future of the American Society of Composers, Authors & Publishers has "a very precarious foundation" because of the number of lawsuits pending against it in various parts of the country, including "a Federal income tax case involving over $1,000,000," Warner on Wednesday defended the withdrawal of its music publishing subsidiaries from membership in the society and replied to the charge leveled at it by Ascap that the action was "solely and selfishly in the interests of Warners."

The Warner reply charged the Ascap management with being "a well entrenched clique of executive officers who sign contracts and perform other important acts on their own authority,

(*Continued on page 4*)

Ask Federal Stay On Warner Meeting

Injunction proceedings to prevent the annual stockholders' meeting of Warner Bros. Pictures, Inc., from approving and ratifying the purported settlement and compromise of a suit as the result of an action brought by Max Goldberg was filed in Federal Court yesterday by Norman Johnson, suing as a stockholder and for other stockholders similarly situated.

Johnson's petition set forth that last March Max Goldberg brought a stockholder's action on his own behalf and that on May 31, 1935, the directors of Warners, knowing that

(*Continued on page 4*)

Unionized Hollywood Foreseen by Equity

A unionized Hollywood with players organized through the Screen Actors' Guild dictating employment and salary terms to the studios was foreseen this week by Actors' Equity, as officials of the organization spoke about a closer tie with the coast organization, *Motion Picture Herald* says in its current issue.

The cooperation between the east and west actors' groups, which has been close in the past, will become more definite in the near future, it was said at Equity, according to the *Herald*.

New Drive on Chance Games Starts Soon

Circuits to Await Move Predicted for Bronx

Renewed activity by the police against chance games will be started next week in the Bronx, it is learned by MOTION PICTURE DAILY.

Some circuits already have been tipped off, but will do nothing until managers are summoned. Loew's, which is playing games in more than half of its theatres, recently added Screeno at a number of houses and plans to adopt the game at the Paradise Dec. 2. This circuit has not been advised of the contemplated police action. It has about 15 units in that borough featuring the added attraction one night a week.

Several months ago a number of independents were brought into court

(*Continued on page 2*)

Springer—Cocalis On the Outs Again

Personal differences between Jack W. Springer and Sam Cocalis, partners in the Springer & Cocalis circuit of about 50 houses in the metropolitan area, have again reached the point where the two men are not talking to each other.

Several months ago the partners got into a personal scrap and played a Sphinx game until they patched up their difficulties. With another break in their relations, the new dispute is said to be worse than the previous one.

Cocalis has made an offer to buy

(*Continued on page 4*)

They Fainted

Columbus, Nov. 28.—H. D. Harris, acting special agent in charge of the Cincinnati office of the Department of Justice, discussed the workings of the department at the weekly luncheon of the Variety Club.

When Duke Clark announced Harris was a G-man two exchange managers, an exhibitor, a radio man and a secretary of an exhibitors' association fainted, but this was reported to have been due to the cost of the lunch—75 cents, in addition to the Ohio sales tax.

Para. Operator Strike May Be IATSE Retort

HOLLYWOOD, Nov. 28.—George Brown, I. A. T. S. E. president, yesterday wired all I. A. T. S. E. locals throughout the country to be ready at a moment's notice to withdraw all operators from Paramount theatres, as a result of the alleged unwarranted action of the Paramount studios in forcing the union resignition of I. A. T. S. E. men before they could join the east-bound unit to film "Thirteen Hours by Air."

According to the wire received by the union office here action is expected momentarily. The Paramount studio action was taken last week, and mystified union officials here at the time.

Agnew to Keep Sales Post in New Position

Board Vacancy Will Be Left Open for Time

Neil Agnew will continue to serve as general sales manager of Paramount, at least for the time being, in addition to taking over new duties associated with his vice-presidency, it was stated at Paramount on Wednesday. Accordingly, unless Agnew finds that the dual position requires an assistant, he will not vacate his post of general sales manager and no further changes in the company's sales administration would be made. Agnew succeeded to George J. Schaefer's post on the latter's resignation last Tuesday.

Schaefer who, in addition to being a Paramount vice-president, was also

(*Continued on page 4*)

Producers Getting Bids on Long Reel

Committees representing producers, distributors and exhibitors are securing bids for and samples of reels, shipping containers, re-wind and other equipment necessitated by the adoption of the 2,000-foot reel which has been officially sanctioned by all major distributors except Universal, it was stated at the M. P. P. D. A. on Wednesday. The changeover will be definitely made on April 1, 1936, it was said.

A special committee has been named to work in cooperation with local civic bodies in an effort to bring about changes in city ordinances in

(*Continued on page 2*)

"Punishment" Cruel To M. H. at $45,000

"Crime and Punishment" meant exactly that for the Music Hall last week when the weekly gross sank to approximately $45,000 on the Columbia picture. This is the second lowest gross for the house since it opened. The all-time low film was "Ann Carver's Profession," another Columbia film, which took in $44,938 for the week ending June 14, 1933, according to MOTION PICTURE DAILY's chart.

The Center garnered about $20,000 with "Thanks a Million" in its second week. The picture is being held over again. "Remember Last Night" at the Roxy was good for $30,000 in eight days.

Ampa's First Amateur Show Goes Over with a Loud Bang

By BILL ORNSTEIN

Ampa's first amateur show, held Wednesday at Dempsey's, went over with a bang. George Harvey's act, according to MOTION PICTURE DAILY's applause recorder, took first prize and to make doubly sure he won no awards were offered.

Assisted by his daughter and chum and Charles Alicoate, Harvey revealed his terpsichorean capabilities. The act opened with the former Ampa president using a beard and cane to introduce the two children, following which Harvey and Alicoate stepped into a fast tap routine with each doing individual specialties. Alicoate outstepped his partner. He also wore a makeshift beard. In one number Harvey went so far as to dress in a white middie and blue trunks when he joined the two youngsters in a tap dance.

Preceding Harvey's act was Sophie Robinson, a lyric soprano of Columbia, who sang "One Night of Love" and "Mist." She received a round of applause, as did Frances Liebman, another Columbia recruit, who nervously chirped out "I'm in the Mood for Love."

The members showed their appre-

(*Continued on page 4*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 29, 1935 No. 127

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Music Folk at Opening

Celebrities of the music world were conspicuous at the opening of Lily Pons' "I Dream Too Much" at the Music Hall last night. Among them were: Edward Johnson, Paul Cravath, Ann Morgan, Mrs. August Belmont, Lawrence Tibbett and Mrs. Tibbett, Rosa Ponselle, Geraldine Farrar, Arthur Judson and Mrs. Judson, Fritz Kreisler and Mrs. Kreisler, Jerome Kern and Mrs. Kern.

"SO RED
THE ROSE"
played
FOX THEATRE
ATLANTA, GA.
to a gross
business
33% above average

It Pays to Play a Paramount Picture!

Insiders' Outlook

By RED KANN

IT becomes sad to contemplate how often the road leading to the light is blocked in this industry. There is current, for instance, Republic's questionnaire, with twelve queries good and true about style, tempo and trends in production. It runs all the way from stars who are real at the box-office to serials and is designed to aid the company fashion its future production schedule. . . .

▼

One of the first replies comes from a well-known circuit operator, a member of that nation-wide legion of men without illusion and no soul in their souls.

"What names continue to hold their own?" was one of the questions.

"W. C. Fields can hold more than any other man in Hollywood," came the answer.

What stars are slipping?

Leon Errol (rubber knees—get it?)

What supporting stars would you like to see included in casts?

Hercules.

What types of pictures do the most business for you?

Good pictures.

What types of pictures have no value at the box-office?

Bad pictures.

If you don't run westerns, why?

I'll bite, Why?

If you run serials, what type is preferred?

H. O. or Quaker Oats.

▼ ▼

A Paramount without George J. Schaefer will seem strange after all these years—fifteen to be exact about it. Changing fortunes and the turn of the wheel are now to take him elsewhere and for that this department, venturing to speak at large, sees a general regret. His lengthy experience and his record of steady clambering up the career ladder pave the way to another and important berth well up in the executive roster. Wherever that may be, Schaefer will carry many good wishes. . . .

▼

One man's change means another's promotion. That carries Neil F. Agnew into the vice-presidency until the other day filled by Schaefer. A comparative newcomer in the headquarters of matters celluloidic, Agnew has been around long enough to have precipitated such stage whispers as "Keep an eye on Neil. That fellow's going places." Already he has—as sales manager at Paramount for the past eighteen months. His promotion comes to peg him in a higher rung and concentrates, spotlike-fashion, in his direction a considerable number of friendly orbs ready and eager to see him move on to bigger things. . . .

▼ ▼

Significant or not may be Leo Spitz's statement in an exclusive interview to a MOTION PICTURE DAILY reporter in Hollywood a handful of days back.

He said an *immediate* merger with Paramount was impossible. . . .

▼ ▼

Hollywood social register note: Joan Crawford has accepted a commission as a Kentucky general. She refused three offers of a colonelcy.

Mae West is a colonel. . . .

▼ ▼

More from Hollywood: By way of delicate compliment, everyone on the Radio lot is buying new dogs. Spitzes. . . .

▼ ▼

What with business better on all sides, the film fraternity at large had a pleasant Thanksgiving.

Nobody thought to inquire what the turkey thought about it. . . .

National Allied Men Will Go to Bermuda

National Allied directors and officers of other units will attend the Allied of New Jersey six-day convention aboard the *Queen of Bermuda*, starting Dec. 7. In addition, Joe Lee of Fox and "Pop" Korson, independent exchange man from Philadelphia, have promised to attend.

Reservations for the meeting now total about 75. Allied members from Pittsburgh and Baltimore will join in the sessions. On Dec. 7, Sidney Samuelson's successor as president will be elected.

Samuelson expects to spend two weeks in Bermuda after the convention.

Deny American Film Hit by Pathe Suit

BOSTON, Nov. 28.—Emphatic denial is made by J. C. Johnston, counsel for American Film Exchange, Inc., that this exchange has been, or is to be, turned over to Pathe as a result of court action.

Johnston says the recent suit won by Pathe was directed against Selective Pictures, Inc., which was found to be in default on notes involving certain Chesterfield and Invincible pictures. If Pathe wins on an appeal, Johnston says, Selective may be forced to turn over certain films to Pathe.

In the meantime American Film Exchange continues in business.

Producers Getting Bids on Long Reel

(*Continued from page* 1)

the few localities where the use of reel lengths of more than 1,000 feet is prohibited. The changing of such ordinances, the M.P.P.D.A. committee said, would be of benefit to the public because of a better presentation of pictures, would assure even greater safety in the handling of film and would give the industry the advantages of an unlimited use of the larger reel.

Much work in this connection has been accomplished already by the Research Council of the Academy of M. P. Arts & Sciences, and by the committees on exchange practices and projection practice of S.M.P.E., it was said.

Each of the 400 or more exchanges in the U. S. will be advised how properly to splice and handle the new 2,000-feet reel and exhibitors generally will be asked to cooperate in effecting the conversion.

Present indications are that Universal may alter its stand and approve the 2,000-foot reel after further study of the question, it was learned. An official of the company said that Universal is "still open to conviction" on the changeover.

New Chance Games Drive Starts Soon

(*Continued from page* 1)

for alleged violation of the lottery laws. No convictions were handed down by magistrates hearing the cases. For a time, Loew's stopped featuring Screeno until police activity subsided.

On Wednesday, Skouras won an important victory when Magistrate Anna Kross in Essex Market Court dismissed a Bank Night complaint by Assistant District Attorney James Wilson against the Academy of Music. Louis Weber, attorney for the circuit, last week filed briefs in the matter. After an informal discussion with Weber, the assistant district attorney recommended dismissal, following which Magistrate Kross complimented Weber on his well-prepared briefs.

RKO at no time has gone in for the practice and does not plan to adopt it in the future.

A Loew official on Wednesday stated the circuit does not intend to discontinue the games unless the police compel such action.

Pathe Board Fails To Act on 1st Div.

No action was taken Wednesday by Pathe's board of directors on franchise deals made by First Division with a number of local independent exchanges. It is understood several deals remain to be worked out before the board ratifies the nationalization plan.

Willis Bright, treasurer of Pathe, described the Wednesday session as routine. Another will be held in about two weeks, he said.

Brown to Hollywood

Colvin W. Brown, vice-president and general manager of the Quigley Publishing Co., left on the Century Wednesday for a stay of several weeks in Hollywood.





Rated by *Variety Daily* as 'smash box-office', and exceeding even that prediction by its record-toppling N.Y. Strand premiere, Warner Bros.' **"FRISCO KID"** is providing lucrative holiday fare in scores of key theatres this week with what the *N. Y. Mirror* describes as 'gory, scrappy, feverish' melodrama. Starring **JAMES CAGNEY,** the cast also boasts Margaret Lindsay, Ricardo Cortez, Lili Damita, Donald Woods, and the direction has been superbly handled by Lloyd Bacon. Released November 30th.

Warners Say Ascap Future Is Uncertain

(*Continued from page* 1)

the board of directors in many cases having no opportunity to review such transactions until the society has been committed to them.

"These executive officers," the statement continues, "have very little at stake financially in comparison with the publishing firms that are threatened with extinction, although it must be said that the salaries paid the society's executives are certainly not small, Mr. Mills, the general manager, receiving about $50,000 a year, and Mr. Buck, the president, about $35,000."

"Ascap on Defensive"

"It is claimed," Warners said, "that the society is the protector of the author and composer," yet these have suffered with the publishers from the effects of radio upon music sales. "Furthermore," the statement continues, "the distribution to authors and composers of the various funds collected by the society is conducted in an illogical manner based mainly upon favoritism and politics." It also charges that the society has failed utterly to obtain adequate payments for the use of music by radio, adding that the society "has not kept pace with the new uses of music" and that "the arrangements made by the society have unduly favored the big radio chains over the independent stations."

"The society is on the defensive in so many lawsuits throughout the United States," Warners assert, "that the sense of security into which many of its members have been lulled has a very precarious foundation. With the Federal government attacking it as a monopoly, its contracts with motion picture exhibitors and theatre chains being repudiated in various states on grounds of invalidity and illegality, heavy taxes being levied upon it in numerous jurisdictions, and a Federal income tax case involving over a million dollars hanging over its head, its future is problematical. In the State of Washington a receiver has been appointed for the society's business in that state. The interests of the art and industry of music in this country are too important to be inextricably bound up with an agency whose management has not been of a quality to warrant bright hopes for a successful issue of its difficulties."

Cite Talent Opportunity

"While it is true," the statement says, "that most authors and composers have signed the society's contract, they have done so without being given the benefit of an alternative or (in most cases) of a knowledge of the complete workings of the society and the difficulties at present confronting it. One result of our resignation will be the opportunities opened for new writing talent which has hitherto found it extremely difficult to obtain membership in the society. The field will be open for unestablished authors and composers of real ability."

What significance the Warner secession from Ascap had for exhibitors was not clear on Wednesday in the absence of a definition of policies for the future by either. Herman Starr, vice-president of Warners, who tendered his resignation from the Ascap board concurrently with the withdrawal from the society of the Warner music subsidiaries, said that he "had no statement to make at this time on the exhibitor angle" which develops from his company's action. At Ascap it was stated that the society's policy on license fees as a result of the Warner resignations was still undefined and probably would remain so for some time pending further developments and legal advice.

Collected $1,000,000

Ascap estimates that it collected approximately $1,000,000 from exhibitors last year under its licensing agreements calling for a music tax of from 10 cents to 20 cents per seat, per year, according to seating capacity of individual houses. Whether it would agree to reduce this tax in proportion to the loss to its music catalogues by the Warner list, thereby balancing any new tax which might be asked by Warners independently, has not been decided by the society. Warners are believed to be planning to assess radio broadcasters on a "per use" basis of its music.

Speculation was also general on the possible effects of the Warner action on the Federal monopoly suit against Ascap, trial of which is scheduled to be resumed here Jan. 7. It was pointed out that with a second licensing group in the field Ascap could hardly be shown to have a monopoly.

Mills Replies

In a statement late Wednesday Mills said Warners are attempting to justify an act for which their "single excuse is that they must have more money." He said he believed, with Warners, that the compensation for the public use of copyrighted music is "ridiculously incommensurate with the value of those rights." He cited the opposition Ascap has faced in its long effort to collect fair fees, from the M.P.T.O.A., hotel organizations and others.

He contended Warners' withdrawal was for the purpose of a speculative effort to increase earnings "without consulting the authors and composers" involved. The membership of Ascap "will speak for themselves," the statement said.

Gene Buck, president of Ascap, with reference to the Warner statement, said that the whole argument "is too silly to dignify with a reply."

Northwest MPTO Protests Games

SPOKANE, Wash., Nov. 28.—The M. P. T. O. of the Northwest in a regional meeting here yesterday protested against Dart Games. Cecil Miller, president, outlined the resentment of merchants. Portland game operators have offered to pay licenses of $40,000 annually.

Walkathons also were declared detrimental to business, as a recent Walkathon here did $50,000. There was a large attendance of eastern Washington exhibitors and Seattle representatives headed by James Holne, executive secretary.

"Tough Guy" Final Title

HOLLYWOOD, Nov. 28. — "Tough Guy" will be the final title of M-G-M's "The Getaway."

Ask Federal Stay On Warner Meeting

(*Continued from page* 1)

they were liable for the 1928 value of 90,000 shares of common stock of Warners worth $12,000,000 which they had transferred to Renraw, Inc., and knowing that they were liable for unjust and excessive salaries of $10,000 weekly paid to Harry, Albert and Jack Warner, were purported to have compromised the claims of Warner Bros. Pictures, Inc., against Renraw, Inc., and against Warners. Johnson explained that on last May 21, Warner Bros. Pictures, Inc., entered into an agreement with the three Warner brothers and Renraw, Inc., as a result of the Goldberg action to surrender to Warner Bros., Inc., 100,000 shares of the common stock of Warner Bros. and this agreement was executed.

Fees Called Excessive

Johnson further charged that the directors of Warner Bros. retained a certain law firm to give an appearance of validity to the compromise and that the stockholders had no voice in the selection of that law firm and that this firm received a fee out of proportion to the value of the services rendered and that the sums paid to Max Goldberg and his attorney were excessive; that the sum paid to Goldberg was ostensibly for the purchase of his own stock in Warner Bros., but was many times the market value and represented an inducement to Goldberg and his attorney to discontinue the suit and to withhold knowledge of the affairs of the company from other stockholders. Subsequently the file in the suit was removed from the court records, it is charged.

Johnson states that the value of the 100,000 shares at the time they were transferred to Warner Bros. and Harry, Albert and Jack Warner was approximately three per cent of the sum of $12,000,000. Johnson charged that Warner Bros., Inc., could have recovered a sum in excess of $12,000,000 instead of three per cent of that amount. He further stated that the directors of Warner Bros., Inc., conspired and plotted to commit acts to advance their personal interest and for their own private gain. Former U. S. Attorney Howard W. Amelie, of Brooklyn, and Milton Paulson filed the petition for Johnson.

A representative of the Warner legal department said yesterday that the company had no comment to make on the Johnson action.

Springer-Cocalis On the Outs Again

(*Continued from page* 1)

Springer out, but the latter refuses to sell under any conditions. Both are jointly interested in about 17 theatres in addition to pooling of their individually owned properties. Cocalis himself owns the Marble Hill, near Dykman St. on Broadway, six New Jersey houses and the Tribune, downtown. The Olympia, Symphony, Carlton, Stoddard, Beacon, 77th St. and Thalia, on upper Broadway, are all owned by Springer.

It is possible Cocalis may sell his half interest in the 17 theatres to his partner. He is planning a trip to the coast, but whether he will dispose of the partnership before the Hollywood trip could not be learned.

Ampa Show Goes Over with Bang

(*Continued from page* 1)

ciation of the Harvey-Alicoate number by contributing financially, throwing pennies and sounding the bell.

Ruth Roland was called out of retirement and recited a poem of her experiences in the good old days when she made serials.

Ray Gallagher was next to be called on. He said the suddenness was too much for him, but had he known he would have brought along his zither. Asked to spell it, Ray changed the subject and talked about his experiences with the violin. He claimed that when he was taking lessons one day his mother saw him talking from the side of his mouth and that ended his musical ambitions.

Jimmy Cron was asked to do a little something and all the coaching of the infuriated mob could not make him part from his seat.

Vincent Trotta, who was scheduled to appear, didn't show up. The excitement apparently was too much for him.

Turkey Is Raffled

Raquel Torres, G. B. star, apologized for her broken English, and after thanking the boys for inviting her, took a bow and graciously resumed her sitting until called upon later to pick out the winning number in a raffle for a turkey, the proceeds of which were turned over to the *Film Daily* Relief Fund. Charles Leonard of Universal was the lucky fellow. Magnanimously, he turned the turkey over to the fund for re-raffling. After it had been won by an outsider and turned back again, A. J. Powers scampered off with the bird when he bid $8.50.

During the excitement of raffling, re-raffling and auctioning, Muriel Shy, who emotes and sings for Educational shorts, entertained with two numbers.

Agnew to Keep Sales Post in New Position

(*Continued from page* 1)

a member of the board, plans to leave for Mexico today on a hunting and fishing trip of several weeks duration. He will probably announce his future plans on his return, it was said. Indications are that the board vacancy created by Schaefer's resignation will not be filled for the present. It is said to be highly unlikely that, when an election does take place, that any member of the Paramount management would be named to the board in his place. This is explained by the company's desire to keep management representation on the board at a minimum in order that officers will not be placed in the position of passing upon their own acts.

Most of the Paramount executive contingent which will attend the company's three-day sales meeting in Chicago beginning Sunday plan to leave this afternoon, but a few will not start for Chicago until tomorrow night.

To Para. Meeting

HOLLYWOOD, Nov. 28.—Bill Pine and George Arthur, Paramount cutting department head, left by plane last night for the sales convention in Chicago. Watterson Rothacker, Ernst Lubitsch, Chandler Sprague and George Bagnall complete the coast group, leaving tomorrow.

IT WILL BE THE GREATEST MOMENT OF YOUR LIFE!



If you re an exhibitor, a theatre owner, a circuit buyer—then you can't afford to miss the greatest nation-wide trade showing in picture history!

The Universal Exchange in your territory is arranging to show it simultaneously with 37 other key centers in the United States, Canada and Alaska!

Watch for the name of the theatre selected in YOUR territory, and the most important date of your life!



CARL LAEMMLE presents
IRENE DUNNE *and*
ROBERT TAYLOR
in JOHN M. STAHL'S *production*

MAGNIFICENT OBSESSION

From the best-selling novel by Lloyd C. Douglas with
CHARLES BUTTERWORTH, BETTY FURNESS, SARA HADEN, RALPH MORGAN, HENRY ARMETTA


Orchid
SAMUEL GOLDWYN
PRESENTS
Miriam
HOPKINS
in
Splen
JOEL McCREA
PAUL CAVANAGH · HELEN WESTLEY · BI
RUTH WESTON · KATHERINE ALEXAN
Screenplay by RACHEL CROTHERS author of "WHEN LADIES MEET" and "LET US BE G
Released thru UNITED ARTIS

ROM THE CRITICS TO MIRIAM HOPKINS
ND A GRAND CAST FOR THEIR FINE
ERFORMANCES IN "Splendor"

lade with the lavishness that is becoming a synonym
- Goldwyn. Story is richly set, smoothly directed and
pertly acted." —N. Y. DAILY NEWS

iriam Hopkins, gay and delightfully photographed is
top form . . . Astonishingly believable, 'Splendor' is
cellent comedy drama." —N. Y. SUN

has all the dressiness and extravagance of a Gold-
n production. A great cast performs the vivid roles
. women love this sort of thing, enjoying vicariously
thrill of luxury." N. Y. DAILY MIRROR

fine cast and an admirable production. Miss Hopkins
splendid." —N. Y. WORLD-TELEGRAM

he film is managed with impeccable intelligence and
od taste. Mr. McCrea and Miss Hopkins are excellent
the leading roles and they have the best of assistance
m a number of expert players." —N. Y. TIMES

dor

KE · DAVID NIVEN
HUR TREACHER
ed by ELLIOTT NUGENT

"Miriam Hopkins has never given a better performance than she does in the present film. It is acting that would be a credit to the stage."
—E. F. MELVIN, Boston Evening Transcript

"Rachel Crothers' first screen-play bears evidence of the author's sparkling wit and of her skill in telling a sophisticated story about sophisticated people. It has been given the lavish and careful production which Samuel Goldwyn bestows on all his films."
—HELEN EAGER, Boston Traveler

"An event in the cinema world. Production is certainly of the handsomest. Miriam Hopkins at her best."
—ELINORE HUGHES, Boston Herald

"Everything is magnificent about 'Splendor.' In the grandest Samuel Goldwyn style, 'Splendor' follows a careful scenario by the playwright, Rachel Crothers. The author has done her producer proud. Entire production opulent. 'Splendor' has excellent audience value!" —GEORGE HOLLAND, Boston Evening American

" 'Splendor' contains to abundance all the ingredients of box-office success. Very good entertainment produced and acted excellently. Miss Hopkins at her acting best."
—PHILADELPHIA DAILY NEWS

"Mr. Goldwyn knows how to make a glittering picture and Miss Hopkins knows how to supply the glamour . . . she does very well, indeed, and as always, is attractive and clever." —PHILADELPHIA EVENING BULLETIN

" 'Splendor' lives up to the name in entertaining . . . an attractive film which should live up to the financial expectations of both Goldwyn and Miss Crothers . . . Miriam Hopkins, Joel McCrea and Helen Westley shine brightly." —PHILADELPHIA RECORD

Short Subjects

"Billboard Frolics"
(*Vitaphone*)

The symbols of nationally advertised products are animated on and off of their billboard settings to make Leon Schlesinger's "Merrie Melody" song cartoon No. 13, in color. Average entertainment value is derived from the rescue of a baby chick from a pursuing cat through the devices of the friendly trade marks. Production Code Seal No. 1,611. Running time, 7 mins. "G."

"P's & Cues"
(*Vitaphone*)

One of the "Pepper Pot" series, this pictures trick straight rail and pocket billiard shots by Charles Peterson and Ruth McGinnis, each a world champion. With the intricate shots explained by Paul Douglas, commentator, a knowledge of the game is unnecessary for an appreciation of the skill of the two players. An interesting reel with a light comedy background. Production Code Seal No. 0654. Running time 9 mins. "G."

"Shooting the Record Breakers"
(*Twentieth Century-Fox*)

In this there is the usual assemblage of newsreel shots attractively arranged and presented. The record breaking runs of railroad trains, motorboats, airplanes and automobiles with the prominent person in each case make the subject matter of the effort. Most of it has already been shown and audience reaction is doubtful. Production Code Seal, No. 0694. Running time, 9 mins. "G."

"Nature's Handiwork"
(*Vitaphone*)

This is No. 4 of E. M. Newman's "Our Own United States" series and presents a photographic selection of 10 American scenic wonders. With narration by David Ross on the points of interest of each scene combined with excellent photography, the reel is a fine addition to the series. Production Code Seal No. 0698. Running time 10 mins. "G."

"Ye Olde Toy Shoppe"
(*Educational*)

The theme of this cartoon is old stuff. It is the one about the toys that are left alone and come to life and after a bit of performing they are menaced in this case by a spider who is eventually done away with in the approved style. It is good for children's matinees and holiday trade.

Production Code Seal No. 0770. Running time, 8 mins. "G."

Balcon Signs Riesner

HOLLYWOOD, Nov. 28.—Michael Balcon, production general for G. B., today signed Charles ("Chuck") Riesner on a year's contract to direct Jack Hulbert and Cicely Courtneidge. He leaves for London immediately.

Louis Weiss Goes West

Louis Weiss, who supervised "Custer's Last Stand," serial being released by Stage and Screen Prod., has returned to the coast to start another, "The Clutching Hand," featuring Craig Kennedy, master detective.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Kind Lady"
(*M-G-M*)

HOLLYWOOD, Nov. 28.—This English crook story depicting criminals entirely different from the American variety offers something unusual, although whether the novelty will capture American fancy seems questionable.

Basil Rathbone, heading a ring of art thieves, entrenches himself in the home of Aline MacMahon, owner of an extensive collection. Putting Miss MacMahon under the influence of a drug, Rathbone, with the help of Dudley Digges, Murray Kinnell, Ely Malyon and Barbara Shields, disposes of Nola Luxford, sole MacMahon servant, and arranges a sale of the art collection.

Cleverly holding the prisoner, Rathbone, on the verge of success, is bested by Frank Albertson, who has married Mary Carlisle, Miss MacMahon's niece.

Director George Seitz builds suspense, once the plot starts, with a scene where the gang closes in on Miss MacMahon. This serves as a tense climax. The cast, almost entirely British, gives good performances. Rathbone is a suave, cultured menace. Doris Lloyd, as Miss MacMahon's relative, is outstanding in support, and the performances of Miss Luxford as the maid and Miss Shields as the child show good possibilities for larger assignments in the future. Bernard Schubert wrote the screen play from Edward Chodorov's dramatization of Hugh Walpole's story. Lucien Hubbard, producer, aims at average spots and has made the picture acceptable.

Previewed without production code seal. Running time, 78 minutes. "G."

"Bar 20 Rides Again"
(*Harry Sherman-Paramount*)

HOLLYWOOD, Nov. 28.—An outdoor action western, this one retains all the values that are appreciated by audiences and showmen in the familiar pattern and adds much that is unique.

Further detailing Hop-Along Cassidy's adventures with William Boyd featured, it introduces Harry Worth, who creates a new type of sinister bad man character.

Concentrating on the dramatic conflict between Boyd and Worth, an erudite rustler with a Napoleonic complex, who plans his forays on a chess board, it carries a light but effective romantic thread involving Jimmy Ellison and Jean Rouveral and a comedy contrast capably handled by George Hayes. As Boyd in the guise of a gambler gets the confidence of Worth and knowledge of his plans to raid Howard Lang's ranch he signals Partner Ellison and Frank McGlynn, who lead a posse of ranchers into a thrill-packed, running gun battle with the rustler horde. The climax has the suavely vicious Worth, while trying to make a deal with Boyd, being killed by one of his own wounded men.

The story, based on Clarence Mulford's Cassidy character, is intelligently adapted by Doris Schroeder and the Schroeder-Gerald Geraghty screenplay smartly balances the dialogue, action and situations to create and hold interest. Howard Bretherton's direction takes care that the thrill-action quality is natural and reasonable without the tendency to be artificially theatrical. A musical accompaniment adds sock to the thrill of climaxing the gun roaring chase. The charm of the scenic backgrounds is emphasized by Archie Stout's photography.

Showmen who build their publicity campaigns with the same brand of intelligence that marks the production effort should have no difficulty in securing a favorable public reaction.

Production Code Seal No. 1614. Running time, 64 minutes. "G."

"Frisco Waterfront"
(*Republic*)

HOLLYWOOD, Nov. 28.—Emphasis on the strong love theme developing the theory that hate can drive a man to succeed better than love and loyalty is needed to bring in the feminine patronage, since the title does not reveal the emotional appeal of the story.

Ben Lyon, a candidate for governor, is injured in a motor accident and while under an anesthetic relives his life with the main part of the film told in retrospect. Lyon, demoralized by his war experiences, flounders from job to job without success in spite of the love of his wife, Helen Twelvetrees. When Lyon seems to be content to be a dock-walloper for the rest of his life, Miss Twelvetrees divorces him

(*Continued on page* 10)

Variety Club

Cincinnati

CINCINNATI, Nov. 28.—Chief Barker ALLAN S. MORITZ has named the following committee to decide future policies of entertainment for Tent No. 3: ARTHUR S. FRUDENFELD, MANNY SHURE, MERRILL SCHWARTZ, HARRY J. WESSELL, FRITZ WITTE, BILLY BEIN, BILL HASTINGS, RALPH KINSLER, WILLIAM ONIE and MIKE SPANIGEL. The committee is to make specific recommendations next week.

The committees to pick nominees for the various offices for the coming year includes: Blue Ticket: MAURICE WHITE, JIM BRADY, JOHN ALLEN; Red Ticket, BEIN, ONIE and SHURE.

HARRY SCHREIBER, RKO city manager, Columbus, was in town this week, and placed his stamp of approval on the club's enlarged quarters.

Kansas City

KANSAS CITY, Nov. 28.—In spite of a small crowd, everyone enjoyed CHESTER RICE, king of cards. Guests were HARRY SOMERVILLE, new member; TOM STEELE, Fox, Pittsburg, Kan., and HARLEY FRYER, Fox, Joplin, Mo.

Kings for Dec. 7 will be JACK HENRY, FRANK HENSLER, and EARL JAMESON, and for Dec. 9, FINTON JONES, Doc KNAPPENBERGER, and GUS KUBITZKI.

Washington

WASHINGTON, Nov. 28.—Variety's text that "a little child shall lead them" was forcibly, but agreeably, thrust on Tent No. 11 when CATHERINE VARIETY SHERIDAN II completely stole the show at the local tent's second annual dinner and dance.

The wee Miss SHERIDAN—the 15-months-old tot recently adopted by the national organization—was brought to Washington from Pittsburgh by Mrs. MIKE CULLEN, wife of Tent No. 1's retiring chief barker.

After a modicum of entertaining by local celebrities, General Chairman HARRY P. SOMERVILLE presented Chief Barker RUDOLPH BERGER, who told of Variety's beginnings. Following his remarks, Rabbi ABRAM SIMON, one of the Tent's chaplains, extolled the club's purposes, and Chief Barker BERGER presented the tot formally to her Washington foster-daddies.

No little surprise was this, for not a word had leaked out as to the committee's plans, and the unusual presentation was the signal for an enthusiastic demonstration.

More than 400 barkers and guests attended the dinner and dance.

The floor show featured the Three X Sisters, BERT GRANOFF, Uptowners' Quartet, ED LOWRY, NORMAN PRESCOTT, Three Slate Brothers, CHERRY and JUNE PREISSER, EDGAR BERGEN and CHARLEY MCCARTHY, JUNE CARR, HELEN REYNOLDS, Skaters, CHICK WEBB and his orchestra, and others from the Earle, Loew's Fox and Howard Theatres, the Lotus, La Paree, Russian Club Troika, and Heigh-Ho night clubs.

The entertainment ended with a burlesque newsreel prepared by ARTHUR A. DETITTA and Fox Movietone News, featuring friendly jabs at RUDOLPH BERGER, JOHN H. HARRIS, JOSEPH P. MORGAN, A. E. LICHTMAN, GENE FORD, HARRY SOMERVILLE, ORANGELO J. RATTO, HARRY HUNTER, SAM A. GALANTY, SIDNEY B. LUST and others.

"THANKS A MILLION FOR THESE HOLDOVERS"

say nation's leading theatres!



"THANKS A MILLION" says Roosevelt Theatre, Chicago...held for second week, maybe third.

"THANKS A MILLION" applauds New Theatre, Baltimore, enjoying a boom second week.

"THANKS A MILLION" rejoices Center Theatre, New York, in its third sensational stanza.

"THANKS A MILLION" shouts Warfield Theatre, San Francisco, where smash first week necessitated moving picture into St. Francis for extended run.

"THANKS A MILLION" revels Detroit's Fox Theatre, as first run is continued in Adams Theatre.

"THANKS A MILLION," too, from the Apollo Theatre, Indianapolis, holding it for second week.

"THANKS A MILLION" applauds the Orpheum, Seattle, where smash business continues for a second week at the first-run Music Box.



You'll be holding it over, too!

meanwhile...

A 20th Century Picture

Millions thank "THANKS A MILLION" for the happiest show they've ever seen!

Purely Personal

WILLARD VAN DER VEER, cameraman on two Byrd expeditions, will discuss "Film Making at the North and South Poles" before the New Film Alliance, 159 West 49th St., Friday night.

•

HOWARD BUCH'S "Let's Have a Baby" has been acquired by Paramount. It will be retitled "Let's Get Married."

Quip of the Day

"How is your stuff this season?," asked an exhibitor of a sales manager.

"Have you signed with us yet?" parried the S.M.

"Yes," replied the theatre operator.

"The stuff is terrible," was the answer.

CATHARINE CALHOUN DOUCET, stage player, has been signed by SAMUEL GOLDWYN for "These Three."

•

JACK D. TROP will head for the coast after attending the Paramount district and division managers' meeting in Chicago on Dec. 1-2.

•

Major LESLIE E. THOMPSON has been at home the last few days with a bad cold.

•

JEAN MUIR and LEONTINE SAGAN are stopping at the Warwick for a few days before leaving for the coast.

•

RUTH WESTON, who oppears in "Splendor," will be heard over WINS on Saturday afternoon.

•

MIKE CAVANAUGH left for Washington last night on a U. A. exploitation campaign.

•

ELISSA LANDI arrived here on the *Champlain* Wednesday.

•

MORT SINGER is back in Chicago after a vacation on the coast.

•

WILLIAM K. HOWARD was on the *Europa* when it left yesterday.

•

"POP" KORSON of Philadelphia was in town yesterday.

•

. . . Cincinnati

W. G. BISHOP of the M-G-M publicity department is here plugging "Ah Wilderness." HARRY RICE, also in town doing publicity for U. A. on "Splendor" and "The Melody Lingers On."

IKE LIBSON has returned from a business trip to New York.

GEORGE KRAMER, U. A. auditor, was a recent visitor here.

•

. . . Denver

CARSON HARRIS, news editor of *The Monitor*, again writing publicity for the Denham, as he did before taking the former job.

JOHN VOSS succeeds HOWARD CRAIN as booker at the Paramount exchange. Voss has been with Paramount for seven years as ad sales manager. WILLIAM PLUNKETT, former head shipper, goes into the ad sales position.

A. C. BAIRD, salesman for Hein Cinema Supplies in Iowa, is in Colorado to cover territory here for the new Denver branch.

GENE CERBASE, Sheffield Republic exchange manager, is in New Mexico selling. Marvin Cohen, salesman is spending some time in Western Nebraska.

Exhibitors seen on the row wrangling over dates include GEORGE LUCE from Bayard, Neb.; L. M. TELLER, Imperial, Neb.; MRS. ALMA EVANS, Craig, Colo.; M. C. KELLOGG, Lead, S. D.; DAVE MORRISON, Pueblo, Colo.; E. C. DETTMAN, Imperial, Neb.; and W. H. EGGLESTON, Trenton, Neb.

•

. . . Pittsburgh

DR. CLIFTON E. LLOYD, dean of the Duquesne University drama school and father of ROLLO LLOYD, the actor, is ailing.

RUTH TATE, GEORGE TYSON'S secretary, confined to her home with a bad case of intestinal flu.

The TONY STERNS were in New York over the weekend for the wedding of TONY'S sister.

MYRTLE STEARN in the Montefiore Hospital where she is having a troublesome appendix observed.

ED LOWRY, who m.c.'d the recent Variety Club show, returns to Pittsburgh, Jan. 10 for a week at the Stanley.

MIKE CULLEN back from Washington where he visited his mother, who is ill.

As a result of the hit he made recently at the Alvin, MAYOR MCNAIR was a guest of RUDY VALLEE on the latter's last radio program.

JOE FELDMAN back after a five-day holiday in New York.

KRAMER'S has become the luncheon gathering place of the entire film crowd.

FLORENCE FISHER PARRY, critic for *The Press*, in New York catching new shows and pictures.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 8)

and marries her former suitor, Rod La Rocque, a newspaper publisher. Hatred of his former wife stings Lyon to fight his way to the top through suspenseful scenes against the authentic backgrounds of the San Francisco waterfront.

Lyon is convincing both as a soldier trying to adjust himself to a changed civilian world and as a husband alternating in tenderness and jealous anger with Miss Twelvetrees who is also torn by conflicting emotions. La Rocque turns in a strong performance. Russell Hopton, James Burke, Henry Kolker, Purnell Pratt, Lee Shumway and Barbara Pepper are telling in the supporting cast. Arthur Lubin directed. The screen play is by Norman Houston, Trem Carr produced.

The relieving comedy and action in the waterfront battles are other angles to stress, but the problem of a man's bewildered loving of his wife is the best point to plug.

Previewed without production code seal. Running time, 60 minutes. "A."

Looking 'Em Over

"Manhattan Butterfly"

(*Imperial*)

An adaptation of a novel, "Broadway Virgin," this picture, independently produced by Major Prod., offers little that is unusual or especially useful from the exploitation standpoint. As the second half of a double bill program, it may prove satisfactory in the smaller locations.

Dorothy Granger and William Bakewell have the leads in a story of the big town, a girl who becomes involved in murder and the general activity of racketeering, though herself innocent, and the manner in which she is rescued from a difficult situation by a man she meets by accident. George Meeker and Betty Compson have leading supporting roles.

Bakewell, who turns out to be the wealthy son of a newspaper publisher, out to make good on his own, is attracted to Miss Granger, singer in a night club. He helps her out of trouble, and when she again becomes involved, at another club which is a cover for racketeering, he spirits her from the country, and she makes good on the Paris stage. A gang killing case is revived when she returns to New York, and Bakewell finally succeeds in trapping the gang leader and arranging the cleanup of the gang. The film ends with the completion of the expected romance between Bakewell and Miss Granger. Miss Granger sings two numbers, but not too effectively.

Reviewed without production code seal. Running time, 67 minutes. "G."

Goldman, Sachs Lose Move in Stock Suit

Justice Louis Valenti has denied a motion to strike out the defense of the statute of limitations made by Goldman, Sachs & Co. in the stockholders' action brought by Adolph Greenberg against Warner Bros. Pictures, Inc.

In this suit, Greenberg, the owner of 40 shares of common stock of Warners, charged waste and extravagance of the corporation's funds. Greenberg named as co-defendants Harry, Albert and Jack Warner and other directors of Warners, the partners of Goldman, Sachs & Co., the partners of McClure, Jones & Co. and Renraw, Inc.

Greenberg charged that Goldman, Sachs & Co. received 50,000 shares of the common stock of Warners without any valid consideration and without the knowledge or approval of the stockholders. On the other hand, counsel for Goldman, Sachs stated that the agreement whereby Goldman, Sachs received the 50,000 shares of stock was entered into on Oct., 1928, and this was unanimously ratified at a stockholders' meeting on Dec. 4, 1928, at Wilmington. The Goldman, Sachs attorneys maintained that the statute of limitations of six years was a bar to Greenberg's suit against them. The motion was denied.

Loew's Boston Net Rises to $109,545

Loew's Boston Theatres Co. reports a net for the year ending Aug. 31 of $109,545 after depreciation, dividends on common stock of State Theatre Co. and other charges. This is equal to 70 cents a share on 155,249 shares. For the previous year the net was $93,185, or 60 cents a share.

State Theatre Co. (Mass.) reported a net for the same period of $97,525 after all charges. This is equivalent to $42.29 per share on 2,306 shares of eight per cent preferred. For the previous year the net was $8,724, or $1.61 per share on the preferred.

Joffee Here on Shows

Strengthening of the stage shows at the Tower, independent first run in Kansas City, is the purpose of a visit here this week by S. Bernard Joffee, managing director of the theatre. With Ben Elboum, also interested in the Tower, Joffee is giving talent the once-over, and also is attending to some business in connection with picture contracts. They leave Saturday.

To Take Derr Pictures

BOSTON, Nov. 28.—Six pictures to be produced by E. B. Derr and Charles E. Sullivan will be distributed in New England by the newly formed Academy Pictures which is headed by Phil Smith, circuit operator and premium distributor.

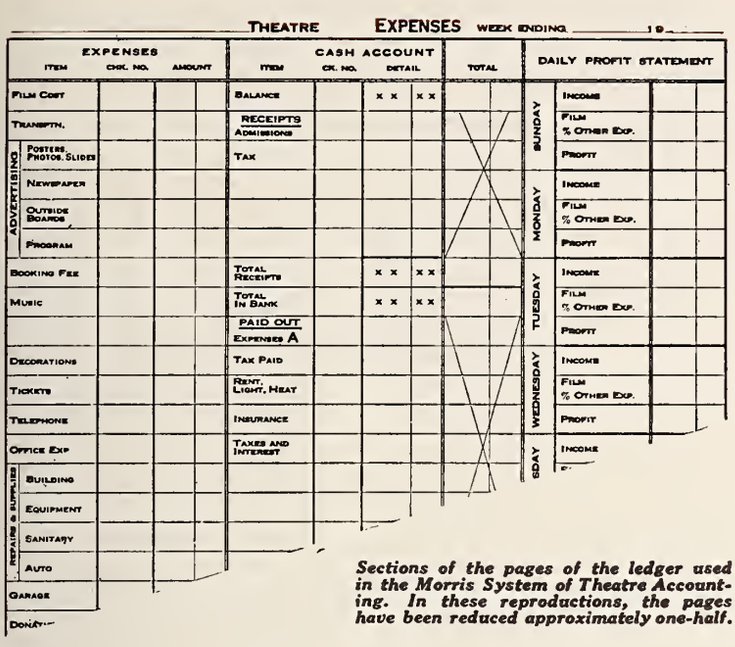
Skouras Going to Coast

Spyros Skouras, head of National Theatres, will leave for the coast next week to confer with his brother Charles on operations for Fox West Coast.

"Splendor" Held Over

"Splendor" is being held over for a second week at the Rivoli.

NOW IS THE TIME FOR ALL WISE SHOWMEN TO COME TO THE AID OF THEIR ACCOUNTING SYSTEMS


THEATRE EXPENSES WEEK ENDING ____ 19__

EXPENSES — ITEM / CHK. NO. / AMOUNT

Film Cost; Transptn.; Advertising: Posters, Photos, Slides; Newspaper; Outside Boards; Program; Booking Fee; Music; Decorations; Tickets; Telephone; Office Exp; Repairs & Supplies: Building; Equipment; Sanitary; Auto; Garage; Donat...

CASH ACCOUNT — ITEM / CK. NO. / DETAIL / TOTAL

Balance; Receipts: Admissions; Tax; Total Receipts; Total In Bank; Paid Out: Expenses A; Tax Paid; Rent, Light, Heat; Insurance; Taxes and Interest

DAILY PROFIT STATEMENT

Sunday, Monday, Tuesday, Wednesday, 8day — Income; Film % Other Exp.; Profit

Sections of the pages of the ledger used in the Morris System of Theatre Accounting. In these reproductions, the pages have been reduced approximately one-half.


WEEK ENDING ____ 19__

PAY-ROLL — NAME / AMOUNT

Manager; Operator; Organist; Cashier; Doorman; Usher; Matron; Porter; Officer; Engineer; Electrician; Total

ADMISSIONS — A. M. / MAT. / EVE.

TAX

ART TICKET USED

- *time-saving*
- *profitable*
- *accurate*
- *simple*

THEATRE ACCOUNTING

by WM. F. MORRIS, C.P.A.

Because it is so practical, time-saving and accurately simple, thousands of exhibitors have already exchanged their old, cumbersome and expensive methods for this easy, self-operating system. Guard against losses, avoid income tax troubles, guarantee your profits—and to do it effortlessly, a few minutes a day. Exhibitors already using this system are reminded to order their 1935 book now so as to permit no break in the daily continuity of their accounts-keeping.

QUIGLEY BOOKSHOP, 1790 BROADWAY, NEW YORK, N. Y.

QUIGLEY BOOKSHOP, 1790 BROADWAY, NEW YORK, N. Y.

Please send me "THEATRE ACCOUNTING" by Wm. F. Morris. Enclosed find remittance of $3 per copy.

NAME..... ADDRESS.....

CITY..... STATE.....

"Kentucky" at $22,000 Leads San Francisco

SAN FRANCISCO, Nov. 28.—In a week of generally weak grosses downtown "In Old Kentucky" managed to make the grade with a take of $22,000 at the Warfield. This is $1,000 above the line.

"Stars Over Broadway" and "Transatlantic Tunnel" were $500 up on a take of $12,000 at the Paramount. "It's in the Air" was even with par at $14,500 in the Golden Gate. "Moscow Laughs" held up to $1,000 in its second week at the Clay, but elsewhere business was in a bad way.

Total first run business was $71,500. Average is $76,500.

Estimated takings:

Week Ending Nov. 19:

"IT'S IN THE AIR" (M-G-M)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $14,500. (Average, $14,500)

Week Ending Nov. 20:

"REMEMBER LAST NIGHT" (Univ.)
"GRAND EXIT" (Col.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $6,600. (Average, $6,800)

"STARS OVER BROADWAY" (W. B.)
"TRANSATLANTIC TUNNEL" (G. B.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $12,000. (Average, $11,500)

"RED SALUTE" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $5,000. (Average, $9,000)

Week Ending Nov. 21:

"JAVA HEAD" (W. B.)
"MOONLIGHT IN HEAVEN" (Republic)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,500. (Average, $6,000)

"THANKS A MILLION" (20th-Fox)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"IN OLD KENTUCKY" (20th-Fox)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $22,000. (Average, $21,000)

Week Ending Nov. 22:

"MOSCOW LAUGHS" (Amkino)
CLAY—(400), 25c-35c, 7 days, 2nd week. **Gross:** $1,000. (Average, $700)

Sponsor Wayne Contest

The children's publication, *Young America,* is sponsoring a five-week letter contest, with 20 prizes, on "Who Was the Most Colorful or Adventurous Figure in American History," the contest featuring John Wayne, Republic western star.

Usher to West Point

CHICAGO, Nov. 28. — Charles A. Lindberg, usher at the Chicago, has won an appointment to West Point. Lindberg, who spends his spare time away from the theatre taking flying lessons, will leave for the east about Jan. 1.

To Start "Yellow Cargo"

HOLLYWOOD, Nov. 28.—George Hirliman will start production of "Yellow Cargo" Dec. 2. This will be the first of a series of G-Men pictures starring Conrad Nagel. Pacific Prod., Inc., will be both producer and distributor.

Lupino Opposite Lederer

HOLLYWOOD, Nov. 27.—Ida Lupino has been selected to play opposite Francis Lederer in the first Pickford-Lasky production as yet untitled.

"Person" and "Night" Lead Los Angeles

LOS ANGELES, Nov. 28. — Twin bills of "In Person" and "His Night Out," playing day and date at the Hillstreet and Pantages were the money-makers of the week. At Pantages the $9,600 take was over normal by $6,400 and at the Hillstreet the $9,600 gross was above the line by $1,600.

Other takes were only fair. "A Midsummer Night's Dream" garnered $9,300 at Warners' Beverly, and a Russian film, "The Private Life of Peter Vinogradov," was on the profit side of the line with $1,400 at the Grand International, but all other grosses were weak. The weather was cool.

Total first run business was $80,000. Average is $89,650.

Estimated takings for the week ending Nov. 27:

"IN OLD KENTUCKY" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $6,000. (Average, $12,500)

"METROPOLITAN" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days. 4th week. **Gross:** $2,200. (Average, $3,250)

"PRIVATE LIFE OF PETER VINOGRADOV" (Foreign)
GRAND INTERN'L THEATRE—(750), 35c-40c, 7 days. **Gross:** $1,400. (Average, $1,200)

"IN PERSON" (Radio)
"HIS NIGHT OUT" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $9,600. (Average, $8,000)

"IN OLD KENTUCKY" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $10,000. (Average, $14,000)

"SO RED THE ROSE" (Para.)
PARAMOUNT — (3,595), 30c-55c, 7 days. Stage: Frank Fay in person. F. & M. Revue. **Gross:** $12,700. (Average, $18,000)

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
WARNER BROS. (BEVERLY)—(1,612), 50c-$1.50, 7 days. 6th week. **Gross:** $9,300. (Average, $3,500)

"I FOUND STELLA PARISH" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $11,000. (Average, $14,000)

"I FOUND STELLA PARISH" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $10,600. (Average, $12,000)

"IN PERSON" (Radio)
"HIS NIGHT OUT" (Univ.)
PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $9,600. (Average, $3,200)

Split House Scenes Cause Several Suits

OKLAHOMA CITY, Nov. 28.—Recent newsreel films showing the cutting in half of Mrs. Fern G. Chadwick's house and the supposedly dejected members of her family have resulted in several suits for a verdict totalling $25,000.

The house was cut in half as a result of a controversy between Mrs. Chadwick and a building and loan company. She contends that during her absence in Oregon newsreel men moved her furniture out into the yard and hired two children of Mrs. Sylvia Herr to "register dejection," thereby creating the impression that she had been evicted.

Defendants are: Universal, Warners, Standard Theatres Corp., Midwest Enterprise Co. and the Local Building & Loan Ass'n.

Celebrated Moves

Celebrated Pictures, Inc., has moved to larger quarters at 1560 Broadway.

Wall Street

Fractional Gains on Big Board

	High	Low	Close	Net Change
Columbia	70	69	70	+1⅜
Consolidated	5¼	5¼	5¼	.....
Consolidated, pfd.	18⅛	18	18⅛	.....
Eastman Kodak	161¼	160¾	160¾	+ ¼
Loew's, Inc.	53½	53	53⅛	+ ⅛
Paramount	8⅞	8¾	8⅞	+ ⅛
Paramount 1 pfd.	73	72	72	—1
Paramount 2 pfd.	11	10¾	10¾	— ⅛
Pathe Film	6⅜	6⅛	6¼	+ ⅛
RKO	5⅛	5	5	— ⅛
20th Century-Fox	23½	22¾	23½	+ ½
20th Century, pfd.	31¼	30	31¼	+ ½
Universal, pfd	66½	65	65½	+1½
Warner Bros.	8⅞	8¾	8¾	.....

Technicolor Up on Curb

	High	Low	Close	Net Change
Sonotone	2½	2½	2½	.....
Technicolor	18⅞	18⅛	18⅞	+ ¾
Trans-Lux	4⅛	4	4⅛	.....

RKO Bonds Gain a Point

	High	Low	Close	Net Change
General Theatre 6s '40	18¼	18⅛	18⅛	+ ⅛
General Theatre 6s '40 ctf	18	17⅞	18	+ ½
Keith B. F. 6s '46	94¼	94	94	— ¼
Paramount B'way 3s '55	58	56¼	56¼	—1¾
Paramount Pict. 6s '55	89	88⅜	88⅜	— ⅛
RKO 6s '41 pp.	78½	77½	77½	+1
Warner Bros. 6s '39 wd	88	87	87	— ½

(Quotations at close of Nov. 27)

Stern Gets the Park

NEW BRUNSWICK, N. J., Nov. 28.—Herman Stern takes over the Park, 1,300-seat house at Highland Park, a suburb, on Jan. 1. Stern formerly was associated with Al Gottesman in the Cameo and American, Newark.

RKO-Skouras Still Dicker

Negotiations between RKO and Skouras for pooling the upper Broadway houses of both circuits continue in status quo with little possibility that anything will be consummated before the first of the year.

"Bounty" 2d Week New Haven Leader

NEW HAVEN, Nov. 28.—"Mutiny on the Bounty" was almost as much of a sensation in its second week at the College as it was the first when it cracked a few records. The holdover take was $5,600, double average.

"Thanks a Million," heading a dual with "Case of the Missing Man," managed to get $600 over normal on a gross of $7,600, and a combination of "I Found Stella Parish" and "Fighting Youth" was $300 to the good with $5,000.

Total first run business was $21,600. Average is $19,300.

Estimated takings for the week ending Nov. 22:

"MUTINY ON THE BOUNTY" (M-G-M)
COLLEGE—(1,499), 35c-50c, 7 days, 2nd week. **Gross:** $5,600. (Average, $2,800)

"THE CRUSADES" (Para.)
PARAMOUNT—(2,400), 35c-50c, 5 days. **Gross:** $3,400. (Average, 7 days, $4,800)

"THANKS A MILLION" (Fox)
"CASE OF THE MISSING MAN" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $7,600. (Average, $7,000)

"I FOUND STELLA PARISH" (F.N.)
"FIGHTING YOUTH" (Univ.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,000. (Average, $4,700)

Orpheum to Blum

NEWARK, N. J., Nov. 28.—Charles Blum, former manager of the Lyric and Station Theatres here, takes over the Orpheum, colored patronage, on Thursday.

Second Cut in Danbury

DANBURY, Nov. 28.—The Palace is the second theatre here to reduce admission prices within a week. New scale is 25 cents top for matinees and 50 cents top for evening.

Discuss KAO Mortgages

KAO's finance committee met on Wednesday to go over matters pertaining to mortgages on its properties.



The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 128 NEW YORK, SATURDAY, NOVEMBER 30, 1935 TEN CENTS

No Action on "U" Sale Seen For One Month

Lawrence Fox Here for Talks with Cowdin

There is little likelihood of Standard Capital Co. exercising its option to purchase Universal before approximately one month at the earliest, it was learned yesterday following the arrival here of Lawrence Fox, head of Standard's Los Angeles office.

Fox is here for conferences with J. Cheever Cowdin, Standard head, pertaining to the option, which runs to Feb. 1, next. Charles R. Rogers, who will head the Universal Studio for Standard if and when the option is exercised, had planned to accompany Fox east for the conferences, but was unable to do so and is still on the coast. Rogers, it was learned, is now actively participating in Universal studio affairs in an advisory capacity, although solely on a voluntary cooperative basis. Rogers will not come into official authority at the studio until the option has been exercised, it was said.

Manheim Abroad for "Obsession" Starts

N. L. Manheim, vice-president and general manager of the M. P. Export Co., wholly-owned subsidiary distributing Universal product abroad, sailed on the *Aquitania* last night to arrange premieres of "Magnificent Obsession" in a number of foreign cities.

He will be gone from six to eight weeks and during that time will hold sales meetings in London and Paris and perhaps in Stockholm as well.

Ohio House Group For Old 10% Tax

COLUMBUS, Nov. 29.—A bill for reenactment of the three per cent sales tax, which expires Dec. 31, has been voted out of the House Taxation Committee, 13 to 8. The measure, however, carries an amendment by Chairman P. E. Ward making the tax permanent until repealed, and exempting food, heretofore included. The committee last week refused by an 8 to 8 vote to indorse Governor Davey's recommendation to extend the three per cent admission tax another year. Thirteen votes were necessary.

By this action the committee approved resumption of the 10 per cent admission tax, which automatically

(*Continued on page* 4)

Pettijohn's In: Harrison's Republicans Quit the Fight

HARRISON, N. Y., Nov. 29.—It looks as though Charles C. Pettijohn will be a town councilman after all—meaning from Jan. 1 on. The fight's over even before it got a good start, and the Republicans have retreated behind Adigrat, or was it Yonkers?

After showing Premier Mussolini the shortest route to Addis Ababa and having a chat about the film situation in Rome and on the Pontine Marshes, C. C. sat down near the old bleacher entrance to the Coliseum and composed a cablegram to the Westchester G.O.P. which, in effect, said that as soon as he got home he'd not only show 'em he owned property in Westchester, but he would make 'em pay the court costs if they contested his election.

He even guaranteed to prove there was no mortgage on his house—an odd phenomenon in Westchester.

When the pilot went on board the *Conte di Savoia* at Sandy Hook the Pettijohn war paint was being donned, in spite of the fact that it was Thanksgiving and a man can't enjoy turkey with war paint on. He removed it, however, as soon as Mrs. Pettijohn told him the Republicans were in full retreat and had withdrawn their suit.

Then he read the election returns in detail and discovered the Democrats had carried Harrison in spite of the

(*Continued on page* 4)

Zoning Price Fight Stirred Up on Coast

LOS ANGELES, Nov. 29.—The zoning fight is breaking out again. The Palace, operated by Mike Rosenberg, is playing "Alice Adams" and "Shipmates Forever" on the 40c break. On Nov. 21, 30 days after first run, prices were cut to 35c. Generally accepted zoning does not permit that price until 35 days after the first run.

The Tower, President and Rialto followed suit. Joe Leo of the Los Angeles retaliated with a 15c morning and 25c evening sign, with all subsequent run managers threatening to enter the fight.

'Mutiny' at $42,200 For Its Third Week

"Mutiny on the Bounty" continues among Broadway's leaders, chalking up a profitable $42,200 in its third week at the Capitol.

The second week of "Mary Burns, Fugitive" ended with about $14,000 at the Paramount. "I Found Stella Parish" and "To Beat the Band" at the Palace wound up with a fair $8,000.

Paterson in Stew

Paterson, N. J., Nov. 29.—If it's amusement his customers want, Oscar Vlaminck, saloonkeeper, has the answer. He's asked the board of aldermen for permission to show pictures in his saloon. Stumped at the unusual proposal, the board has turned the novel request over to the Board of Fire and Police Commissioners for a ruling.

Early Choice Of Judge Seen In St. Louis

ST. LOUIS, Nov. 29.—Selection of a new judge to hear the Government's equity case against Warners, Paramount, RKO and their subsidiaries is expected within a few days. The choice is to be made by Justice Kimbrough Stone, presiding justice of the U. S. Circuit Court of Appeals.

The case has been pending since prior to the start of the anti-trust trials. It is an application for an injunction to prevent the distributors from carrying out an alleged agreement not to serve the Missouri, Ambassador and New Grand Central. If a temporary injunction is granted the same judge will preside at another hearing as to whether or not the stay shall be made permanent.

Special Assistant Attorney General Russell Hardy contends that the not guilty verdict in the anti-trust cases has no bearing on the equity action, as the alleged refusal to serve film covers a period from Jan. 11, 1935 up to the present.

President's Visit Aids Atlanta Houses

ATLANTA, Nov. 29.—Theatres here had a huge reaction from the Roosevelt Day exercises at a local football stadium. It is estimated that 100,000 visitors were in town. The President had an audience of more than 30,000.

The speech-making was finished shortly after 2 o'clock and practically every downtown house did a turnaway business.

The President motored over from Warm Springs.

IATSE Puts Ban on Work With IBEW

Refuses to Allow Rival Union in Theatres

The I.A.T.S.E. stated last night that, effective at once, it will not permit members of the International Brotherhood of Electrical Workers to be employed in any theatre in the United States over which the former has jurisdiction.

The stand was taken in an official statement issued through James J. Finn, public relations counsel of the I. A. It affects maintenance men and those in charge of general electrical work in theatres and constitutes the latest development in what is becoming a more bitter jurisdictional fight between the I.A.T.S.E. and the I.B.E.W., both, incidentally, members of the American Federation of Labor.

The unions have been estranged for some time, but the war flamed anew recently when a Universal unit and

(*Continued on page* 4)

Building Gaining In S.A.—Cammack

With two city first runs and a like number of suburban theatres now under construction at Rio de Janeiro, a mild building boom is reported in South America by Ben Y. Cammack, general manager for RKO in South America. A fifth house, the Rio, seating 500, opened as a first run in Rio de Janeiro Nov. 14 with "A Midsummer Night's Dream."

One of the two city houses is being built by Loew's and will seat around 1,500. The second, the Plaza, is being erected by an independent exhibitor. One of the two suburban houses is going up in Copacabanna, Cammack stated.

Theatres had a very good season, he said, and are now entering the summer spell, during which a slack prevails. In the Argentine and Uruguay business has been picking up

(*Continued on page* 4)

Lucas's Son Killed In Hunting Accident

ATLANTA, Nov. 29.—Arthur Lucas, Jr., 21-year-old son of the president of Lucas & Jenkins, was accidentally shot and killed Thanksgiving Day while on a hunting trip at Point Peter, near St. Mary's, Ga.

He was with his brother, John Lucas, 18.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 November 30, 1935 No. 128

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Sabath Group Calls Schenck and Mayer

HOLLYWOOD, Nov. 29.—Joseph M. Schenck and Louis B. Mayer were subpoenaed today by the Sabath Congressional investigating committee, but were not questioned due to other inquiries. They may be heard tomorrow. It is reported the group will investigate General Theatres Equipment. Chairman Fuller said the committee will study the Paramount properties tomorrow. The group then will leave for Washington, while Murray Garsohn, counsel, will remain for private hearings. Mabel Walker Willebrandt, Mayer's attorney, arrived from Washington today.

Lily Pons at Music Hall

W. G. Van Schmus gave the boys and girls at the Music Hall a thrill just before the last showing of "I Dream Too Much" Thanksgiving Night by introducing Lily Pons from the stage. She was attired in one of the costumes she wore in the picture.

J. Hood MacFarland says they didn't have to use an amplifier on the applause.

Schaefer Off to Mexico

George J. Schaefer, who resigned last Tuesday as vice-president of Paramount, left last night for Mexico on a hunting and fishing trip of several weeks duration. Schaefer is expected to announce his future plans on his return here.

Purely Personal

E. C. GRAINGER, GEORGE WEEKS. HARRY H. THOMAS, AL FRIEDLANDER, JULES CHAPMAN, JOHN CURTIS, CHARLES MOSES, LOUIS FRISCH, MILTON C. WEISMAN, AL HOVEL, MITCHELL KLUPT, TRUMAN TALLEY, J. H. HOFFBERG, J. D. TROP, IRWIN KLEEBLATT, JAMES A. FITZPATRICK, A. P. WAXMAN, AL SUCHMAN, MYRON SATTLER, LYNN FARNOL and MONROE GREENTHAL were among those congregating at the Tavern yesterday.

•

HARRY H. THOMAS, AL FRIEDLANDER and JULES CHAPMAN left for Philadelphia last night to attend a testimonial dinner tendered by Quaker City exhibitors to ETTA SEGAL, booker of First Division's exchange in Philadelphia. Miss SEGAL last night was promoted to chief booker of both the Philadelphia and New York exchanges. The trio of New Yorkers return this morning.

•

NEIL AGNEW, vice-president of Paramount, was married on Thursday to ARLENE KAZANJIAN, radio artist. AGNEW left for Chicago yesterday to attend Paramount's three-day sales meeting there.

•

SPYROS SKOURAS, LARRY KENT, JOE MCCONVILLE, BILL RODGERS, EDDIE GRAINGER among those at the Iona-Georgetown Prep game in New Rochelle Thanksgiving Day. Iona won.

•

MARTIN BECK and MARCUS HEIMAN in serious discussion near the Broadway and 47th St. Automat. Probably talking the deal whereby they take over the Orpheum, Kansas City, for stage shows.

•

G. PONCE, RKO agent in Brazil and secretary of the Federal Congress there, arrived Thursday with MRS. PONCE. PONCE plans to spend a month here.

•

JAMES E. FRANCIS, in charge of RCA Photophone and RCA Victor west coast activities, has returned to his Hollywood offices after a six-week stay in the east.

•

Papa PHIL REISMAN beaming over his son's capabilities as cheer leader at the Yonkers (Gorton School)-New Rochelle gridiron melee.

•

M. H. AYLESWORTH plans a trip to Hollywood in the near future to be on hand for the opening of the new N. B. C. studio there.

•

BLANCHE YURKA will get in from the coast today. She has just completed a role in "A Tale of Two Cities."

•

PAT O'BRIEN will start the six-day race at Madison Square Garden tomorrow night.

•

PANDRO BERMAN plans to leave for the coast tomorrow.

•

The JOE GERSHESONS are the happy parents of a baby boy.

•

HELEN MORGAN leaves Sunday for the coast to start in "Show Boat."

Theatre Betterment On Upgrade—Shearer

More rebuilding and refurnishing is now going on than erection of new theatres throughout the country, Ben F. Shearer, president of the Independent Theatre Supply Dealers' Ass'n., stated yesterday. The survey resulted from a checkup of directors in town last week for the three-day quarterly session. Shearer leaves today for Los Angeles. After spending a week there he will head for San Francisco. Following a week in San Francisco, he will return to Seattle, his headquarters.

Shearer asserted that the members are highly optimistic over the new business. The men contended that remodeling and refurnishing during the last few years have virtually been at a standstill because of the depression.

"Conditions generally look very good," Shearer said. "Bills are being liquidated and most exhibitors have paid off sound equipment commitments."

Warners Quit Music Group in Argentine

Warners have withdrawn from the Musica Internacional Downey, Ltda, the company which handles the music for all distributors in South America, it was learned. This action was taken some time ago.

Wallace Downey, head of the South American company, is expected some time next week for conferences with the various companies in connection with music rights. In addition to his music activities, Downey is completing production on a picture, his third this season. He is the only independent producer in South America.

Add to Grossman Firm

The first change in the law firm of House, Grossman & Vorhaus, law firm with a number of film clients, since 1899 has just been named. The partnership becomes House, Grossman, Vorhaus & Hemley, and includes Leo J. Rosett and Jesse Hemley as new partners in addition to Judge Grossman, Louis J. Vorhaus, Alfred Beekman, Frederick Hemley, Joseph Fischer and David Vorhaus.

A new firm, Grossman & Crump, has been formed to handle coast business.

May Appoint Burkan

Nathan Burkan, according to newspaper reports, may be appointed a Federal judge for the Southern District of New York at a salary of $10,000 annually by President Roosevelt. Burkan, one of the best known lawyers with a large film and theatrical clientele, is also a Tammany Hall leader. The Seventeenth Assembly District is his.

Horne Wanger Aide

HOLLYWOOD, Nov. 29.—Hal Horne today was named Walter Wanger's eastern representative on stories, talent and publicity-exploitation. Horne will continue his New York interests.

Sign Constance Bennett

HOLLYWOOD, Nov. 29.—Michael Balcon, following rapidly on the heels of his one year deal with Charles ("Chuck") Riesner to direct for G. B., has signed Constance Bennett.

Fox, Disney Add to Museum Film Group

Further additions to the collection of historic films being made by the Museum of Modern Art include a group of 13 subjects from Twentieth Century-Fox and a number of cartoons from Walt Disney.

The Twentieth Century-Fox subjects presented by S. R. Kent, are: "A Fool There Was" (Theda Bara), 1914; "Carmen" (Theda Bara), 1915; "A Daughter of the Gods" (Annette Kellerman), 1916; "Cleopatra" (Theda Bara), 1917; "Riders of the Purple Sage," 1918; "Sky High" (Tom Mix), 1921; "The Iron Horse," 1924; "Three Bad Men," 1926; "Sunrise," 1927; Movietone Newsreel (Mussolini, Shaw, Tilden), 1927; "Sex Life of the Polyp" (Benchley), 1926; "Cavalcade," 1933; Special "Cavalcade" film, not issued commercially, taken of the London stage production.

The Disney subjects are: First animated cartoon by Disney produced in 1920 for the Newman, Kansas City; "Plane Crazy" (First Mickey Mouse); "Steamboat Willie," 1928 (First Mickey Mouse in sound); "Skeleton Dance," 1929 (First Silly Symphony); "Flowers and Trees," 1932, (First cartoon in Technicolor); "The Band Concert," 1935 (First Mickey Mouse in Technicolor).

Universal Demands Details in a Suit

A motion for a bill of particulars was made by counsel for Universal in Supreme Court yesterday in connection with a suit brought by B. S. Moss Broadway Theatre Co., Inc. for $130,752.

The complaint explains that the action is for alleged injuries to the standards, good name and reputation of the plaintiff's theatre and building which the defendant had leased from the plaintiff. The plaintiff is also seeking expenses allegedly incurred in repairing and renovating the theatre and for the loss of rental value of the premises.

The defendant is charged with the wrongful removal of certain fixtures and equipment from the theatre. The premises involved in this action were known as the B. S. Moss Colony theatre building on Broadway.

The defendant has filed a general denial to allegations of the complaint.

Ruling Reserved in Pathe Case Appeal

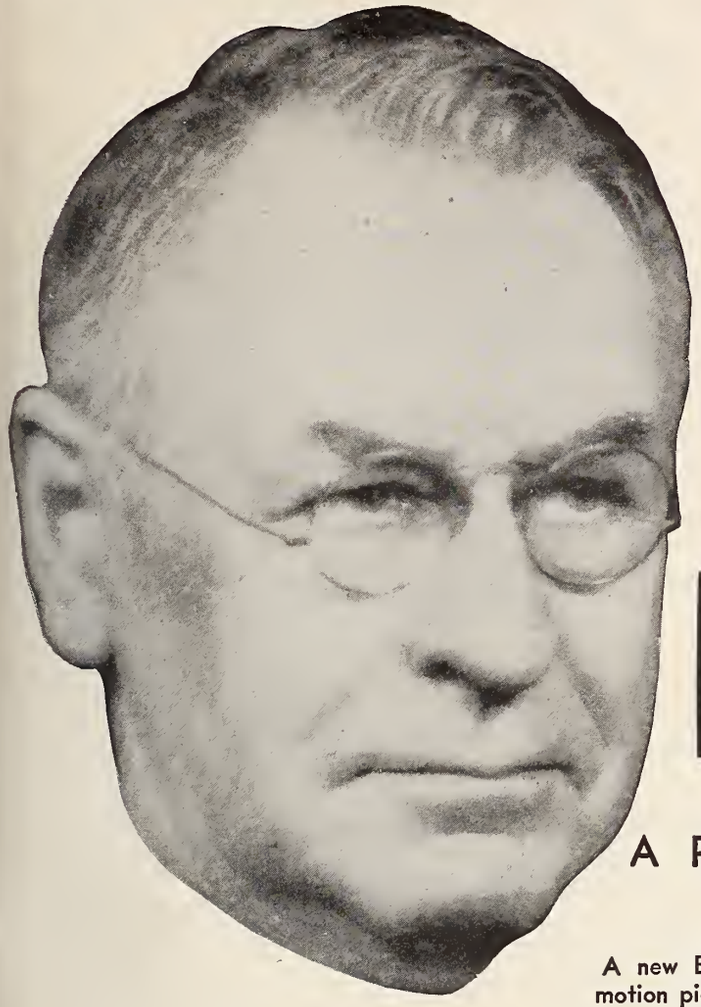
Arguments on an appeal from a N. Y. Supreme Court order approving the recent Pathe plan of reorganization were heard yesterday by the appellate division, which reserved decision following the hearing.

The appeal is being taken by Henry Chesterfield, administrator of the estate of Ben Hilbert, a Pathe stockholder, who opposed the plan in the lower court on the grounds that it unfairly discriminated against certain classes of stockholders.

J. P. Kancaide Dead

GLOUCESTER, Nov. 29.—James P. Kancaide, M. & P.-Publix manager, who was associated with Gloucester theatres for the past 26 years, died suddenly here yesterday. He was 65. He is survived by his widow and 13 children.

RECEIVED WITH GENUINE ACCLAIM!!



Sixth Edition of

F. H. RICHARDSON'S

BLUE BOOK OF PROJECTION

A PRACTICAL GUIDE TO GOOD OPERATING AND QUICK TROUBLE-SHOOTING

A new Bluebook by Richardson is always an event of signal importance to the motion picture industry. It is being issued at this time to meet the truly urgent demand of thousands of users of the old Bluebooks for an accurate, modern evaluation of the changes and refinements in the art and science of sound reproduction and projection including all the apparatus. Richardson's expert knowledge of the craft he has taught and followed for more than three decades makes this latest treatise, in the opinion of leading authorities, the most comprehensive, most useful projection manual ever published.

700 Pages of Text, Charts and Data

The new Bluebook contains 700 pages and 153 illustrations—photographs and schematics of every description. It is 6x9 in size with large readable type for easy visibility in the projection room under all conditions. It is entirely original from cover to cover, not a line of type from any of the many previous editions being used. Its low price of $5.25 and its handiness in one volume are among the many innovations.

1 IN ONE HANDY VOLUME
The new Bluebook is complete in one handy volume. It is a great improvement over the former expensive and cumbersome three-volume sets.

2 COMPLETE and UP-TO-DATE
The new Bluebook does a three-fold job: (1) it gives a detailed description of the construction, wiring and functioning of every piece of sound and projection apparatus used in a modern projection room. (2) It gives all the instructions for the operation and maintenance of this equipment and (3) it contains a complete trouble-shooting department as a first-aid in breakdowns.

3 QUICK-FINDING INDEX
An extremely simple but comprehensive indexing system makes the new Blue Book a truly great aid to working projectionists. Whatever problem comes up in the day's routine is covered on the instant with hardly more than the twirl of your thumb. Projectionists of long experience in the projection room will be first to appreciate this remarkable time-saver.

4 QUICK TROUBLE-SHOOTER
And it is, within its 700 pages, a practical trouble-shooter, which alone entitles it to a place in every projectionists tool kit.

Collaborator on Sound:
AARON NADELL

$5.25

WITH POSTAGE PREPAID

QUIGLEY BOOKSHOP
1790 Broadway New York

GENTLEMEN:
Please send me F. H. Richardson's new BLUE BOOK OF PROJECTION, Sixth Edition. Enclosed find remittance of $5.25. Foreign price, $5.50.

Name _____

Street _____

City _____

State _____

IATSE Puts Ban on Work With IBEW

(*Continued from page* 1)

one of the Halperin Bros. ran into jurisdictional difficulties while shooting at San Pedro, Cal. A third and more significent incident, however, concerns Paramount's plans to shoot background material for "Thirteen Hours by Air" and climaxed when the studio forced I. A. men to resign from their union before they could pick up that assignment. This was followed by a wire sent to all I. A. locals by George Browne, I. A. head, advising them to be prepared to walk out of projection booths if the national union determined upon such a course. Browne, at the same time, telegraphed Paramount theatre owners of his action.

The I. A., according to Finn, in assuming its stand on I.B.E.W., has fallen back on its jurisdiction over all union workers in theatres given at the recent A. F. of L. convention in Atlantic City. He added "Chicago already had been cleared out" of I.B.E.W. men and intimated similar action will be taken elsewhere.

When asked how the I. A. decision affected Hollywood studios, Finn replied he had nothing to say "tonight," stressing the time element and intimating further action may be forthcoming today.

Efforts to reach Pat Casey, studio labor intermediary for major producers, failed last night.

IBEW St. Louis Fight

St. Louis, Nov. 29.—An outgrowth of the row between the I.B.E.W. and the I.A.T.S.E. on the coast has cropped up here in the form of a demand from the I.A.T.S.E. and the operators' union that two electricians each at the Ambassador, Fox, Loew's and Missouri be replaced by their men.

It is understood this has been done.

Herron Sees French Decree Danger Over

Although the danger of regulation of the film industry in France through the enactment of legislation by decree is past, regulatory measures are likely to be introduced when the new Parliament convenes in the near future, Major Frederick L. Herron of the M.P.P.D.A. said yesterday following his return from a month's trip abroad.

Herron pointed out, however, that the new legislation would be "in the open" and the industry would have an opportunity of being heard on it, whereas the decree laws permitted the enactment of a measure without its having passed through the usual legislative channels.

Herron's trip included Spain and England as well as France, and he said that he had observed very good theatre business in all three countries and especially in Spain. He said that a feeling of unrest which is apparent on the Continent appears to be the only influence retarding theatre patronage.

Franklin Joins

Hollywood, Nov. 29.—Harold B. Franklin is rounding out his first week as a member of the production staff at Columbia.

Looking 'Em Over

"Kiss Me Goodbye"

(*Celebrity*)

This picture, the first of the P. A. Powers Celebrity feature offerings, stars Magda Schneider, Viennese operatic soprano. A musical romance, it is fair light entertainment, but will present an American selling problem chiefly because of lack of known names. Miss Schneider's name may be used, but the other two leading players, Arthur Riscoe and Naunton Wayne, are unknown here.

The star sings effectively and the film's music is attractive, but the story is almost too light. Riscoe and Wayne, two Englishmen, fly to Vienna, meet Miss Schneider and take lodgings with her family. They fall in love with her and seek to get her a chance on the stage. Riscoe believes she should be in a musical show, Wayne that she belongs in opera. Separately they arrange a chance for her, and through a ruse Wayne succeeds in having an opera impresario hear her. She is starred successfully in Donizetti's "Daughter of the Regiment," short snatches of which are heard.

In order that their love for her shall not interfere with their friendship Riscoe and Wayne go their way without her as the film ends on a somewhat inconclusive note. The comedy elements are fairly well handled with an occasional touch of slapstick. The film was directed by Carmine Gallone.

Previewed without production code seal. Running time, 66 minutes. "G."

Ohio House Group For Old 10% Tax

(*Continued from page* 1)

goes back into effect Jan. 1, the date on which the temporary suspension expires. The tax in reality figures 12 per cent. Representative Ward has pointed out that the three per cent admission impost brings the state about $1,200,000 annually, whereas the higher rate would yield $2,000,000 in additional revenues.

Meanwhile, the Ohio I.T.O., through P. J. Wood, secretary, is exerting every effort to defeat reinstatement of the 10 per cent levy. Carlton S. Dargusch, vice-chairman of the State Taxation Commission, estimates that the state will receive $1,500,000 less this year under the lower admission impost than in 1934, when the higher rate was in effect.

Governor Davey, in his address before the Ohio I.T.O. convention, advocated a differential in the rate between theatres which could, and those which could not pass the tax to the public, in case the rate went back to 10 per cent.

The House Taxation Committee has refused by a 10 to 7 vote, to recommend for passage the bill imposing a tax on chain stores, which would affect major and independent circuits. It did, however, recommend by a 13 to 8 vote, passage of the bill levying a tax on personal incomes. It is generally believed, however, that the income tax bill will be defeated when it reaches the Senate.

Collections from the three per cent sales tax so far have averaged $923,000 weekly, which is $77,000 below the estimated $1,000,000 weekly average. Total collections for 43 weeks have been $39,672,317.78.

Arrest Portland Men

Portland, Nov. 29.—Douglas Kimberly, manager of the Mayfair, and M. C. Levison, manager of a revue, were arrested yesterday and ordered to drape their girl players and remove sandwich signs from the sidewalk.

RKO Tries Screeno In Seven Theatres

RKO has finally capitulated to the use of games and now is featuring Screeno in seven Greater New York houses. They are the 58th St., 125th St., 23rd St., New Rochelle, New Rochelle; Park, Rockaway Park; Strand, Far Rockaway; Central, Cedarhurst. George B. West, eastern distributor for Screeno, arranged the deal.

Several weeks ago Loew's reinstated the same game after a flurry by local police who attempted to stop the practice, alleging violation of the lottery laws.

Magistrate Anna Kross in Essex Market Court last week dismissed a complaint against the Academy of Music, playing Bank Night, on Wednesday.

Pettijohn in And Harrison GOP Quits

(*Continued from page* 1)

fact that Republicans had won the county by 55,000. It turned out to be a perfect holiday after all, so the councilman-elect sent a telegram to Postmaster General Farley inviting him to the inauguration.

There is still a fly in the political ointment, but Pettijohn predicts this will be removed. His running mate, Raymond J. Funkhouser, president of the O'Sullivan Rubber Heel Co., is still facing a court contest because his property is owned by Raymond J. Funkhouser, Inc., but Pettijohn says he can prove that Funkhouser owns 98 of the 100 shares in the company.

It's going to be a reform administration, with tax cuts 'n' everything.

Coast Drive a Success

Los Angeles, Nov. 29.—The Motion Picture Division of the Community Chest Drive has reached 97.6 per cent of its quota with a total of $10,680 subscriptions guaranteeing $195,123.

Building Gaining In S.A.—Cammack

(*Continued from page* 1)

and the outlook is still better, Cammack added.

Discussing theatre operation, Cammack asserted that only four houses in the Argentine have cooling systems. In Sao Paulo, Brazil, the Broadway is the only theatre with air conditioning. None of the Brazilian theatres are treated for sound, he said, and extraneous noises can be heard during the shows, much to the discomfort of patrons. It is expected that the Metro, Loew house, when completed will be the first sound treated theatre in Brazil. Most Argentine houses have acoustic treatment, it was stated.

All theatres in the Argentine are compelled to close at midnight. The opening hour is 2 P.M. A repeat booking opens the show, following which a new feature goes on. In Brazil it is compulsory that each theatre book one reel made in South America in each show.

RKO is releasing about 40 features in South American countries, Cammack declared. All pictures are dubbed here, Portuguese being used for Brazil and Spanish for other countries. Costume and musical films are preferred, he said.

There are about 60 theatres in the city of Rio de Janeiro and about 200 in Buenos Aires.

Cammack has been in South America for 11 months and plans to return after the first of the year. Up to the time he joined RKO, he was branch manager for Warners in St. Louis.

Wells Honored

Hollywood, Nov. 29.—The Screen Writers' Guild today conferred honorary membership on H. G. Wells, the first such honor the Guild has bestowed.

Wall Street

Gains, Losses Mark Stock Trading

	High	Low	Close	Net Change
Columbia	69⅜	68½	68½	—1½
Consolidated	5⅜	5¼	5¼	.....
Consolidated, pfd.	18¼	18	18	— ⅛
Eastman Kodak	161½	161	161	+ ¼
Loew's, Inc.	53¾	51½	52½	— ⅞
Loew's, Inc., pfd.	106½	106½	106½	+ ¼
Paramount	9	8¼	8¼	— ⅝
Paramount 1 pfd.	72½	70	70	—2
Paramount 2 pfd.	10¾	10⅛	10½	— ¼
Pathe Film	6½	6⅛	6½	+ ¼
RKO	5¼	5	5	.....
20th Century-Fox	24¾	23¼	23⅞	+ ⅜
20th Century, pfd	32	30½	30¾	— ½
Universal, pfd	65	64½	65	—1½
Warner Bros.	9	8⅝	8⅝	— ⅛
Warner, pfd	46⅞	46⅞	46⅞	— ⅛

Curb Issues Maintain Levels

	High	Low	Close	Net Change
Sonotone	2⅝	2½	2⅝	+ ⅛
Technicolor	19⅜	18⅞	19⅜	+ ⅝
Trans-Lux	4¼	4	4	— ¼

General Theatre Bonds Gain

	High	Low	Close	Net Change
General Theatre 6s '40	19¼	18⅛	18½	+ ¼
General Theatre 6s '40 ctf	19	18	18¾	+ ½
Keith B. F. 6s '46	93⅝	93⅝	93⅝	— ⅜
Paramount B'way 3s '55	55⅝	54⅛	54⅛	—1⅞
Paramount Pict. 6s '55	88⅛	85	85	—3
Warner Bros. 6s '39 wd	86¼	86	86	.....

(Quotations at close of Nov. 29)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 129 NEW YORK, MONDAY, DECEMBER 2, 1935 TEN CENTS

Union Fight Threatens Nat'l Operators' Strike

Prosecutor's O. K. Placed On Bank Night

Manhattan Ruling Raises Question About Bronx

Although police activity is expected in the Bronx this week in connection with games in theatres, Bank Night has been officially sanctioned by Assistant District Attorney James J. Smith, who last week recommended dismissal of an action brought against Skouras' Academy of Music. However, it is pointed out, Smith's jurisdiction does not include the Bronx.

In recommending dismissal of the Bank Night case, Wilson told Magistrate Anna Kross in Essex Market Court:

"Here is my attitude and here is the law as I see it.

"The charge being one of lottery, we cannot, of course, decide this by hysteria and by the popular clamor —that is, not popular clamor, but the clamor of certain factions in the com-

(*Continued on page 6*)

Supply Men to Test All Equipment Buys

Adoption of a plan to have all equipment tested and approved before purchase cooperatively for its members has been sanctioned by the board of directors of the Independent Theatre Supply Dealers' Ass'n., according to B. F. Shearer, president. The new method, he said, will protect the independent members.

Only apparatus approved by standard laboratories will be distributed, says Shearer. There are two standard laboratories in New York which test equipment and the organization is opening its own laboratory to pass on

(*Continued on page 6*)

M. B. Comerford Is Badly Hurt in Crash

SCRANTON, PA., Monday, Dec. 2.—M. B. Comerford early this morning was still unconscious following an automobile accident near Daleville on Saturday afternoon. Doctors at Mercy Hospital stated x-rays show no skull fractures but that a brain concussion mitigated against his recovery. Comerford and his wife were on their way to New York to attend a football game when their car was in a collision with a coal truck. Mrs. Comerford was only slightly injured.

Code Seals in November Fall To a New Low

HOLLYWOOD, Dec. 1.—Dropping to a new low since the inception of the code certificate system on July 15th, 1934, the Hollywood Branch of the Production Code Administration during the past month issued code numbers on only 47 features and 32 shorts. The survey includes new films and reissues and dates from Oct. 26 to Nov. 26.

The Hays office approval was stamped on 111 features and 49 shorts, a checkup of the previous month showed.

A total of 998 features and 631 shorts have been okayed since the code seal department was organized.

The titles and releasing companies

(*Continued on page 6*)

Critics Meet Again Today on Best Film

New York newspaper critics will get together again today to decide what's what and what's not what in the formation of their new organization. The meeting place will be set some time this morning.

Since eliminating *The New Masses, The Nation* and *The New Republic* from the proposed group they have admitted the *Morning Telegraph, Time, New Yorker* and the *Brooklyn Daily Eagle*. What they aim to do is to select the best film of the year, best acting job and best script.

Expect Cleanup on Fox St. Louis Plan

Matters pertaining to the reorganization of Central Properties Corp., owner of the Fox, St. Louis, are expected to be cleaned up this week, Donald Henderson of Halsey, Stuart & Co., a member of the bondholders' committee, stated Saturday.

Arthur Pfleiderer, representing the Union Guardian Trust Co., receiver for the Fox, Detroit, has returned to the Automobile City after conferences here last week with Spyros Skouras and Halsey, Stuart officials in connection with the rehabilitation of the theatre

To Probe Merger

Los Angeles, Dec. 1.—The Sabath Congressional Committee, studying reorganizations, will probe the Fox-Twentieth Century merger when it returns here in January, it was learned yesterday.

The Chase National Bank activity in the film industry will be studied in New York the week before Christmas.

A major hearing, pooling those conducted over the country, is to be held in Washington next March.

Paramount Men to Start Meet Today

CHICAGO, Dec. 1. — Headed by Adolph Zukor and John E. Otterson, the final delegation of Paramount home office officials arrived here today for the company's sales meeting which is opening at the Drake Hotel and continues through Tuesday. A smaller home office delegation headed by Neil Agnew arrived yesterday.

Also here from New York are Robert Gillham, Al Wilkie, J. J. Unger, Charles Reagan, Russell Holman, Alec Moss and Don Velde. District managers attending are Milton Kusell, P. A. Bloch, Harry Goldstein, William Erbb, Oscar Morgan, Jac' Dugger, J. E. Fontaine, R. C. Libeau Hugh Braly, M. H. Lewis and Ber

(*Continued on page 6*)

Local 306 to Pick Nominees Wednesday

Nominations for officers whos terms expire this month will be held at the bi-monthly meeting of Local 306 on Wednesday at Odd Fellows' Hall, Brooklyn.

No member absent from the meeting at the time of nomination is eligible as a candidate unless written accept-

(*Continued on page 6*)

Roxy Sees $50,000 For "Old Kentucky"

With the new admission in effect since Thanksgiving Day, the Roxy is expected to tally around $50,000, or better, for the first eight days of "In Old Kentucky." The Music Hall with "I Dream Too Much" will most likely hit about $90,000.

Chicago Closes, Opens— Zero Hour 6 Tonight In IATSE-IBEW Row

The jurisdictional fight between the I.A.T.S.E. and I.B.E.W. late last night assumed grave proportions and threatened to engulf the industry's five major circuits, as well as every theatre playing Paramount pictures, in a nation-wide operators' strike.

Temporarily closing all of B. and K's. six houses in Chicago's "loop," 38 throughout that city and 100 in the Great States circuit in downtown Illinois as well as Paramount's theatres in Iowa and Nebraska, a temporary agreement, with a deadline at six o'clock tonight, subsequently permitted those houses to reopen at two o'clock yesterday and to continue operation throughout the remainder of the afternoon and evening.

Originally held to Paramount houses, indications now are that the fight between the unions, both affiliated with the American Federation of Labor, is to be carried to the business at large by George Browne, president of the I.A.T.S.E., in what is construed as a move to again return his organization to its position of one time power in the field of studio unionism.

Seizing upon the insistence of the Paramount studio that several technical members of a crew dispatched from the coast to photograph background shots for "Thirteen Hours by Air" resign from the I.A.T.S.E. before starting the assignment, Browne the middle of last week telegraphed all of his locals to be prepared to walk out of Paramount houses. He also wired the company's theatre partners of his action. On Saturday, Browne struck in Chicago and Illinois principally when that night saw a strike called. It ran two hours when, as quickly as they withdrew, I. A. oper-

(*Continued on page 6*)

Clougherty-Warner Case Is Withdrawn

Attorneys for M. J. Clougherty, a Warner stockholder residing in Boston, on Saturday withdrew their motion for a temporary injunction pending trial, to prevent Warner stockholders from voting at the company's annual meeting in Wilmington, Dec. 9, on a settlement of another stockholder's action some time ago.

Their move was made at Federal court in Brooklyn where Judge Morti-

(*Continued on page 6*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 2, 1935 No. 129

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Du-Art Sues Yates Firm for $500,000

Du-Art Film Laboratories, Inc., on Saturday served Herbert J. Yates, Jr., in a suit for $500,000 alleging Consolidated Film Industries, Inc., was instrumental in influencing Universal to cancel a contract by which Du-Art handled the distributor's newsreel and foreign prints.

Kuykendall at St. Louis

ST. LOUIS, Dec. 1.—Ed Kuykendall, M.P.T.O.A. head, will be the principal speaker at a luncheon meeting of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois Monday.

Exchange managers and salesmen have been invited.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

NOT all the dramas are fashioned in Hollywood. Centering chiefly in New York, but with ramifications extending to Chicago, the coast and way stations is one of gigantic proportions. It has to do with financial control and new alignments, self-defense and ambition, Paramount and RKO, Twentieth Century-Fox and Loew's, plus M-G-M, and Warners. That's a huge chunk of this business. That's why this becomes a drama of vast and, perhaps, heroic proportions.

▼

It has to do with the reliably reported plan on the part of Floyd B. Odlum for Atlas and John D. Hertz for the Lehmans to create a General Motors plan for this industry; the reluctance on the part of some to see this come about and the necessity on the part of others to protect their interests and it works out in something like the following manner. . . .

▼

Already important in Paramount, already half owner of RCA's $16,000,000 investment in RKO and all owner where management of the latter company is concerned, the Atlas-Lehman group presumably has been negotiating with Chase to acquire all or a substantial percentage of the bank's interest in Twentieth Century-Fox. With a three-way hold, any G. M. idea obviously would become feasible. While, in pursuance of the G. M. conception, the three companies would follow their courses in a price field designated for each, sans merger, there would be thrown into the same pot formidable theatre interests which, obviously again, might be expected to work in sympathy. . . .

▼

If such a state of affairs should come to pass, any true appraisal of the consequences would be something less than accurate if those outside this selected group were not considered. Let's consider them, then, and see where it leads. For instance, what about Nick Schenck and Loew's, plus M-G-M? And what about Harry M. Warner and his theatre and film company? Any coalition of the massed exhibition interests controlled by Paramount, RKO and Twentieth Century-Fox presents a problem, not to suggest a fear. . . .

▼

If it happened, it might conceivably and logically lead to an understanding between Schenck and Warner on what then would reduce itself to a virtual two-way division of the dominant elements in the business. But it might not. Warner is an individualist; his career, barring one effort to merge with Paramount, one effort to purchase a control of Loew's, plus M-G-M, and one to purchase Universal, reveals he prefers to play it alone. In Twentieth Century-Fox, on the other hand, is Joe Schenck. Nick and Joe, very good brothers and bound by their blood tie, make much more sympathetic allies. . . .

▼

You may figure it out as you like, but this may help. Chase is preparing to clear itself of its holdings in Twentieth Century-Fox under the letter of the Federal law, enacted early in the Roosevelt Administration, which dictates that a bank must be a bank or an investment house, but cannot play double-headers. That establishes the motive. The attitude is advanced for Chase that it does not want control, or anything approaching control, of Twentieth Century-Fox to fall into the hands of the Atlas-Lehman group. Neither do the chief interests nor the management of Twentieth Century-Fox. Nothing is said about the reason in so many words, but you are urged to bear the Atlas-Lehman hookup in Paramount and RKO in the foreground and the G. M. scheme in the background. . . .

▼

The practical aspects of the impending Chase divestment include the formation of a securities syndicate by the Lawrence Stern Company, Chicago investment brokers. It is seeking to arrange for the acquisition of the Chase stock. It would purchase, with resale the clear intent, the preferred and common; if not all, as substantial an amount as it can arrange the capital to buy. Coupled with this potential arrangement is reported an understanding that the Twentieth Century-Fox securities would be distributed, generally if not widely, within ninety days for the express purpose of keeping them out of a single control. The new syndicate is not an Atlas-Lehman enterprise. Furthermore, if Atlas and Lehman share, they will constitute two, not one, mind you, of a number of investment houses lined up to spread the Chase holdings. . . .

▼

The owners of Twentieth Century, among other considerations set up when the merger with Fox Film was effected, acquired one-half of the common of the latter company and approximately one-tenth of the preferred. A reputed proviso in the current deal discussed with Chase sets forth that the dominant factors in Twentieth Century-Fox are to acquire the bank's common while its preferred is to be distributed generally. Boiling it all down, the plan indicates that the Joe Schenck-Darryl Zanuck interests, through whatever arrangements they may make, would assume a larger ownership in Twentieth Century-Fox and enough to keep control in the hands of the present management. Joe is close to Nick, Darryl to Louis B. Mayer. This may seem extraneous data and perhaps it is. At least, here it is. . . .

▼

As recently as ten days ago, this looked like the ticket. As recently as last week, some of the machinery slowed down, then stopped. As recently as now, negotiations are virtually at a standstill. The one certain factor in this tale of finance and films is the necessity for the Chase bank to get rid of its Twentieth Century-Fox holdings at the first reasonable opportunity. If this is not to be the deal, there will be a substitute—a new one or a revamp of terms and conditions, but not of objective. . . .

Delay Expected for Brown Suit at Omaha

OMAHA, Dec. 1. — Trial of the $424,500 damage suit of Vern S. Brown, Missouri Valley, Ia., exhibitor, against the major distributors and a number of individuals is not expected to come up in Federal court here until after the first of the year.

The case went off call in the docket last week, but plaintiff's attorney, Grenville P. North, is at liberty to call it up any time.

Meanwhile, Federal Judge James A. Donohoe has overruled all motions for indefinite postponement, for dismissal of charges or dismissal of any of the 28 named defendants.

Coolness Saves Receipts

BOSTON, Dec. 1.—Cool headedness on the part of Dennis Callahan and Rose Collins, employes at the Broadway, saved over $700 for the management over the week-end.

The bandits grabbed $50 in a change box instead of an envelope containing the receipts, but they dropped all but $9.50 of that. William Doyle is manager of the Broadway.

Loew's Gets "Scrooge"

The entire Loew circuit has taken "Scrooge," a Twickenham picture being released by Paramount, during Christmas week.

GERMANY
Outstanding Opportunity
Jewish-owned leading movie theatre concern in Germany, free of debts and producing large income, for exchange against any going American business, preferably motion picture theatres, property or cash, at small percentage of actual value. Box 777, Motion Picture Daily.

SOON...IN YOUR TERRITORY...

will be held one of the 38 greatest simultaneous nation-wide trade showings of motion picture history!

BE SURE...

your name is down on the important invitation list at your Universal Exchange!

THEATRES...

are being selected in every Universal key situation, and the national date will soon be announced! Watch for it!











CARL LAEMMLE presents
IRENE DUNNE *and*
ROBERT TAYLOR
in JOHN M. STAHL'S

MAGNIFICENT OBSESSION

From the best-selling novel by Lloyd C. Douglas with
CHARLES BUTTERWORTH, BETTY FURNESS, SARA HADEN, RALPH MORGAN, HENRY ARMETTA

The title that's known and loved by millions!

Just a few







to let you know that
opened day & date wit
of the season & did th
of the season - by thousa
packs a wallop that's st
show (2nd week now and
But it can't run as long
have positively promised

"Action-packed...gory, scrappy, feverish and melodramatic...fans will love it!"—*Daily Mirror*

"Two-fisted drama for a two-fisted star! Packs a robust wallop ... a swift, actionful, exciting picture!" —*N. Y. American*

"Made to order for Cagney! Packed with action . . . tense, exciting entertainment!" —*N. Y. Evening Journal*



my Cagney's latest

ew York's first snow storm

rand's biggest business

! And this 'Frisco Kid'

acking 'em in show after

re around the corner yet!).

! Men! because Warner Bros.

ing in 'Captain Blood' for Xmas.

. . . And the *New York Times* says "the film is excellently acted all along the way" by a cast of thousands, including MARGARET LINDSAY, RICARDO CORTEZ, LILI DAMITA, DONALD WOODS, BARTON MacLANE and GEORGE E. STONE . . . and "directed with both fists by LLOYD BACON."

Code Seals in November Fall To a New Low

(Continued from page 1)

for the films passed during the month are as follows:

BLACK KING (Beaumont)
(Feature)
"Riddle Ranch."

CELEBRITY
(Shorts)
"Simple Simon."

CHESTERFIELD
(Feature)
"Ring Around the Moon."

COLUMBIA
(Features)
"Crime and Punishment," "Cowboy Crusader," "If You Could Only Cook," "Calling of Dan Mathews," "La Ultima" (Span.), "Fire Trap," "The Lawless Rider."
(Shorts)
"Bon Bon Parade," "Three Little Beers," "Hot Paprika," Screen Snapshots No. 4, No. 5.

FIRST DIVISION
(Feature)
"Swifty."

INVINCIBLE
(Feature)
"Hitch Hike to Heaven."

M-G-M
(Features)
"Ah Wilderness," "The Last of the Pagans."
(Shorts)
"Life Hesitates at Forty," "Alias St. Nick," "Pirate's Party at Catalina Island."

PARAMOUNT
(Features)
Re-issues: "Mama Loves Papa," "Vanishing Frontier," "Derelict," "Billion Dollar Scandal," "It Pays to Advertise," "The Secret Call," "Night After Night," "Her Bodyguard." New: "Nevada," "Coronado," "Hello Everybody," "Her Master's Voice," "Millions in the Air," "The Bride Comes Home," "Rose of the Rancho," "Collegiate."

RADIO
(Features)
"I Dream Too Much," "Seven Keys to Baldpate," "Two Faces."
(Shorts)
"Camera Cranks," "Melody in May."

RELIABLE
(Feature)
"Midnight Phantom."

STATE RIGHTS
(Features)
"Alias, John Law," "Cheyenne Tornado."

20th CENTURY-FOX
(Features)
Re-issues: "Power and the Glory," "The Cisco Kid." New: "My Marriage," "The Littlest Rebel," "Your Uncle Dudley."
(Shorts)
"Choose Your Partner," "The Brain Busters."

UNITED ARTISTS
(Feature)
"Splendor."
(Shorts)
"On Ice," "Music Land," "Pluto's Judgment Day," "Cock O' the Walk."

UNIVERSAL
(Features)
"East of Java," "Sunset of Power."
(Shorts)
"Tailspin Tommy"—Episodes Nos. 10, 11, 12; "The Case of the Lost Sheep," "You Can Be Had," "Frank Merriwell"—Episodes Nos. 1 and 2.

WARNERS
(Features)
"Song of the Saddle," "Meet the Duchess," "Broadway Hostess," "Ceiling Zero."
(Shorts)
"Fire Alarm." "Regular Kids," "Carnival Days," "Tall Timber," "Logging Along," "King of the Islands," "Lonsome Trailer," "Flowers for Madame."

Players Lose Parents

Charles C. Leppert, father of Alice Faye, is dead.

CHICAGO, Dec. 1.—Charles L. Appel, father of Lila Lee, died in Elyria, O., Friday.

Union Fight Threatening Nat'l Strike

(Continued from page 1)

ators returned to their posts. Yesterday, however, B. and K. and Great States Theatres were unable to open until two o'clock in the afternoon.

It is understood the temporary agreement expiring at six tonight forestalled shutdown of Warner houses in Chicago and RKO and Loew theatres in Greater New York at seven o'clock last night, although Major Leslie Thompson, representing RKO, declared over the telephone from his home in Larchmont he had heard nothing to indicate such a step was contemplated. N. J. Blumberg, general operator of the circuit, likewise said he had had no such information while Charles C. Moskowitz, representing Loew's, Inc., could not be reached for a statement. Joseph Bernhard, general manager of the Warner circuit, was reported out-of-town and unavailable by either telegraph or telephone. M. H. Aylesworth, chairman of the board of RKO who was slated to leave for Hollywood yesterday did not go, presumably because of the tenseness of the general labor situation which may kick back into production on the coast.

The consensus of executive opinion, as expressed last night, holds that the fight, purely jurisdictional, once again "sandwiches" the industry in the middle of a conflict not of its making. The difficulty stems to the cameramen's strike in Hollywood several years ago which resulted in the formation of a union identified with the I.B.E.W.

When the so-called "Big Five" union pact was signed by the studios some time back, the I.A.T.S.E. was not embraced. However, a nine-year contract was signed with the International Brotherhood of Electrical Workers. Since that time, the I.A.T.S.E. sphere of influence on the coast has shriveled. Incidents cropping up in the last few months have persistently demonstrated that the I. A. was smarting under the prevailing condition and had not relinquished any ideas about recouping its lost prestige in that direction.

The "Thirteen Hours by Air" incident, coupled with one involving a unit M-G-M had dispatched to Detroit and the use of I. B. E. W. men on location in San Pedro Harbor by Universal and Halperin Bros. in the last couple of weeks apparently has touched off an in-the-open campaign of aggressiveness.

Impressions that Browne and his organization are eyeing Hollywood were strengthened last night by the statement of a high ranking theatre executive who said:

"The theatres are innocent parties in this fight which looks like a bitter one."

Paramount Silent

CHICAGO, Dec. 1.—Paramount executives, assembled here for a sales convention, refused today to comment on the I.A.T.S.E.-I.B.E.W. jurisdictional fight, declaring the decision will come from Washington. Neil F. Agnew held a short sales meeting in the morning and screenings in the afternoon and evening. Studio executives arrive Monday.

The temporary operators' strike today found only the Palace (RKO), Orpheum (Warners) and State-Lake and Woods (Aaron Jones) open in the "loop." At two o'clock the B. and K. theatres threw open their doors. At the same time, 38 B. and K. city houses and 100 downstate units in the Great States circuit opened for business. They were all temporarily closed Saturday night and today.

Supply Men to Test All Equipment Buys

(Continued from page 1)

apparatus not handled by the two testing plants. J. E. Robin, executive secretary of the I. T. S. D. A., will be in charge.

"A lot of junk has been on the market during the depression," Shearer said. "Under the testing plan no inferior product will be handled by supply members."

There are 37 members in the association, the president said. Business during the last year has increased 30 per cent. It is the aim of the organization to increase its advertising budget. This is expected to be acted on at the annual convention at the Edgewater Beach Hotel, Chicago, the latter part of June. A directors' meeting will be held a day before the convention.

Clougherty-Warner Case Is Withdrawn

(Continued from page 1)

mer W. Byers still has under consideration a show cause order sought by Warners and asking for dismissal of the Clougherty action on the ground that the Brooklyn court is without jurisdiction in the matter.

Howard W. Ameli and Milton Paulson, attorneys for Clougherty, recently filed a similar stockholder's action on behalf of Max Goldberg in Federal court in Manhattan and it is believed that trial of this action will be pressed instead of the Clougherty action in Brooklyn.

Paramount Men to Start Meet Today

(Continued from page 1)

Blotcky. A coast delegation headed by Ernst Lubitsch, Watterson Rothacker and Chandler Sprague is due here on Monday morning. Bill Pine arrived from the coast Friday for the meet.

In addition to sales and production conferences the meeting will view a number of new Paramount productions which have been brought here to be screened for the officials.

Local 306 to Pick Nominees Wednesday

(Continued from page 1)

ance of nomination is filed with the recording secretary.

The new Brooklyn office of the local at 98 Flatbush Ave. will be officially opened at this meeting.

In the meeting notice to members, a notation states: "Please disregard any notifications 'signed' by the recording secretary of any meetings other than the official Local 306 meetings."

Prosecutor's O. K. Placed On Bank Night

(Continued from page 1)

munity. We must decide this on the law.

"It is my opinion that this comes squarely within the advertising methods business is using these days in order to attract business.

"Bank night is a system by which theatres throughout the country are using a copyrighted system to attract business. In many states in the Union Bank Night has been declared legal and public authorities have seen fit to copyright the schemes. This stamps it with some degree of legality.

"Considering the fact that no state in the Union allows a lottery, lotteries are illegal in all states, yet many of the states where similar cases have been tested have decided in favor of its legality.

Lottery Not Involved

"Now, New York State is not going to be behind in following the trend of the times. Business houses today are obliged to resort to certain methods to attract business. If they keep within the law, we should not criticize them, even if we don't like their methods.

"In my opinion, this plan does not involve the three elements so necessary to a lottery, which are: the offering of a prize, the drawing for the prize and the payment of a considera tion.

"Two of the elements are apparently present; the offering of the prize and the drawing. But persons who enter the theatre may, or may not register. They pay nothing for the privilege of registering, but they do pay for the performance.

"If their name or number is not drawn the first time, they may come back again some other time and without buying anything they may participate in the prize.

"Use Common Sense"

"Now it is about time that we use a little common sense in these things and simply attune the interpretation of the law to methods of the business men of today.

"In my opinion, there is not anything here on which to hold, and will so recommend, that the defendant be discharged."

Louis Weber was attorney for Skouras in the case. He was highly complimented by the magistrate on brief he presented. Mrs. Kross said:

"I want to tell you, after reading the brief, I wanted the people to have an opportunity to oppose it if they saw fit, but I was so convinced there was not sufficient grounds for a hold ing and I was going to discharge."

Wilson then stated:

"We ought to give business a break these days. They have enough trouble without harassing them."

F. & M. Buy Rivkin Pla

Fanchon & Marco have bought Alan Rivkin's "Bare Stage" for presentation as a New York stage play. The deal was handled by John A. Schultz eastern associate of the firm.

"Bounty" Is Loop Smash; Gets $34,100

CHICAGO, Dec. 1.—Extreme cold weather hurt business at the beginning of the week, but the holiday brought about a pickup which sent "Mutiny on the Bounty" more than 100 per cent over average for a total of $34,100 at the United Artists.

"Thanks a Million" was in the money at the Roosevelt on a take of $16,900, over par by $5,900. "In Old Kentucky" hit a smart $32,800, with Stepin Fetchit on the stage. "A Midsummer Night's Dream" was in the hit class with a take of $10,600 at the Apollo.

Total first run business was $151,500. Average is $117,000.

Estimated takings:

Week Ending Nov. 26:

"THANKS A MILLION" (20th-Fox)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $16,900. (Average, $11,000)

Week Ending Nov. 27:

"TWO FISTED" (Para.)
ORIENTAL — (3,490), 25c-40c, 6 days. Stage: "Gee Women." **Gross:** $16,600. (Average, $15,000)

"THREE MUSKETEERS" (Radio)
PALACE—(2,509), 25c-35c-50c, 6 days. Stage: Jack Hylton and his Continental Revue. **Gross:** $19,100. (Average, $19,000)

Week Ending Nov. 28:

"IN OLD KENTUCKY" (20th-Fox)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Stepin Fetchit in person and revue. **Gross:** $32,800. (Average, $32,000)

"DR. SOCRATES" (W.B.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,600 (Average, $5,500)

Week Ending Nov. 29:

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(1,700). 30c-40c-60c, 7 days. **Gross:** $34,100. (Average, $17,000)

"A MIDSUMMER NIGHT'S DREAM" (W.B.)
APOLLO—(1,400), 50c-$1.50, 7 days. Two shows daily. **Gross:** $10,600. (Average, $4,500)

"I LIVE FOR LOVE" (W.B.)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: "Folies de Paree" revue. **Gross:** $14,800. (Average, $13,000)

Wall Street

Short Gains on Big Board

	High	Low	Close	Net Change
Columbia	67	67	67	—1½
Consolidated Film.	5⅜	5¼	5¼	.....
Consolidated, pfd.	18	18	18	.....
Eastman Kodak	161	160½	160½	— ½
Eastman, pfd.	157	157	157	— ½
Keith-Albee-Orpheum, pfd.	80	80	80	—5
Loew's, Inc.	51⅞	51⅝	51¾	.....
Loew's, Inc., pfd.	106⅝	106⅝	106⅝	+ ⅛
Paramount	8¾	8⅞	8¾	+ ½
Paramount 1 pfd.	70½	67	70¼	+ ¼
Paramount 2 pfd.	10⅞	10⅞	10¾	+ ¼
Pathe Film.	7⅜	6½	7	+ ½
RKO	5	4⅞	4⅞	— ⅛
20th Century-Fox	23¾	23½	23¾	— ⅛
20th Century pfd.	31	30¾	31	+ ¼
Warner Bros.	8¾	8⅝	8¾	+ ⅛

Little Curb Activity

	High	Low	Close	Net Change
Sonotone	2½	2½	2½	— ⅛
Technicolor	19⅜	19⅜	19⅜	.....
Trans Lux	4⅛	4⅛	4⅛	+ ⅛

Paramount Bonds Up ¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	18⅝	18⅜	18½	.....
Paramount Pictures 6s '55	85½	85	85½	+ ¾
RKO 6s '41 pp	78	78	78	— ½
Warner Bros. 6s '39 wd	85¼	85¼	85¼	— ¾

(Quotations at close of Nov. 30.)

Purely Personal

REGINALD GOODE will revive "The Patsy" at the Gateway Theatre in Greenwich Village on Dec. 5. GOODE instructed DORIS NOLAN, now appearing in "The Night of Jan. 16," who has recently been signed to a film contract.

•

HARRY MOSKOWITZ, who is touring the Argentine with BILL MELNICKER, will probably head for China shortly after his return to New York after the first of the year. M-G-M is planning to build its own theatre in China.

•

ARTHUR SCANCHEZ of Trans-Oceanic Film Export Co. is on his way home from a three-month business trip through Spain, France, Belgium, Czechoslovakia and other European countries.

•

BUCK JONES will show the town to his 17-year-old daughter, MAXINE, who is making her first visit here. NOAH BEERY, JR., who squires Miss JONES in Los Angeles, will accompany them on their rounds.

Quip of the Day

License plates on Mox Shobbus' new car read 77-B. Which is a tip-off to his creditors.

By the way, what's ever become of Mox?

—Ali Gaga

JOSEPHINE BAKER sent a small forest of chrysanthemums to LILY PONS via RUTGERS NEILSON'S office on the opening of the opera star's new picture at the Music Hall.

•

JACK D. TROP, who leaves Chicago for the coast tomorrow, will spend about two weeks in Hollywood conferring with HARRY SHERMAN, producer of six westerns for Paramount.

•

BOB FOLLIARD, Washington, D. C., branch manager for RKO Radio, is here talking things over with JULES LEVY.

•

ZION MYERS, associate producer for Radio, is on his way east for a month's vacation that will include visits to Key West and Havana.

•

FRANK FIELDING of the RKO Philadelphia exchange was in and out of the home office on a quick visit.

•

J. H. HOFFBERG is doing his training at the Midtown gym these days. Ditto for BERNIE BROOKS.

•

LOUIS PHILLIPS is making plans for a winter vacation.

•

AL ZIMBALIST has returned to New York.

•

JACK PARTINGTON is back from the coast.

•

. . Chicago

BOB COLLIER, out from New York, is arranging tieups for "A Midsummer Night's Dream" at the Apollo.

HENRI ELLMAN, independent exchange operator, is due here from the coast this week. He has been gone five weeks.

JAMES MULVEY, SAMUEL GOLDWYN'S personal representative, spent some time here last week at the United Artists office.

WARREN BROWN and WALTER HUSTON were guests at the B. & K. Employes' Club Midnite Mix at the Oriental the other evening.

EDWARD WOLK, equipment manufacturer, is back from an eight weeks' tour of eastern and southern states. He reports business everywhere on the upgrade.

•

. . . Denver

ED PIERCE and MAX KRAVATZ have joined Alexander Film Co. of Colorado Springs.

BOB SPAHN, recently with the advertising accessory department at Warners' exchange, is assistant booker at the Gibralter Enterprises now.

D. H. RULIFFSON, ERPI sales manager in the central division, was in Denver last week to attend the Gibralter annual banquet. He flew here from Chicago.

•

. . . Oklahoma City

H. O. STARK, former film salesman and RCA representative in Oklahoma City is now assistant city manager for Griffith Amusement Co. theatres in Pampa, Tex.

J. ELDON PEEK, consulting engineer and owner of the Oklahoma Theatre Supply Co. has been in the east where he attended the convention of the Heywood-Wakefield Seat Co. at Gardner, Mass. PEEK also visited New York City, Toledo and Chicago equipment manufacturers.

HARRY G. WALDRON'S Blue Moon at Minco, Okla., burned to the ground the other day.

•

. . . Portland

J. J. PARKER of Parker Theatres, and C. S. JENSEN of Jensen, Von Herberg, were among the 40,000 visitors to the automobile show. They both left orders for new buses.

JOE MERRICK of the new Far West Exchange is lining up personnel here and in Seattle.

•

. . . Washington

JOHNNY PAYETTE and HARRY LOHMEYER both turned over the Warner Avalon and Tivoli Theatres to the Good Samaritans, Inc. for special children's matinee Nov. 30.

RKO's AL FOLLIARD rolled 155 in the motion picture bowling tournament and now holds top honor post.

SIDNEY LUST, the conductor of a new column of showmen news appearing weekly in the *National Jewish Ledger*.

ARTHUR DETITTA, Fox Movietone's contact here, supervised direction of a special film at Variety Club's annual affair.

ED GRAINGER, visiting the local exchange and expressing gratitude at the results in the recent S. R. Kent Drive.

Williams Out Again

OMAHA, Dec. 1.—Charley Williams, president of local M. P. T. O., has come out victorious with another sick spell and was visiting exchanges last week after being in bed for nearly 10 days.

"Mutiny" Is Seattle Top In 2nd Week

SEATTLE, Dec. 1.—"Mutiny on the Bounty" led the town for its second week at the Blue Mouse on an extended run from the Fifth Avenue. The $6,100 take was over average by $2,100.

Business was pretty weak all along the line.

Total first run business was $34,150. Average is $32,500.

Estimated takings for the week ending Nov. 25:

"MUTINY ON THE BOUNTY" (M-G-M)
BLUE MOUSE — (950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $6,100. (Average, $4,000)

"A NIGHT AT THE OPERA" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,850. (Average, $7,000)

"A FEATHER IN HER HAT" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 6 days. **Gross:** $4,250. (Average, $4,000)

"THANKS A MILLION" (20th-Fox)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $3,950. (Average, $4,000)

"I FOUND STELLA PARISH" (W.B.)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $5,800. (Average, $6,000)

"KING SOLOMON OF BROADWAY" (Univ.)
"BAD BOY" (20th-Fox)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $4,750. (Average, $5,060)

"THE PAYOFF" (F.N.)
REX—(1,500), 15c-25c, 7 days. Stage show and stage band. **Gross:** $2,450. (Average, $2,500)

Move M-G-M Exchange

OKLAHOMA CITY, Dec. 1.—M-G-M exchange has moved into its new quarters at 629 W. Grand from 515 S. Robinson after 10 years in the old location, according to W. B. Zoellner, branch manager.

The building is modernistic in yellow brick and black glazed terra cotta. New equipment has been installed.

'Another Face' New Title

HOLLYWOOD, Dec. 1. — "Another Face" is the final title of Radio's "It Happened in Hollywood."

'MARY BURNS, FUGITIVE"

at

PARAMOUNT THEATRE

HARTFORD, CONN

turns in the

best gross of any

picture playing

the house since

last July

It Pays to Play a Paramount Picture!



EACH YEAR THERE'S ONE HOLIDAY SHORT SUBJECT THAT STEALS THE SHOW!

It's very unusual for the same company to win the holiday honors two years in a row. But M-G-M, which gave yc "Toyland Broadcast" at the holidays a year ago, modestly believes it has the short subject winner again this holida season. Again Harman-Ising, those clever lads, have come through with a festive Happy Harmonies Cartoon (i three-color Technicolor and musically a delight!) A single reel that's feature strength! We urge you to book it at once

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 130 NEW YORK, TUESDAY, DECEMBER 3, 1935 TEN CENTS

IATSE Ends Strike Moves Pending Industry Parley

Allied Sees Failure for NRA Revival

Myers Regrets Lack of Local Arbitration

WASHINGTON, Dec. 2.—Predictions that nothing will come of Major Berry's industry conferences for reviving some form of the NRA are contained in the latest issue of the Allied bulletin prepared by Abram F. Myers.

At the same time Myers expresses regret that prospects are not brighter for some form of regional, voluntary industry action for control of abuses.

"While no thoughtful person can support the Berry movement," the bulletin reads, "it is still a matter of regret that industries, such as the motion picture industry, can not rid themselves of unfair and uneconomic

(*Continued on page 4*)

Merger in Phila. Seen as Imminent

PHILADELPHIA, Dec. 2.—The merger of the two local independent exhibitor organizations, the M. P. T. O. and I. E. P. A., appears imminent following the ratification today of the proposal by both units. Committees from both will meet Thursday to iron out details, with a joint meeting of the units scheduled for the middle of the month.

Tentative plans indicate the Independent M. P. T. O. will be the name of the new body. It is not known what effect the change will have on affiliations with the M. P. T. O. A. and Allied. It is proposed that George P. Aarons be retained as counsel and secretary, a post he now holds with the M. P. T. O.

Comerford Injuries In Crash Are Fatal

SCRANTON, Dec. 2.—M. B. Comerford died in Mercy Hospital here today from injuries he suffered in an automobile accident near Daleville, early Saturday morning.

Comerford was general manager and treasurer of the chain of theatres owned by his uncle, M. E. Comerford, bearing the family name. He was born in Larksville, Pa., and received his early schooling at St. Vincent's Academy in Plymouth, Pa., and the Stroudsburg Normal College, later attending the Wharton School of Finance here. He taught in Pennsylvania schools, was connected with the construction of roads in this state, and represented affiliated exhibitors on the Grievance Board.

Radio Studio on Coast Is The Vision of Aylesworth

The "wedlock" between radio and films envisioned by M. H. Aylesworth, president of NBC, in Hollywood as far back as 1932 comes a step closer with the formal opening on Saturday of NBC's new coast studio in the location formerly occupied by Consolidated Film Industries, Inc.

The project was first broached by Aylesworth in a general press conference held at the Radio studio over three years ago during which he scoffed at any impressions which may have been afloat at the time that radio was a menace to the film industry and gave it as his analysis that a wedding of the two would redound to the mutual advantage of each form of entertainment. He also made public NBC's plan for the broadcasting plant which is about to open and expressed the hope that the coast film studios would take advantage of its facilities.

Leading film, radio and stage personalities will participate in the dedication which will be broadcast over a coast-to-coast NBC-WJZ network from 10:30 P. M. to midnight, Eastern standard time. David Sarnoff, president of RCA, will speak from New York, while Will H. Hays will extend congratulations from the coast. Ruth Etting will send greetings from Hawaii. Others who will appear on the initial program include Gladys Swarthout, Marion Talley, Irvin S. Cobb, Jack Benny, Mary Livingstone,

(*Continued on page 4*)

Await Naming Of New Judge In St. Louis

ST. LOUIS, Dec. 2.—With no successor named to date to replace Federal Judge George H. Moore, who disqualified himself 10 days ago from hearing the Government's equity suit for a preliminary injunction against Warners, Paramount and RKO for allegedly refusing to serve the Ambassador, Missouri and New Grand Central, local attorneys interested in the case are looking forward to the selection of a new judge by Presiding Justice Kimbrough Stone of the

(*Continued on page 4*)

Lubitsch Sees Billion Film Income Ahead

CHICAGO, Dec. 2.—America will spend one billion and 40 million dollars at motion picture box-offices during 1936, Ernst Lubitsch estimated at the Paramount sales meeting here today, and stated that Paramount would meet this anticipated business improvement by launching its greatest production program since 1930.

Lubitsch said that his estimate was based on a recent report by the M. P. P. D. A. that weekly theatre attendance this year will average 80,-

(*Continued on page 5*)

No Ascap Fee Cuts With Warners Out

Indications are that the American Society of Composers, Authors & Publishers will make no reduction on its present music licensing fees as a result of the loss to its catalogue of the Warner controlled music after Jan. 1 through the resignation from

(*Continued on page 4*)

Stay Is Denied on Filming "January"

Twentieth Century-Fox has won a preliminary round in the legal battle started by L. C. Page & Co., Boston publishing firm, to prevent it from using "Captain January" as a Shirley Temple film. Judge Knox in the U. S. District Court for the Southern

(*Continued on page 4*)

Holds Off Until Browne Airs Situation with Company Heads

CHICAGO, Dec. 2.—No action affecting the national theatre field will be taken immediately in the jurisdictional fight between the I. A. T. S. E. and I. B. E. W., it was decided here today at a conference among George Browne, I. A. president, and John E. Otterson, Paramount president and other company officials.

No strikes, walkouts or other action will be taken, at least pending a conference among Browne and the heads of major studios. The meeting will take place in New York at an undetermined date.

Browne arrived here, where a Paramount sales meeting is being held, today from Washington, where he was over the week-end. B. & K. houses here and elsewhere in the city and state were closed for a time during the week-end, as were Paramount theatres in Iowa and Nebraska, and were later reopened with a deadline set at six o'clock Monday night. Further action in that regard was halted by the conference, however.

Adolph Zukor said, following the meeting, "After the discussion it was agreed that this is an industry matter rather than a local problem. Representatives of the union and film companies interested will meet in New York at a date to be agreed upon and settle the matter."

It is probable that the joint conference will take place in a week or 10 days.

Pat Casey, studio intermediary with

(*Continued on page 5*)

Equity Will Force Members Into Guild

Effective Jan. 1 any member of Actors' Equity Assn. accepting employment at a Hollywood studio will be required to become a member of the Screen Actors' Guild and to maintain a position of good standing in the latter organization while working within its jurisdiction, it was stated at Equity headquarters yesterday.

Equity members are being advised of this stand which results from action taken recently by the Equity council and described by that organization as a "move to tighten the working agreement between the two organizations."

Equity members becoming members

(*Continued on page 4*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 3, 1935 No. 130

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Academy Starts Its Recording Classes

HOLLYWOOD, Dec. 2.—The Academy Research Council inaugurated a course in the fundamentals of sound recording, a branch of the Academy's recently announced technical school, tonight in the Liberal Arts Building of the Hollywood High School. The first meeting of the second section of the class is slated for tomorrow night with subsequent meetings scheduled for Monday and Thursday and Tuesday and Friday evenings. A. P. Hill of Erpi is instructor.

William Koenig, chairman of the council, and Major Nathan Levinson, vice-chairman, officiated at the opening of the course.

Over 150 applications had been received. Additional classes probably will be organized after the holidays.

PEERLESS FILM PROCESSING CORP.
130 West 46th St., New York
Now processing film for:
DELUXE LABORATORIES, INC.
TWENTIETH CENTURY-FOX
EDUCATIONAL FILMS
COLUMBIA PICTURES
GAUMONT BRITISH
UNITED ARTISTS

Purely Personal

CECIL MARKS, EMANUEL SILVERSTONE, TRUMAN TALLEY, LOWELL THOMAS, LEW LEHR, FRANK BUCK, NORTON RITCHEY, HASKELL MASTERS, AL HOVEL, MITCHELL KLUPT, JACK W. SPRINGER, HARRY SHIFFMAN, AL FRIEDLANDER, IRVING BARRY, PAUL BENJAMIN, A. P. WAXMAN, MONROE GREENTHAL, WILLIAM FEITELSON, CHARLES PAINE and HALSEY RAINES among those gathered at the Tavern during yesterday's noon hour.

•

HAZEL FLYNN, Music Hall publicist, is putting over no end of exploitation stunts, what with her recent airplane tieup on display in the theatre's lounge, the retiring of an old airplane and the Molay broadcast over the week-end.

Quip of the Day

Herbert Bayard Swope strolled into "21" the other evening, following the opening of "Boy Meets Girl."

"It's splendid. A fine show, very well done. In fact, it's the the best thing since . . ."

And then, he began to grope for a comparison when someone at an adjoining table, said sotto voce:

"Since girl meets boy."

W. G. VAN SCHMUS, who made his stage debut the other night by introducing LILY PONS to the Music Hall audience, leaves today for the coast with his stage manager, LEON LEONIDOFF.

•

CHARLES ("CHIC") SALE has arrived here to visit his daughters. His latest picture, "The Perfect Tribute," opens at the Capitol with "A Night at the Opera."

•

RUSSELL HARDIE, who is currently stageplaying in "Remember the Day," will attend the Roxy's afternoon showing today of "In Old Kentucky" in which he appears.

•

LYNN FARNOL, whose favorite agency is Donahue & Coe, 'planes it west on Sunday. He will remain there four or five days and then return east.

•

Mrs. JAMES R. GRAINGER leaves for Beverly Hills shortly on her usual holiday trip west. She will spend the winter in California.

•

ALBERT J. COHEN's and ROBERT T. SHANNON's "Murder Under the Stars," an original story, has been purchased by M-G-M.

•

LESLIE E. THOMPSON hasn't recovovered sufficiently from that bad cold to report at his office.

•

The BOB MCNEILS shove off for San Francisco Saturday via the Canal.

•

DONALD OGDEN and MRS. STEWART arrive in the *Santa Elena* today.

•

MARIA GAMBARELLI is due here Thursday.

•

JULES LEVY has left his cold behind him.

•

CECIL MARKS, general manager for U. A. in Australia, plans to leave for the coast Thursday, but may stay over until Saturday when he may take a plane to catch the *Mariposa.*

•

WILLIAM PIZOR of Imperial Distributing Corp., has returned from Hollywood.

•

IRENE BORDONI starts work today in a two-reeler at the Vitaphone studios.

•

. . . San Francisco

JOE ENOS, former manager of the California here, is now in charge of M. L. MARKOWITZ's Davies, another Market St. house.

LOUIS HYMAN, new Pacific Coast sales supervisor for Chesterfield and Invincible, has been in San Francisco conferring with local exhibitors.

R. WING, new manager of the Crystal in Salinas, was in the city this week.

GERALD HARDY, who recently opened the New Fulton, in Fresno, was here this week on a buying trip.

First of "Top Hat" Cases Up Here Today

The first arbitration case involving "Top Hat" will be held today at the offices of Allied of New Jersey. The case will go on at 2 P. M.

Louis Gold, operator of the Rivoli, Newark, brought the complaint against RKO, contending that the picture is one of the Fred Astaire-Ginger Rogers 1934-35 group. The distributor contends that "Top Hat" is one of this season's releases. Louis Nizer will represent RKO and will hold there is nothing to arbitrate since there is no provision in last year's contract for this picture.

Sidney Samuelson, head of the New Jersey unit, will most likely represent the exhibitor.

About a month ago RKO was victorious in the Cleveland courts when four cases of the same nature were thrown out.

"Kentucky" $35,000 Draw in Four Days

Although slightly under expectations, due to bad week-end weather, "In Old Kentucky" garnered $35,000 in the first four days at the Roxy. "Frisco Kid" at the Strand tallied more than $33,000 in the first week and "The Land of Promise" was good for around $12,000 at the Astor.

"Splendor" in its first week at the Rivoli ended with about $20,600. The Paramount with "So Red the Rose" is expected to end the week with approximately $30,000. "Millions in the Air" follows. "Mutiny on the Bounty" leaves the Capitol Thursday night to make way for "A Night at the Opera."

Re-Title Cantor Film

HOLLYWOOD, Dec. 2.—"Strike Me Pink" is the release title of Eddie Cantor's picture which has been called "Shoot the Chutes" during production. It is nearing completion.

John Wick Killed

MIDDLETOWN, O., Dec. 2.—John Wick, 53, caretaker at the State and Family, independents, was fatally injured when struck by an automobile while crossing the street.

Trans-Lux Seeking New Stock Listing

By BERTRAM F. LINZ

WASHINGTON, Dec. 2.—Application for registration of 60,000 shares of $1 common stock on the New York Curb Exchange has been filed with the Securities and Exchange Commission by Trans-Lux Daylight Pictures Screen Corp.

The issue is in addition to the 785,160 shares for which registration was asked last May.

The company's statement shows that the only holder of 10 per cent or more of the stock is Rowe & Co., New York, which has 170,577 shares.

Salaries of officers, as reported by the company, include Percy N. Furber, president, $32,120; Leslie E. Thompson, president of a subsidiary, $10,360; Percival E. Furber, vice-president, $5,200, and Robert L. Daine vice-president, $3,780.

The company has two fully owned subsidiaries, Trans-Lux Movies Corp. and Canadian Trans-Lux Corp., and one partly owned, Trans-Lux Movie Ticker Corp.

Officers' holdings of Trans-Lux stock included 25,330 shares by Percy N. Furber, 6,950 shares by George H. Robinson, 1,503 by Arthur C. Payne vice-president; 1,050 by Percival E. Furber, and 1,000 by Leslie E. Thompson. Edward Lauder, Jr., director holds 10,000 shares.

Under a contract with Furber Thompson is to receive 10 per cent of the net profits, with a minimum annual remuneration of $35,000.

Walker to Join Law Firm Soon, He Says

"Along about February I'm going to enter a law firm in all likelihood. Just which one stands undecided today. But it will be a conservative substantial firm and I'll be a highly active member," confided former Mayor James J. Walker to Joseph Mulvaney in the *New York American* yesterday.

MOTION PICTURE DAILY reported Walker's plans on Oct. 17 which was prior to his return to this country from an extended stay abroad. It was understood then that Harry Brandt, president of the I.T.O., had approached him via transatlantic telephone with an offer to head that local independent theatre organization and that Walker had refused, thereby indicating he had no ideas about again participating in the affairs of the film industry.

First Division Busy On Six Territories

With distribution setups being held up temporarily in Kansas City, Omaha, Denver, Salt Lake City, Minneapolis and Des Moines, First Division is withholding announcement of country-wide hookups until franchise deals in the six spots are consummated. This is expected in a few weeks.

Goetz Coming East

HOLLYWOOD, Dec. 2.—Harry M. Goetz, president of Reliance, expects to leave for New York on Tuesday. He may accompany his brother, Ben, recently appointed to handle M-G-M foreign production with headquarters in London.

Marty Mullin and Sam Pinanski, of the M & P Theatres, Boston, tell us:

"WE'VE DONE OUR CHRISTMAS SHOPPING—AND WE'RE RESTING NICELY, THANK YOU"



"Yes, sir," say **MARTY AND SAM,** "anybody who wants to worry about what to play during Christmas week, can do so. We've already booked a couple of numbers which are going to carry us through very pleasantly. One of them happens to be Paramount's **'COLLEGIATE'**, and the other is **'SCROOGE'**, the new edition of Dickens' 'Christmas Carol' that Paramount has wrapped up for Christmas delivery."

"**'COLLEGIATE'** " Marty and Sam explain, "will take care of the youngsters between fifteen and twenty-five, and those are the biggest part of our trade during the holidays. **'SCROOGE'** is full of the spirit of Christmas; will appeal to everyone from six to sixty and be just the right kind of picture to book the week before Christmas.

"I'll leave the pain of last-minute shopping to friend wife," says **MARTY**, "and hope she lays off buying me any more of those Christmas Perfectos."

"That goes for me, too," says **SAM.**

"M & P" know_____

It Pays to Play a Paramount Picture!

Await Naming Of New Judge In St. Louis

(*Continued from page* 1)

U. S. Circuit Court of Appeals by the end of this week or possibly next.

It is hardly likely the temporary injunction action will be set for hearing before the first of next year. All Federal judges here are said to have their dockets lined up until the end of the month. In the event a judge from outside the city is brought in, this would not advance the date any, it is said, because of the necessary time required by various defense counsel for preparations.

Russell Hardy, prosecuting attorney, is understood to be preparing to recall all witnesses who have appeared in the criminal action for the second case. The Government is determined to make every effort to win the injunction proceedings and bring back witnesses who have already taken the stand to repeat the testimony, and answer further questions not included in the previous transcript.

Government Called 22

Less than $5,000 of the reported $25,000 spent by the Government for the criminal action was charged off to traveling expenses of witnesses. Not only is Hardy preparing to go over the same ground embraced in the three-year period covered by the indictments, but he is also figuring on questioning officers of the three companies and others on deals made from Jan. 11, 1935, to date.

Although 40 witnesses had been subpoenaed, the Government called only 22, exclusive of Gordon E. Youngman, RKO attorney, who voluntarily took the stand to explain a draft which later resulted in the RKO-Warner contract for the Shubert-Rialto. Inasmuch as Hardy plans to try the equity suit as a separate action, additional witnesses may be summoned.

During the first case, the Government was granted a severance for Abel Carey Thomas because of his illness and, despite acquittal of Harry M. Warner, Herman Starr, Gradwell L. Sears, Ned E. Depinet and George J. Schaefer and their companies on the indictment charges, Hardy has refused to dispose of the matter. It's officially on the Federal Court calendar and may be docketed at the convenience of the Government.

To Seek Dismissal

Defense counsel, it is understood, will make renewed efforts to dismiss the equity hearing, citing cases of a similar nature where the court has discharged injunction proceedings without trial after an acquittal by jury.

The first complication the Government has brushed up against in the second case is the resignation of Schaefer from Paramount. He is in Mexico vacationing and whether he will be around for the next trial if, and when, it goes on, is unanswerable at this time.

Meanwhile, certain New York lawyers of the companies involved who had been planning on taking a vacation around the Christmas holidays are holding their contemplated trips in abeyance until a judge has been appointed and a date for trial set. That also goes for the local legal clan.

Coast's Radio Studio Vision Of Aylesworth

(*Continued from page* 1)

Al Jolson, Wallace Beery, Anne Jamison, Ginger Rogers, Nelson Eddy, Edgar A. Guest, Phil Regan, Bing Crosby, Joe Penner, Stan Laurel, Oliver Hardy and George Jessel. The announcing will be handled by James Wallington, Don Wilson and Sam Hayes.

Aylesworth is now on his way west as are Herbert J. Yates, president of Consolidated whose company was in charge of construction, and W. Ray Johnston, president of Republic Pictures. Richard C. Patterson, Jr., executive vice-president of NBC, departed for Hollywood on Saturday, but is making stopovers at Chicago, Salt Lake City and other cities before reaching the coast.

HOLLYWOOD, Dec. 2.—NBC's new broadcasting studios are located in the building formerly occupied by Consolidated Film Industries. It has been completely refinished along conservatively modern lines and now is both fireproof and earthquake-proof.

All construction has been in accordance with the principles followed and developed in Radio City and the latest technical, soundproofing and air-conditioning equipment installed. RCA apparatus is used throughout.

Has Audition Studio

The main building, two stories high, houses three studios and various offices and is 140 ft. long and 75 ft. deep. Its exterior is of white stucco with chromium and black metal trim. Over the entrance is a large vertical "NBC" sign, black and chromium and neon-lighted. A second, smaller adjacent building has been converted into a single studio for auditions and is of similar construction.

Across the front of the main building are eight offices—for Don Gilman, NBC vice-president in charge of the western division when he visits Hollywood; for Studio Manager John Swallow and the program department. Offices for artists' service, legal, press and sales departments, the music library, and the accounting department, are also on this floor.

The center of the main floor is Studio D, 35 ft. long and 23 ft. wide with control and observation rooms. Studios A and B form the entire second floor; the former seats 276, the latter 210. Studio C is in the smaller building.

Equity Will Force Members Into Guild

(*Continued from page* 1)

of the Screen Actors' Guild will pay dues to that organization while they remain within the Guild's jurisdiction and dues so paid will be remitted to Equity by the Guild, it was said. However, if Equity members go to the coast to participate in legitimate stage performances the Guild membership requirement will not be enforced. The ruling will apply only to those actually employed in the studios. More than 200 Equity members are believed to be affected by the ruling, an Equity official estimated.

Stay Is Denied on Filming "January"

(*Continued from page* 1)

District of New York has denied an application for a temporary injunction and the infringement suit now goes on the calendar for trial.

The controversy involves the right of a publisher-agent to sue for sound film rights when the contract he made with an author dates back many years before sound films were originated.

"Captain January" was written about 40 years ago by Mrs. Laura Richards, who now lives in Maine. It was published in 1890 by the Page company, acting both as publisher and agent. Page sold the silent picture rights to Sol Lesser of Principal Pictures in 1923. Early in the year Fox began negotiations with Page for the story, but failed to get results after agreeing on a price of $20,000.

Then, proceeding on the theory that partners can sell each other out, the company bought the sound rights from Mrs. Richards. Her contract with Page calls for 55 per cent payment to that company. One-third of the purchase price went to Lesser to cover the silent rights.

Page still charges infringement and the issue before the court is whether Page can seek payment from Twentieth Century-Fox or from Mrs. Richards.

Twentieth Century-Fox is to go ahead with the release of the picture.

St. Louis Amusement Figures Quit Posts

ST. LOUIS, Dec. 2.—Two important changes have taken place in the St. Louis Amusement Co. as a result of differences with Leto Hill, supervisor.

Bess Schulter, who has been chief booker for a number of years and owns several neighborhood houses, has resigned. Al Zimbalist, advertising and publicity head for the 20 houses during the last two years, also has resigned.

It is understood Mrs. Schulter will devote her time to operation of her theatres. Zimbalist has gone to New York. He is reported to have lined up with an independent circuit in an executive capacity.

By virtue of its interest in Skouras Bros. Enterprises, Warners control the St. Louis Amusement Co., which is in bankruptcy with Nelson Cunliff as trustee.

Sylvia Sidney to G.B.

HOLLYWOOD, Dec. 2.—Michael Balcon, G. B. production head, has closed a deal with Walter Wanger under which Sylvia Sidney will be loaned to G. B. for a picture to be made at Shepherd's Bush, England. Alfred Hitchcock will direct.

Wanger issued a statement in which he said this was the beginning of a loaning arrangement for talent between himself and G. B.

Critics Meet Again

New York screen critics met again yesterday on the formation of an organization and discussed further details. They plan to make awards for the best film of the year, the best performances by actor and actress and the best script. A formal announcement is expected today.

No Ascap Fee Cuts With Warners Out

(*Continued from page* 1)

the society of the Warner music subsidiaries.

Ascap, a representative of the organization said, believes that its catalogue, with or without the Warner music, is worth the fees now in force. It was also indicated at Ascap that the organization will make claim to the continuing licensing rights after Jan. 1 of Warner music in the society's jurisdiction up to that time. It was stated that copyright lawyers had offered the opinion that Ascap could retain the licensing rights to the Warner music now in its catalogue, despite the resignations, because those rights had been assigned to Ascap by the authors and composers.

The Ascap board is scheduled to meet on Thursday and at that time may take a formal stand on these questions. Meanwhile, Warners has not made known what policy it will pursue after Jan. 1 on licensing either exhibitors or radio broadcasters for the public performance of the Warner controlled music.

Allied Sees Failure For Revival of NRA

(*Continued from page* 1)

practices by voluntary action and within the limits of existing law. All that is required is an impersonal consideration of the problems, plus the will to cooperate. One can not but mourn the many brave expeditions into the realms of voluntary cooperation that have foundered on the rocks of selfishness. But these failures have left their scars and it is doubtful if any ambitious plan can be launched without reopening old wounds. As said by Allied following the collapse of NRA, whatever is accomplished along this line must begin in the territory—at the bottom; must be limited in scope; and must come to the New York executives with a record of accomplishment before they can be expected to show any interest in it."

Allied has prepared a white book on its legislative campaign for distribution among theatre patrons.

"U's Sioux Falls Accounts Are Split

OMAHA, Dec. 2. — Thirty-six towns, until recently served through the Universal branch office at Sioux Falls, S. D., will be added to the Omaha branch office and served from here, Jerry Spandau, branch manager says.

Spandau's statement came upon the heels of an announcement from Universal home office that the Sioux Falls branch office would be discontinued.

The towns served out of Sioux Falls have been divided and assigned to the Minneapolis and Omaha branch offices. Eddie Gruenberg Sioux Falls manager, and one salesman, join the Minneapolis branch as salesmen.

Guaranteed Gets Two

Guaranteed Pictures have acquired the American distribution rights to "Robinson Crusoe," made on the actual location of the story by International Prod., and a film version of "His Apologies," a Famous Films production of the Kipling poem.

IATSE Drops Strike Moves Pending Meet

(Continued from page 1)

labor, is reported to have played a substantial part in the negotiations. He told MOTION PICTURE DAILY tonight the meeting with Browne lasted 10 minutes, and that "nothing was discussed except that the matter was an industry problem and all producers should meet and talk it over with the union." Barney Balaban also played an important role in today's deliberations.

New York Meeting

Top executives of various major companies held a meeting at the Hays office yesterday, which was understood to have been in relation to the union situation. It was considered unusual in that Will H. Hays was not present, he being on the Coast.

Order Coast Shift

HOLLYWOOD, Dec. 2.—F.W.C., Warners, RKO and all other Los Angeles houses were ordered today by the I.A.T.S.E. projectionists' and stagehands' local to replace all I.B.E.W. men with I.A.T.S.E. members at once. The order followed a telephone conversation between local heads and George Browne in Chicago this afternoon. Lou Halper of Warners said he would act tomorrow following written confirmation of the order.

Studios are quiet today. They are believed the next objective of the I.A.T.S.E. jurisdictional drive. Union trouble broke out today at Pasadena. Rollie Haywood, Local 150 head, began a newspaper and picket line drive against the Crown City Amusement Co., believed retaliation for the alleged lockout of union men last week over wage scales. The company has five houses.

Keith Glennon, Paramount studio manager, said: "There has been no local studio conflict with the unions and no trouble is expected."

Lincoln in Clear

LINCOLN, Neb., Dec. 2.—The temporary walkout ordered by the I.A.T.S.E. was not effective here. All I.A. men employed by J. H. Cooper of the Lincoln Theatre Corp., a Paramount subsidiary, were working as usual Sunday.

MOTION PICTURE DAILY learned that the local has had no contract with any theatres here since Sept. 1, when the old agreement expired. The men are working under the old deal.

This was figured as placing the operators "on the spot" in case they obeyed a strike mandate and perhaps finally persuading local exhibitors to open shop.

Unions Settle Dispute

ST. LOUIS, Dec. 2.—I.A.T.S.E. maintenance men have replaced representatives of the I.B.E.W. at local first run houses, after both organizations worked out an agreement among themselves.

Des Moines Hit

DES MOINES, Dec. 2.—Tri-State Theatres reopened at two o'clock Sunday after a three-hour shutdown. Ralph Branton asserted there was no local trouble, but that the walkout had been ordered from national I.A.T.S.E. headquarters as a step including these and other Paramount houses in the jurisdictional fight with the I.B.E.W.

IBEW Men Dropped

DETROIT, Dec. 2.—Five I.B.E.W. men were discharged from the Fox over the week-end and replaced by I.A.T.S.E. maintenance men when the latter organization insisted on such a move.

David Idzal, manager, who had just returned from New York, met the request of the I.A.T.S.E. rather than face a walkout. This is regarded here as a reverberation of the studio fracas between the two unions.

Report No Upset Here

"Everything is quiet at the Paramount and I haven't heard a thing," Bob Weitman stated yesterday in response to queries by MOTION PICTURE DAILY on the reported withdrawal of I. A. T. S. E. men as a result of a jurisdictional dispute with the I. B. E. W.

Lubitsch Sees Film Income of a Billion

(Continued from page 1)

000,000 persons, as compared with 60,000,00 in previous recent years. Next year's totals may reasonably be expected to be even larger, Lubitsch said, and using the Hays' organization's 25-cent admission average the receipts may approximate the one billion and 40 million dollar figure.

"To meet this tremendous box-office demand Paramount started months ago on its 1936 production program," Lubitsch said. "Our present schedule calls for 38 releases between January and August next year. Many of the pictures are finished and ready for release, others are nearing completion at the studio and our plans for the balance are already well formed."

The Paramount sales meeting is being attended by a large delegation of home office and studio executives and district sales managers. The meeting winds up today.

Neil Agnew declared Paramount plans to spend $500,000 in the next five months on a special national advertising campaign in daily newspapers on the forthcoming product. The plan provides for full page displays in large city dailies.

Court Upholds the Missouri Sales Tax

KANSAS CITY, Dec. 2.—Without comment Circuit Judge Sezier today upheld the constitutionality of Missouri's one per cent sales tax by sustaining the demurrer of Collector Forest Smith in the suit brought by a Joplin cafeteria, which charged the tax was a property and not a sales levy. The demurrer held the tax was an excise measure. The plaintiff may appeal to the Missouri Supreme Court.

Fox Quins Unit on Way

CHICAGO, Dec. 2.—The Twentieth Century-Fox company on the way to Callander, Ont., to film the Dionne quintuplets passed through here today. Jean Hersholt who will play the role of Dr. Allan Roy Dafoe, and Dorothy Peterson, who will be a nurse, were the only professionals in the group.

Meet the M.P's

London, Nov. 25.—The following British film men are entitled to write M. P. (Member of Parliament) after their names as a result of the general elections:

Harry Day, theatre owner.

J. F. Emery, circuit chief.

Norman Hulbert, news theatre man.

Beverly Baxter was elected to Parliament for the Wood Green, London division, but about the same time resigned his post as director of public relations for Gaumont British.

Thomas Ormiston, previously a member, lost his seat by a small majority.

Talks Begun in K. C. On Operator Pacts

KANSAS CITY, Dec. 2.—Harland Holmden, third vice-president of the I.A.T.S.E., and in charge of local operators' union No. 170, met here with a theatre owners' committee in an effort reestablishing contractual relations. The union has not had a contract with subsequent runs for two or three years.

Nothing definite came out of the meeting. Holmden had to return to Cleveland, but will come back probably this week, for further conferences.

The local union some weeks ago, before Holmden came in, asked for a 20 per cent increase. Stage hands signed earlier this fall a new contract.

Berkeley Trial Starts

LOS ANGELES, Dec. 2.—Busby Berkeley went on trial here today on three counts of second degree murder, in connection with an automobile accident Sept. 8 near Santa Monica in which William Van Briesen, Ada Van Briesen, his mother, and Dorothea Daley were killed.

Wall Street

Small Gains Mark Stock Trading

	High	Low	Close	Net Change
Columbia	67½	67⅜	67⅞	+ ⅛
Consolidated	5⅞	5¼	5½	+ ¼
Consolidated, pfd.	19⅛	18⅜	18½	+ ½
Eastman Kodak	161	161	161	+ ½
Loew's, Inc.	52⅝	51⅝	51¾	.....
Loew's, Inc., pfd.	106½	106½	106½	— ⅛
Paramount	9	8⅝	8⅞	+ ⅛
Paramount 1 pfd.	71½	69½	71	+ ¾
Paramount 2 pfd.	11⅛	10½	10¾	.....
Pathe Film	7¾	7¼	7½	+ ½
RKO	5¼	4⅞	5	+ ⅛
20th Century-Fox	23½	23	23	— ¾
20th Century, pfd	30¼	30½	30½	— ½
Universal, pfd.	65¼	65¼	65¼	+ ¼
Warner Bros.	8¾	8⅜	8½	— ¼

Sentry Lone Curb Gain

	High	Low	Close	Net Change
Sentry Safety	¾	9/16	9/16	—1/16
Sonotone	2⅜	2⅜	2⅜	— ⅛
Technicolor	19⅛	18¾	18¾	— ⅝
Trans-Lux	4⅛	4	4	— ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	18¾	18¼	18¼	— ⅜
Loew's 6s '41 ww deb rights	104⅛	104⅛	104⅛	.....
Paramount B'way 3s '55	56	55½	56	+1
Paramount Pict. 6s '55	89	87	87	—1½
Warner Bros. 6s '39 wd	85½	85	85	—1

(Quotations at close of Dec. 2)

Meet Again to Talk New Theatre Group

Determined to keep the plan alive, sponsors of the proposed Independent Theatre Circuit will hold another meeting Thursday at Harry Brandt's office in an effort to get a committee contacting exhibitors again.

About 100 theatres are sought as the nucleus for the circuit. More than half were pledged some time ago, but Brandt refused to join unless the century mark had been reached. A few others also signed agreements, but never came through with financial support. Interest in the nebulous circuit waned shortly before Brandt suffered a nervous breakdown, but now that he has recovered sufficiently to take an active interest in the meetings, the sponsors are making a last effort to get the idea over now or drop it entirely.

Skouras Goes West To Talk Contracts

Accompanied by Francis Reed, attorney of Hughes, Shurman & Dwight, Spyros Skouras left for the coast Sunday for final discussions with National Theatre operating heads on five-year contracts.

Skouras and Reed yesterday talked with Elmer C. Rhoden, Midwest head, and Rick Ricketson, Fox Intermountain chief, in Kansas City, and left there last night for Los Angeles by plane. On the coast they will confer with Arch Bowles, Frank L. Newman, Sr., and J. J. Sullivan. They will remain on the coast two weeks.

Larry Kent, assistant to Sullivan, flew to Los Angeles Saturday after a week in New York.

Kuykendall Asks Industry Cooperate

ST. LOUIS, Dec. 2.—Ed Kuykendall, president of the M. P. T. O. A., pleaded for industrywide cooperation against unfair and discriminatory laws and taxes, in an address to exhibitors and exchangemen at the Coronado Hotel here today. He said the industry has many problems which should be solved from within. He asked all to support the movement sponsored by the M. P. T. O. A.

Fred Wehrenberg, president of the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois, presided. Kuykendall's talk here ended a three-month speaking tour of the country.

Begins Tour to End Actors' Relief Row

WASHINGTON, Dec. 2.—Hallie E. Flanagan, director of the arts relief program, is on a swing around the country, apparently seeking to smooth out controversies which have arisen as to the persons to be relieved, it was learned today.

Miss Flanagan was in Chicago yesterday. She left for San Francisco and Los Angeles. In the latter city, it is expected, she will seek to settle the row raised by Equity over the alleged relief of amateurs while professionals are left on the outside.

Selznick Signs Clive

HOLLYWOOD, Dec. 2.—E. E. Clive, British actor, has been signed by David O. Selznick for a role in "Little Lord Fauntleroy."

FIRST FOUR DAYS AT RADIO CITY MUSIC HALL

BEATS

"LITTLE WOMEN"
"GAY DIVORCEE"
"LITTLE MINISTER"
"ROBERTA"

TOP-MONEY PICTURES AT THIS HOUSE...AND THREATENS THE ALL TIME HIGH ESTABLISHED 3 MONTHS AGO BY "TOP HAT"!



LILY PON

"WORTH GOING MILES TO SEE"

"Lily Pons is a star to be cherished . . . 'I Dream Too Much' is a picture that should sweep the country . . . Her singing is worth going miles to hear, and she is worth going miles to see . . . Bubbles and splashes over with fun . . . Picture very near the top in musical entertainment."

—Thornton Delehanty, N. Y. Post

"FANS SHOULD WELCOME HER ENTHUSIASTICALLY"

—"Lily Pons makes a breezy debut as a movie star in this lively comedy, alternating roughhouse and arias with a blithe disregard of operatic tradition . . . A gay picture . . . Her brilliant singing is thrilling. Her talent for comedy is delightful . . . She clowns with a frenzy unmatched by the maddest Sennet graduates and she is utterly winsome in these hoydenish moods . . . Her magnificent voice and her exhilarating talent make her a rare acquisition for Hollywood. Film fans should welcome her enthusiastically."

—Bland Johaneson, N. Y. Daily Mirror

"MAKES THRILLING DEBUT AS PICTURE STAR"

—"The petite and dainty Lily Pons makes a thrilling debut as a motion picture star . . . She emerges as an ingratiating comedienne, and permits the liquid gold of her voice to trickle delightfully through the mechanical devices of the screen."

—Kate Cameron, N. Y. Daily News

"ADD IT TO THE SEASON'S LIST OF BLESSINGS"

—"Add 'I Dream Too Much' to the winter season's list of cinema blessings, the reason being that it marks the successful screen debut of Lily Pons . . . Besides possessing one of the loveliest voices in the world, Miss Pons is an accomplished and attractive actress . . . The occasion is quite a triumph for both the star and the screen."

—William Boehnel, N. Y. World-Telegram

"BRILLIANT SINGING AND ENGAGING CHARM"

—"Lily Pons makes a graceful cinema debut . . . She fortifies her brilliant singing with an engaging quality of birdlike charm."

—Andre Sennwald, N. Y. Times

"GAY AND SPARKLING MUSICAL"

"A happy occasion . . . Gay and sparkling musical . . . full of pleasant fantasy . . . the cast a handsome and engaging one . . . Screen captures the full beauty of a coloratura voice, getting its warmth as well as its clarity."

—Eileen Creelman, N. Y. Sun

"BRILLIANT VOICE AND GOOD LOOKS"

—"Blessed with both a brilliant voice and good looks, the petite diva plays her first film role with charm and distinction . . . The Pons voice plus the Pons personality provides delightful entertainment."

—Rose Pelswick, N. Y. Evening Journal

"LILY PONS BECOMES NEW STAR"

—"Lily Pons becomes a new film star . . . A warm human story serves well to introduce her to her newest and greatest audience. An audience which she captures quite easily with the beauty of her voice, the wholly sympathetic personality which the cameras capture, and a greater histrionic gift than has been displayed by any of the recent rival recruits from the operatic marts."

—Regina Crewe, N. Y. American

"WE WILL BE SEEING HER IN ADDITIONAL PHOTOPLAYS"

—"Looking quite charming, the most fragile of divas makes her cinema debut in a comedy of domestic romance, operatic numbers and musical comedy . . . Her voice is effectively recorded and registers with genuine effectiveness . . . We will be seeing her in additional photoplays."

—Richard Watts, Jr., N. Y. Herald Tribune

"I DREAM TOO MUCH"

with

HENRY FONDA

ERIC BLORE · OSGOOD PERKINS

Directed by John Cromwell . . . A Pandro S. Berman Production

Music by

JEROME KERN

Composer of "Roberta"

RKO-RADIO PICTURE

"Opera" Hits $24,000; Top Frisco Draw

SAN FRANCISCO, Dec. 2.—"A Night at the Opera" made the best showing in a week with fair weather and competition from the Stanford-California football game. The take at the Warfield was $24,000, up by $3,000.

"The Man Who Broke the Bank at Monte Carlo" and "Navy Wife" pulled a good $13,000 at the Paramount, up by $2,500. "A Midsummer Night's Dream" reached $10,000 at the Geary. "In Old Kentucky" was not a sensation. The $7,200 gross at the St. Francis was over par by $200.

Total first run business was $85,200. Average is $73,500.

Estimated takings:

Week Ending Nov. 24:

"A MIDSUMMER NIGHT'S DREAM" (W. B.)

GEARY—(1,400), 55c-85c-$1.10-$1.65) Two showings daily. **Gross:** $10,000.

Week Ending Nov. 26:

"SHOW THEM NO MERCY" (20th-Fox)

GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $14,500. (Average, $14,500)

Week Ending Nov. 27:

"A FEATHER IN HER HAT" (Col.)
"SWEET SURRENDER" (Univ.)

ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $5,000. (Average, $6,800)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
"NAVY WIFE" (20th-Fox)

PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $13,000. (Average, $11,500)

"METROPOLITAN" (20th-Fox)

UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days. **Gross:** $6,000. (Average, $9,000)

Week Ending Nov. 28:

"TO BEAT THE BAND" (Radio)
"FRECKLES" (Radio)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,000. (Average, $6,000)

"IN OLD KENTUCKY" (20th-Fox)

ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)

"A NIGHT AT THE OPERA" (M-G-M)

WARFIELD—(2,680), 25c-35c-40c,50c, 7 days. Stage, band. **Gross:** $24,000. (Average, $21,000)

Week Ending Nov. 29:

"EMPEROR'S WALTZES" (Vienna Films)

CLAY—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $700)

Maryland Governor Helps Rogers Fund

BALTIMORE, Dec. 2.—Gov. Harry W. Nice of Maryland was the principal speaker at the special broadcast over WBAL for the Will Rogers Memorial Fund, the broadcast being sponsored by Morris A. Mechanic, president of the New Theatre, where "In Old Kentucky" is current.

Governor Nice is honorary chairman of the Maryland committee of the Rogers' Memorial Fund.

Dr. Jacob H. Hollander, professor of economics at Johns Hopkins University, also spoke.

CLEVELAND, Dec. 2.—The Will Rogers Memorial Fund was officially launched here last week when Charles A. Otis, fund chairman and a close personal friend of the star, spoke from the stage of Warners' Hippodrome. Young girl volunteers will be placed in all large department stores, banks, and places where crowds gather, to gather in the voluntary contributions, starting today.

"Maid," "Band" and Show Lead Lincoln

LINCOLN, NEB., Dec. 2.—A mixed week's entertainment consisting of "Remember Last Night" and vaudeville for four days and a dual, "Personal Maid's Secret" and "To Beat the Band" for three days led the town at the Orpheum with a take of $3,000. This was $1,300 over normal.

"The Case of the Missing Man" and "Alias Bulldog Drummond" were $600 to the good on a gross of $2,300 at the Varsity. "The Three Musketeers" was $700 up on a gross of $2,900 at the Lincoln. "A Night at the Opera" did well with $3,600 at the Stuart.

Total first run business was $12,900. Average is $9,850.

Estimated takings:

Week Ending Nov. 26:

"EAGLE'S BROOD" (Para.)
"LAST OUTPOST" (Para.)

COLONIAL—(550), 10c-15c, 7 days. **Gross:** $1,100. (Average, $850)

Week Ending Nov. 27:

"REMEMBER LAST NIGHT" (Univ.)
"PERSONAL MAID'S SECRET" (W. B.)
"TO BEAT THE BAND" (Radio)

ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days. Four with vaude headlining Barry Breen & Wyler. **Gross:** $3,000. (Average, $1,700)

"CASE OF THE MISSING MAN" (Col.)
"ALIAS BULLDOG DRUMMOND" (G. B.)

VARSITY—(1,100), 10c-15c-20c-25c-35c, 7 days Four with Georgia Minstrels **Gross:** $2,300. (Average, $1,700)

"THREE MUSKETEERS" (Radio)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,900. (Average, $2,200)

Week Ending Nov. 29:

"NIGHT OF THE OPERA" (M-G-M)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,600. (Average, $3,100)

"Kentucky" $8,600 Hit in Louisville

LOUISVILLE, Dec. 2.—"In Old Kentucky" stood head-and-shoulders over anything in town. The $8,600 gross was $6,100 to the good. The picture was set for a second week.

Eddie Peabody, m.c.'ing the stage show at the National, proved to be a drawing card, and tilted the gross to $4,500, which was $1,500 over the line.

Other first runs did about average, and in some instances a little better. The first real cold spell of the winter tended to drive some people into theatres.

Total first run business was $27,000. Average is $18,500.

Estimated takings for the week ending Nov. 28:

"SO RED THE ROSE" (Para.)

RIALTO—(3,000), 15c-25c-40c, 6 days. **Gross:** $4,000. (Average, $3,500)

"IT'S IN THE AIR" (M-G-M)

LOEW'S STATE—(3,000), 15c-25c-40c, 6 days. **Gross:** $4,300. (Average, $4,500)

"IN OLD KENTUCKY" (20th-Fox)

STRAND—(1,500), 15-25c-40c, 6 days. **Gross:** $8,600. (Average, $2,500).

"SMILIN' THRU" (M-G-M)
"PURSUIT" (M-G-M)

BROWN—(1,400), 15c-25c-40c, 6 days. **Gross:** $2,100. (Average, $2,000)

"STARS OVER BRDADWAY" (W. B.)

MARY ANDERSON—(1,000), 15c-25c-40c, 6 days. **Gross:** $2,300. (Average, $2,500)

"DANCE BAND" (F. D.)

NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Eddie Peabody, Mary Vanda Dancers, Kirby & Duval, Ted and Mary Taft, Joe Kelso & Co. **Gross:** $4,500. (Average, $3,000)

"LAST DAYS OF POMPEII" (Radio)
"FIGHTING YOUTH" (Univ.)
"THUNDER MOUNTAIN" (20th-Fox)
"AFFAIR OF SUSAN" (Univ.)

ALAMO—(900), 15c-25c, 7 days. split week. **Gross:** $1,200. (Average, $1,400)

It's a Laugh!

Seattle, Dec. 2.—The heartiest audience laugh in many months was accorded one scene in "Thanks a Million," which played the Orpheum.

It's the scene where Fred Allen, playing the political manager, advises Crooner Dick Powell that he can be elected governor because "Out in the state of Washington they elected a jazz band leader lieutenant-governor."

This city being Lieutenant-Governor Vic Meyers' home, the dialogue in that part of the film was stepped up with all the sound volume possible by Manager Herbert Sobottka, and the audience reaction was sensational!

"Opera" Leads General Gain In Pittsburgh

PITTSBURGH, Dec. 2.—The start of Sunday shows gave downtown houses a much-needed lift. The best thing in town was "A Night at the Opera," where the extra day pushed the take to an excellent $18,000.

At the Stanley, "The Last Days of Pompeii" and Rudy Vallee's band was something of a disappointment, due chiefly to the fact that the chief draw for a Sunday would have been the stage presentation, and this is forbidden by the Pennsylvania law. In six days for the picture and five for Vallee—the house opened its new bill on Thanksgiving Day—the gross was only $18,500, considerably short of expectations.

"Mutiny on the Bounty" continued to show strength at the Warner, where in its second week there and third downtown it collected a fine $6,600. Only the Alvin got little or none at all of the extra business, doing barely $4,000 with "Music Is Magic" and "His Night Out." Weather conditions for the week were favorable.

Total first run grosses were $49,100. Average is $42,000.

Estimated takings for the week ending Nov. 27:

"HIS NIGHT OUT" (Univ.)
"MUSIC IS MAGIC" (20th-Fox)

ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $4,000 (Average, $5,500)

"A NIGHT AT THE OPERA" (M-G-M)

PENN—(3,300), 25c-40c, 7 days. **Gross:** $18,000. (Average, $12,000)

"LAST DAYS OF POMPEII" (Radio)

STANLEY—(3,600), 25c-55c, 6 days. Stage: Five days, Rudy Vallee. **Gross:** $18,500. (Average, $19,500)

"MUTINY ON THE BOUNTY" (M-G-M)

WARNER—(2,000), 25c-40c, 7 days, 3rd week. **Gross:** $6,600. (Average, $5,000)

Schools to See "Dream"

SAN FRANCISCO, Dec. 2.—At the request of the Second District, California Parent-Teachers Ass'n. and through arrangement with the school board, special Saturday morning school showings of "Midsummer Night's Dream" have been arranged here. The film is roadshowing at the Geary.

"Mutiny" Top In Cleveland For 3d Week

CLEVELAND, Dec. 2.—"Mutiny on the Bounty" in its third week downtown continued to hold first place, doubling the Loew Stillman $4,000 average on an $8,800 gross.

"In Old Kentucky" was a hit at Warners' Hippodrome where it went $5,500 over average, grossing $13,500.

"A Night at the Opera" at Loew's State grossed $16,500, which is $4,500 above the usual take. "Charlie Chan in Shanghai" went $1,000 over the line at the Allen to a $4,000 gross.

"The Man Who Broke the Bank at Monte Carlo" with Jimmy Lunceford's Band dropped $2,700 below the RKO Palace average to a $12,250 take.

The weather was clear. The automobile show with George Burns & Gracie Allen, offered the keenest competition, playing to the largest crowds in its history. "Tobacco Road" playing a second week was the only dramatic competition.

Total first run business was $55,050. Average is $42,000.

Estimated takings for the week ending Nov. 29:

"CHARLIE CHAN IN SHANGHAI" (20th-Fox)

ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $4,000. (Average, $3,000)

"A NIGHT AT THE OPERA" (M-G-M)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $16,500. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)

LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 3rd week. **Gross:** $8,800. (Average, $4,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)

RKO PALACE—(3,100), 30c-42c-60c, (days. Stage: Jimmy Lunceford's Band. **Gross:** $12,500. (Average, $15,000)

"IN OLD KENTUCKY" (Fox)

WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $13,500. (Average, $8,000)

"Opera" on a Dual $8,200, New Haven

NEW HAVEN, Dec. 2.—"A Night at the Opera," with "Grand Exit," took honors for the week at the Poli, piling up $8,200 in laughs, or $1,200 over the normal.

"Mary Burns, Fugitive," on a Paramount dual with "Dance Band," started its eight-day run with a bang, and made up for a two-day slack by a good finishing day, grossing $6,800 as against the average week of $4,900. The Roger Sherman flopped to $4,000, or $700 under the normal, with "The Man Who Broke the Bank at Monte Carlo" and "The Payoff."

Total first run business was $22,300. Average is $19,400.

Estimated takings for the week ending Nov. 29:

"WAY DOWN EAST" (20th-Fox)
"MUSIC IS MAGIC" (20th-Fox)

COLLEGE—(1,499), 25c-35c, 7 days. **Gross:** $3,300. (Average, $2,800)

"MARY BURNS, FUGITIVE" (Para.)
"DANCE BAND" (Republic)

PARAMOUNT—(2,400), 35c-50c, 8 days. **Gross:** $6,800. (Average, $4,900)

"A NIGHT AT THE OPERA" (M-G-M)
"GRAND EXIT" (Col.)

POLI—(3,040), 35c-50c, 7 days. **Gross:** $8,200. (Average, $7,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
"THE PAYOFF" (F. N.)

ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $4,000. (Average, $4,700)

CLEAR GAIN

THE photographic quality of Eastman Super X Panchromatic Negative is truly outstanding. Equally important, however, is the fact that the pronounced improvement which has been achieved involves no compromise. It does not mean the sacrifice or impairment of any other desirable or essential quality. It is clear gain for the industry, and for the public. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Bowes Unit at Fox Upsets Milwaukee

MILWAUKEE, Dec. 2.—Fox's experiment of Major Bowes' Amateurs on the stage and "Grand Exit," first run flicker at its Oriental, east side nabe house, grossing $6,000, made itself felt on downtown first run business. The take, however, was considerably below what the Bowes' unit did which played the Riverside here several months ago.

High for the so-so week was "Mutiny on the Bounty," which closed its second week Nov. 25 with $8,000 at Fox's Wisconsin, average for the house. "In Old Kentucky" was good for $3,200 during its first three days.

The Riverside with Roy Atwell and "1,000 a Minute," was the only other house to beat average, doing $5,300, just $300 to the good. The Milwaukee and Wisconsin exposition which closed after running nine days attracted 140,316 admissions, which also helped to cut into the opening days for downtown houses. Weather was cloudy and cold.

Total first run business, including that of the Oriental, which has again reverted to second run pictures, was $29,800. Average is $24,200.

Estimated takings for the week ending Nov. 25:

"MUTINY ON THE BOUNTY" (M-G-M)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

Week Ending Nov. 27:

"THE PAYOFF" (F.N.)
"AFFAIR OF SUSAN" (Univ.)
STRAND—(1,400), 25c, 7 days. **Gross:** $1,000. (Average, $1,200)

"THREE MUSKETEERS" (Radio)
"PERSONAL MAID'S SECRET" (W.B.)
WARNER — (2,400), 25c-40c, 6 days. **Gross:** $4,500. (Average, $5,000)

Week Ending Nov. 28:

"GRAND EXIT" (Col.)
ORIENTAL—(2,000), 20c-30c-40c, 7 days. Stage: Major Bowes' Amateurs, Mary Perry, Sol Strauser, Eva Ortega, Raymond Krester, Peter Shattuck, Michael Ballero, Irene Pappas, Wyoming Jack O'Brien, Finnegan's Band, John Jewell, Ruth O'Neil. **Gross:** $6,000.

"TWO FISTED" (Para.)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Noble Sissle, Five Cabin Kids, Bills Banks, Henry Rubberlegs Williams, Enice Wilson, Buddy Doyle. **Gross:** $5,000. (Average, $5,000)

"$1,000 A MINUTE" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: "Transcontinental Revue" with Roy Atwell, Miles and Kover, The Romoffs, Bill Telaak. **Gross:** $5,300. (Average, $5,000)

Des Moines Variety Installation Is Set

DES MOINES, Dec. 2. — Formal initiation of Des Moines Variety Club has been set for Dec. 7 with National Chief Barker John H. Harris of Pittsburgh and other national officers expected to have charge. The affair will be held in the clubrooms at Hotel Savery.

Plans are under way for doubling the space of the Variety clubrooms due to the popularity of the organization, according to members, but negotiations have not been completed.

Attendance at the Thanksgiving dance Nov. 23 at Hotel Savery numbered 140 couples. The next dinner dance has been set for New Year's Eve at the tropical room, Hotel Fort Des Moines, with attendance to be limited to 60 couples, according to L. M. McKechaneay of Tri-States Theatres.

"Kentucky" Is Denver's Top; Pulls $7,000

DENVER, Dec. 2.—Thursday was a big stimulant for business. "In Old Kentucky" had standouts practically all day at the Denver. The $7,000 take was $2,000 to the good, and the picture was moved to the Broadway for an extended run.

"Peter Ibbetson" also was $2,000 up on a take of $6,000 at the Denham. "Thanks a Million" held up to $1,600 at the Broadway after a week at the Denver.

Total first run business was $21,400. Average is $19,500.

Estimated takings for the week ending Nov. 28:

"CASE OF THE LUCKY LEGS" (F. N.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $1,000. (Average, $2,000)

"THANKS A MILLION" (Fox)
BROADWAY—(1,500), 25c-40c, 7 days, following week at Denver. **Gross:** $1,600. (Average, $1,000)

"PETER IBBETSON" (Par.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

"IN OLD KENTUCKY" (20th-Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $5,000)

"IN PERSON" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BAD BOY" (20th-Fox)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $800. (Average, $2,500)

"Thanks" a $7,500 Hit, Indianapolis

INDIANAPOLIS, Dec. 2. — "Thanks a Million" did the outstanding business in an otherwise dull week here. Dick Powell's local box-office appeal brought the weekly take up to $7,500, which is $3,500 over average for the Apollo.

"Mutiny on the Bounty" did very well for a second week at Loew's with a gross of $5,500, which is $1,000 over average.

Total first run business was $30,000. Average is $26,500.

Estimated takings for the week ending Nov. 23:

"THANKS A MILLION" (20th-Fox)
APOLLO—(1,160), 25c-40c, 7 days. **Gross:** $7,500. (Average, $4,000)

"MARY BURNS, FUGITIVE" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"PETER IBBETSON" (Para.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S—(3,000), 25c-40c, 2nd week. **Gross:** $5,500. (Average, $4,500)

"THE PAYOFF" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)

Republic Busy on Studios

HOLLYWOOD, Dec. 2.—Republic has already spent $50,000 in improvements on its North Hollywood studio, and plans to spend an additional $240,000 on a building program which will start within 90 days. A new scene dock, portrait gallery and commissary have been started, and architects are working on plans for new stage and office structures.

Talbot Gets Atheneum

BOSTON, Dec. 2.—Lew Talbot has been named manager of the Howard Atheneum by Col. Al Somerbee.

Pays an Extra Buck

Omaha, Dec. 2. — United Artists exchange is calling attention to an honest exhibitor who walked into the office and pointed out that he had been undercharged for a Mickey Mouse film. His statement was for a black and white print, but he had been shipped and had used a color film. So he planked down the extra buck.

"In Person" Best In Omaha, $5,500

OMAHA, Dec. 2.—In a week of cold, damp weather "In Person," heading a dual bill, ran up to $5,500 at the Brandeis. This is $1,500 over normal.

The other two downtown spots had split weeks. The Omaha, in five days, with "Way Down East" and "Welcome Home," was $500 up on a take of $4,000. The Orpheum, with "It's in the Air" and "Escape Me Never," went to $7,200. This is $200 over the line.

Total first run business was $16,700. Average is $14,500.

Estimated takings for the week ending Nov. 27:

"WAY DOWN EAST" (20th-Fox)
"WELCOME HOME" (20th-Fox)
OMAHA—(2,200), 25c-40c, 5 days. **Gross:** $4,000. (Average, $3,500)

"IN PERSON" (Radio)
"THE CASE OF THE MISSING MAN" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

"IT'S IN THE AIR" (M-G-M)
"ESCAPE ME NEVER" (U. A.)
ORPHEUM—(3,000), 25c-40c, 6 days. **Gross:** $7,200. (Average, $7,000)

No Stage Policy Set For St. Louis House

ST. LOUIS, Dec. 2.—Booking of the Olsen & Johnson unit at the Ambassador, starting Dec. 21, does not indicate a definite stage policy for the house, according to Fanchon & Marco officials.

While it is likely other F. & M. unit shows will be dated from time to time, theatre officials blame the musicians' union for the few stage bookings in the house. Harry C. Arthur, Jr., has made several attempts to work out a long-term deal with the union.

The Olsen & Johnson show, which will come here directly from the Roxy, New York, after a week's engagement, Dec. 13-20, will have 60 people on the stage. The show will comprise 17 scenes and will last one hour.

The Olsen & Johnson unit, booked for the Roxy beginning Dec. 13, will be featured in addition to the regular stage show. Universal's "The Great Impersonation" will be the screen attraction during the week.

Wells Film Booked

LONDON, Nov. 17.—United Artists will put on the London Films production of H. G. Wells' "Things to Come" at the Leicester Square in late January. Simultaneously a premiere will be fixed for New York.

London's René Clair picture, "The Ghost Goes West," will go into the London Pavilion on Boxing Day, Dec. 26.

"Thanks" $16,700 Hit in Cincinnati

CINCINNATI, Dec. 2.—Somewha cooler weather drove the natives int the theatres last week. "Thanks A Million" was the outstanding grosser going $6,700 over normal on a $16,700 take at the RKO Palace. I moved to the RKO Capitol for the second stanza.

"In Old Kentucky" got $7,550, o $1,050 better than average at the Capitol for the second downtown showing. It continues at the RK Grand. "Mutiny on the Bounty," after two big weeks at other circui houses, had a $3,750 week at the RKO Grand, where $2,750 is average "In Person" was up $500 on a $12,50 gross at the RKO Albee, while the RKO Shubert broke even at $12,00 with "Remember Last Night" plus "The Hit Parade" on the stage. The independent Strand was $100 over with $1,600 on a double bill, "Without Children" and "False Pretenses."

Total first run business was $66,750 Average is $60,200.

Estimated takings:

Week Ending Nov. 27:

"WITHOUT CHILDREN" (Liberty)
"FALSE PRETENSES" (Chesterfield)
STRAND—(1,300), 15c-25c, 6 days. **Gross** $1,600. (Average, 7 days, $1,500)

Week Ending Nov. 28:

"IN PERSON" (Univ)
RKO ALBEE—(3,300), 35c-42c, 7 days **Gross:** $12,500. (Average, $12,000)

"THANKS A MILLION" (20th-Fox)
RKO PALACE—(2,700), 35c-42c, 7 days **Gross:** $16,700. (Average, $10,000). Move to RKO Capitol.

"REMEMBER LAST NIGHT" (Univ.)
RKO SHUBERT—(2,150), 35c-55c, 7 days Stage: "The Hit Parade." **Gross:** $12,00 (Average, $12,000)

"IN OLD KENTUCKY" (20th-Fox)
RKO CAPITOL—(2,000), 35c-42c, 7 days 2nd week. **Gross:** $7,550. (Average, $6,500 Moved to RKO Grand.

"A NIGHT AT THE OPERA" (M-G-M
RKO LYRIC—(1,400), 25c-40c, 7 days, 2n week. **Gross:** $5,200. (Average, $6,500)

"MUTINY ON THE BOUNTY" (M-G-M
RKO GRAND—(1,200), 25c-40c, 7 days 3rd week. **Gross:** $3,750. (Average, $2,750

"STORMY" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 3 days **Gross:** $1,100. (Average, $1,250)

"CASE OF THE MISSING MAN" (Col.
RKO FAMILY—(1,000), 15c-25c, 3 days **Gross:** $950. (Average, 4 days, $1,200)

"STARS OVER BROADWAY" (W. B.)
KEITH'S—(1,500), 30c-40c, 6 days. **Gross** $5,400. (Average, 7 days, $6,500)

May Return Picture Layout to San Diego

SAN DIEGO, Dec. 2.—Elated with the success of the 1935 California Pacific International Exposition when 350,000 people saw how movies are made, those in charge of the Hollywood Hall of Fame are negotiating for space in the 1936 San Diego world's fair.

The 1936 exposition will open Jan. 15 and continue until Sept. 9, California admission day.

Charles Sanders, in charge of returning the exhibits to Hollywood, has announced that backers of the display would like to return in January with more extensive exhibits.

The Hollywood Hall of Fame was managed by Fanchon & Marco for the Dominos and the Screen Actors' Guild.

Form Brookhaven Rialto

ALBANY, Dec. 2. — Brookhaven Rialto Theatre Corp., Bay Shore, has been formed here by Moses W. Drake, Arthur A. Barrett and Elisha T. Barrett.

"Rendezvous" Twin Cities' $12,000 Lead

MINNEAPOLIS, Dec. 2. — "Rendezvous" took $12,000 at the Minnesota for the Twin City top. It was the only outstanding gross of the week. The first winter weather and the final football game of the season cut in on business.

"The Clairvoyant" and "Mutiny on the Bounty" were each $500 over par at the World and Century respectively. "Barbary Coast" and "The Keeper of the Bees" were the only two attractions in St. Paul to get on the profit side of the line.

Total first run business in Minneapolis was $23,000. Average is $30,000. Total first run business in St. Paul was $17,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Nov. 27:

"THE CLAIRVOYANT" (G.B.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,500. (Average, $3,000)

Week Ending Nov. 21:

"MUTINY ON THE BOUNTY" (M-G-M)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Nov. 22:

"RENDEZVOUZ" (M-G-M)
MINNESOTA—(4,060), 25c-55c, 7 days. **Gross:** $12,000. (Average, $10,000)

"SHE COULDN'T TAKE IT" (Col.)
ORPHEUM — (2,900), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"MARY BURNS, FUGITIVE" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"THE CRIME OF DR. CRESPI" (Rep.)
"NEW ADVENTURES OF TARZAN" (Burroughs-Tarzan)
TIME—(300), 15c-25c, 7 days, 2nd week. **Gross:** $1,500. (Average, $1,500)

St. Paul:

Week Ending Nov. 29:

"I LIVE MY LIFE" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"BARBARY COAST" (U.A.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"REMEMBER LAST NIGHT" (Univ.)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,500. (Average for week, $4,000)

"THE CASE OF THE LUCKY LEGS" (F.N.)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $4,000)

"THE KEEPER OF THE BEES" (Monogram)
WORLD—(400), 25c-35c, 7 days, 2nd week. **Gross:** $2,000. (Average, $1,500)

Tickets for News Tips

OCALA, Fla., Dec. 2.—The *Ocala Star* offers two free tickets to either the Ritz or Dixie to the person telephoning the best tip for a new story each day. This method of covering the town is very popular with residents and is bringing good results to the *Star*.

Arthur Smith Recovers

NEWTOWN, Conn., Dec. 2.—Arthur Smith has recovered from a recent operation at Bridgeport Hospital, and has resumed his duties as manager of the Edmond.

"Splendor" Is $16,000 Draw, Philadelphia

PHILADELPHIA, Dec. 2.—The second open Sunday brought top-notch business to downtown houses. Since most of the theatres changed their bills Thursday, Thanksgiving Day grosses only affect a few of the box-office scores. The holiday, however, was handicapped by rainy weather.

Aided by a good Sunday and the holiday, "Splendor" clicked with a big $16,000 for its first week at the Aldine. "Mutiny on the Bounty" still kept in the running in its third and final Stanley week, grossing $17,000 for six days without Thanksgiving Day business. The Earle, which had the holiday included in its week, took $18,000 with "Remember Last Night?" as the feature.

While the second week (five days) of "Way Down East" did only an average $10,000 at the Fox, the theatre pulled a fast one last Sunday by giving a preview of "Thanks a Million" instead of the scheduled film. It was capacity business all day.

The total first run business is $83,300. Average is $70,440.

Estimated takings for the week ending Nov. 28:

"SPLENDOR" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days. **Gross:** $16,000. (Average, $8,160) Thanksgiving Day included.

"RENDEZVOUS" (M-G-M)
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,100. (Average, 7 days, $2,800) Thanksgiving not included.

"SO RED THE ROSE" (Para.)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $11,500. (Average, 7 days, $14,000) Thanksgiving not included.

"REMEMBER LAST NIGHT?" (Univ.)
EARLE — (2,000), 25c-40c-50c, 7 days. Stage: Benny Davis' "Stardust Revue." **Gross:** $18,000. (Average, $14,000) Thanksgiving included.

"IN OLD KENTUCKY" (Fox)
FOX—(3,000), 40c-55c-65c, 5 days, 2nd week. Stage: Willie, West & McGinty, Harmony Four, Kingsley and Chase. **Gross:** $10,000. (Average, 7 days, $14,000) Thanksgiving and Sunday not included. Preview "Thanks a Million" given Sunday.

"THREE KIDS AND A QUEEN" (Univ.)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,300. (Average, 7 days, $4,600) Thanksgiving not included.

"PETER IBBETSON" (Para.)
(2nd run)
KEITH'S—(30c-40c-50c), 6 days. **Gross:** $2,500. (Average, 7 days, $4,000) Thanksgiving not included.

"MUTINY ON THE BOUNTY" (M-G-M)
STANLEY—(3,700), 40c-55c, 6 days, 3rd week. **Gross:** $17,000. (Average, 7 days, $14,000) Thanksgiving not included.

"MARY BURNS, FUGITIVE" (Para.)
STANTON—(1,700), 30c-40c-50c, 5 days, 2nd week. **Gross:** $3,900. (Average, 7 days, $7,000) Thanksgiving not included.

Yale Gets Out Two Shorts on Religion

NEW HAVEN, Dec. 2. — With scenarios written by research students at the Yale University Divinity School, two one-reel subjects will soon be released by Yale as visual aids for religious education in churches. The films, "Forgive Us Our Trespasses," for children from nine to 15, and "Our Children's Money," for parent education, are the result of a seminar conducted by Prof. Paul H. Vieth, associate professor of religious education, and director of field work in the Yale Divinity School.

"Band at $13,200 Providence Leader

PROVIDENCE, Dec. 2.—"To Beat the Band," on the screen, and Major Bowes' amateurs lifted the take at the RKO Albee to $13,200, one of the highest grosses this house has received in months. Average is $7,000.

The Strand with "Mary Burns, Fugitive," was strong at $8,200, which is $1,700 over par. Loew's caught $9,200 with "Thanks a Million" and Fay's was over by $600 with "Navy Wife" and the French Revue on the stage. The Majestic managed to break even with "Stars Over Broadway," garnering $7,000.

Total first run business was $46,300. Average is $40,500.

Estimated takings for the week ending Nov. 28:

"TO BEAT THE BAND" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $13,200. (Average, $7,000)

"MARY BURNS, FUGITIVE" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,200. (Average, $6,500)

"STARS OVER BROADWAY" (W.B.)
"PERSONAL MAID'S SECRET" (W.B.)
MAJESTIC — (2,460), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"THANKS A MILLION" (20th-Fox)
"CASE OF THE MISSING MAN" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,200. (Average, $12,000)

"NAVY WIFE" (W.B.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "French Revue." **Gross:** $7,600. (Average, $7,000)

"SWELL HEAD" (Col.)
"DUDE RANGER" (20th-Fox)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

No Bay State Cuts

BOSTON, Dec. 2.—Thirty-six films have been passed without cuts in the latest group submitted to the Department of Public Safety for Sunday showing.

Writers to Dance Dec. 19

HOLLYWOOD, Dec. 2.—The Screen Writers' Guild will hold its second annual dinner-dance on Dec. 19 in the Fiesta room of the Ambassador.

"Kentucky" Is St. Louis Hit In Two Spots

ST. LOUIS, Mo., Dec. 2.—"In Old Kentucky" playing day and date at F. & M.'s Ambassador and Fox with "Grand Exit" proved the big money-grabber of the week. At the Fox it grossed $16,900 while its drag at the Ambassador was approximately $11,650. Averages for the Fox and Ambassador are $12,000 and $10,000 respectively.

"Thanks a Million" at Loew's State had a splendid week with a total gross of $15,200. House average is $9,000.

Total first run business was $57,800. Average $46,000.

Estimated takings for the week ending Nov. 21:

"IN OLD KENTUCKY" (20th-Fox)
"GRAND EXIT" (Col.)
AMBASSADOR — (3,018), 25c-35c-55c, 7 days. **Gross:** $11,650. (Average, $10,000)

"IN OLD KENTUCKY" (20th-Fox)
"GRAND EXIT" (Col.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $16,900. (Average, $12,000)

"THANKS A MILLION" (20th-Fox)
LOEW'S STATE—(3,162), 25c-35c-55c, 7 days. **Gross:** $15,100. (Average, $9,000)

"PETER IBBETSON" (Para.)
"MARCH OF TIME" (Radio)
ORPHEUM—(2,950), 25c-35c-55c, 7 days, **Gross:** $8,250. (Average, $8,500)

"LAST DAYS OF POMPEII" (Radio)
"TWO FISTED" (Para.)
SHUBERT-RIALTO—(1,725), 25c,35c-55c, 6 days. **Gross:** $5,900. (Average, $6,500)

Coast Operators Elect

LOS ANGELES, Dec. 2.—Operators' Local 150, I.A.T.S.E., has reelected E. C. Hamilton, president; J. B. Kenton, vice-president; M. J. Sands, secretary-treasurer, and R. L. Haywood, business representative. An assistant business manager will be named Dec. 9 with T. W. Armentrout and O. Stowe candidates. On that date, an executive board of five will be chosen.



FLASH!



HOLLYWOOD PREVIEW ELECTRIFIES FILM COLONY!

Another Big M-G-M Sensation Arrives!

(And Still They Come!)

RONALD COLMAN in A TALE OF TWO CITIES

WATCH FOR REPRINT IN TRADE PAPERS THIS WEEK OF MOST AMAZING REVIEWS SINCE "MUTINY ON BOUNTY"!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 132 NEW YORK, THURSDAY, DECEMBER 5, 1935 TEN CENTS

Legion Films To Be Listed For U.S. Here

Three Ratings Going to Catholic Dioceses

A national Legion of Decency list is to be prepared in New York and issued from here to Catholic dioceses throughout the country in accordance with arrangements decided upon at the recent general meeting of bishops held in Washington.

This action marks the first establishment of a national Legion of Decency list and, it is understood, is intended to supplant various local listing activities which have previously been carried on.

Definite arrangements for the preparation of the New York list have not been announced, but it is learned that, in all probability, the reviewing work will be done by the Motion Picture Bureau of the International Federation of Catholic Alumnae

(*Continued on page 4*)

Radio Gets Ascap Notice on Warners

Ascap yesterday despatched its formal notifications to radio broadcasting licensees that resignations from the society may be submitted as a result of the loss from the Ascap catalogue of future Warner controlled music.

The action was taken immediately following receipt by the society of the formal written notification from the Warner music companies that they would not renew their membership in Ascap on expiration Dec. 31. A clause in the radio broadcasters' contracts with Ascap automatically grants them the right to resign from the society whenever its available music is appreciably reduced. The formal notifications to the broadcast-

(*Continued on page 4*)

Judge Faris Unable To Sit at St. Louis

ST. LOUIS, Dec. 4.—Judge C. B. Faris has informed Government and defense attorneys in the equity case pending against major distributors that he will be unable to serve because of his health. He retired from active service Nov. 30 and underwent an operation for sinus recently.

Justice Kimbrough Stone of the U. S. Circuit Court of Appeals is expected to name one of the four judges from the Minnesota district to hear the temporary injunction.

Ripley-Like

Boston, Dec. 4.—H. M. Addison, district manager for Loew's, the other day was handed this letter which was received at the State:

"Enclosed please find 75 cents in stamps to make up the difference in tickets bought by three young girls last Saturday. They bought children's tickets instead of adult tickets which they should have bought, so wished to make this right."

Bank Night Is Given Higher Court Ruling

The first test case in Special Sessions, Manhattan, on Bank Night, was decided in favor of the local game agent when Judges Murphy, Gresson and Nolan dismissed an action against the Washington, 149th St. and Amsterdam Ave., after Assistant District Attorney Goldman had recommended such a move. The case was scheduled for last week, but had been put over until yesterday due to failure of Patrolman Kiernan, co-complainant, to appear.

With Kiernan showing up yesterday, the assistant district attorney, in favoring dismissal, told the three judges that there was "insufficient evidence," that "the game was not a lottery" and that patrons did not have to pay to enter in order to win. The only

(*Continued on page 4*)

New Momand Suit Is Filed in Oklahoma

OKLAHOMA CITY, Dec. 4.—Charging that a group of nationally known producers and distributors have forced her to close her theatre in Shawnee, Loretta L. Momand, owner of the Oden, there, today asked relief in a Federal court suit filed here.

She charged that several companies have discriminated against her in

(*Continued on page 4*)

Contempt Move Made Over Fox Subpoena

William Fox may be cited for contempt of court if satisfactory proof of his inability to answer a Federal court subpoena is not presented to Federal

(*Continued on page 4*)

Berry Admits NRA Is Dead In Statement

Calls Upon Industry to Avoid "Jitters"

By CLARENCE LINZ

WASHINGTON, Dec. 4.—Declaring flatly that "NRA is dead," George L. Berry, coordinator for industrial cooperation, tonight called upon industry not to "indulge in a bad case of NRA jitters" when considering the conference which he will open in Washington next week.

Seen as a last minute effort to head off an anticipated denunciation of the conference by Secretary of Commerce Roper's business advisory council, which meets here tomorrow and from which several important members are declared prepared to resign if the body doesn't take an attitude of opposition, Berry's statement stressed the fact that this was to be a meeting run by industry and labor, from which he anticipated recommendations for

(*Continued on page 4*)

Kuykendall Pleads For United Front

ST. LOUIS, Dec. 4.—Only industry-wide cooperation can ward off oppressive taxation and moves for Federal control, declared Ed Kuykendall at the annual meeting of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois.

Kuykendall repeated the plea he has made in other sections of the country for local settlement of industry disputes, and urged that an agreement of 80 per cent of exhibitors in any given territory could start operation of such a plan.

Reduction of the number of costume pictures was also suggested by the M.P.T.O.A. head.

Fred Wehrenberg was reelected president. Other officers named were: Vice-Presidents, S. E. Pertle, Jersey-

(*Continued on page 4*)

Warner Forces Take Up Sales Problems

Current distribution problems, a screening of "The Story of Louis Pasteur" and talks by Albert Warner, S. Charles Einfeld and Robert Mochrie featured the first of a two-day session yesterday of Warner eastern and Canadian district and branch managers. Today's session is being postponed in deference to M. B.

(*Continued on page 4*)

M-G-M Signs Feist to New Term Contract

Stays as General Sales Head, Says Schenck

Felix F. Feist, general sales manager for M-G-M, yesterday signed a new long-term contract to continue in that post, according to a statement by Nicholas M. Schenck, president.



Felix F. Feist

Feist has been with the company 11 years. He is one of the best known and liked executives in the industry and has traveled extensively here and abroad.

Signing of the new agreement yesterday definitely sets at rest reports current at the time Al Lichtman joined the company that the latter's entrance into M-G-M indicated the top sales post might eventually be vacated by Feist.

Feist's entrance into the picture business dates back to 1907, when

(*Continued on page 4*)

Educ'l to Center Producing in East

HOLLYWOOD, Dec. 4.—Educational will confine future short subject production to New York and is considering bids for the leasing of its studio here.

Double bills are responsible for the concentration in the east and for a reduction in the company's program from 42 to 28 releases. E. H. Allen, former coast studio manager, will continue as the company's representative here.

David O. Selznick, Edward Small, Sol Lesser and Winfield Sheehan are understood to have entered bids for the studio. Sheehan is reported holding an inside track.

Coast IATSE Head Here on Union Row

Steve Newman, I.A.T.S.E. studio representative, was scheduled to arrive here from Hollywood by plane late yesterday in anticipation of a meeting tomorrow between film company and

(*Continued on page 7*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 5, 1935 No. 132

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Levy Asks Sound Check

HOLLYWOOD, Dec. 4.—Jules Levy, vice-president in charge of distribution for RKO-Radio, is urging exhibitors to check up on sound equipment before playing the Lily Pons picture, "I Dream Too Much," in order to get the most out of her high notes. RCA and Erpi have asked their district managers to cooperate to the fullest in servicing sound in advance of playdates of this film.

Skouras Reaches Coast

LOS ANGELES, Dec. 4.—Spyros Skouras arrived from New York last night by plane for conferences with officials of F.W.C. He will be here a week or 10 days. He was accompanied by Francis Reed, attorney of Hughes, Schurman & Dwight, Chase National counsel.

Crone Succeeds White

HOLLYWOOD, Dec. 4.—J. R. Crone today was named studio production manager of RKO, succeeding C. D. White who died suddenly a week ago. Crone's former post as assistant production manager will be assumed by Walter Daniels, one of the studio's four unit managers.

To Exhibit News Photos

The first annual exhibit of pictures made by members of The Press Photographers' Ass'n. of New York will start at Rockefeller Center Dec. 10 and continue through the 15th. It is to be held in Salons 1, 2 and 3 on the mezzanine floor from 10 A.M. to 10 P.M.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Wanderer of the Wasteland"

(Paramount)

HOLLYWOOD, Dec. 4.—Based on the Zane Grey novel, this western has all that patrons and showmen expect in outdoor action dramas. Following the familiar pattern with the beautifully photographed Death Valley scenery featured, the picture deals with elements that have an understood entertainment value.

Dean Jagger, thinking that he has killed his worthless brother, flees to the wastelands. Found and befriended by Edward Ellis, owner of a rich mine, the pair work the claim. Meeting an eastern girl, Gail Patrick, who with her father and mother, Charles Waldron and Anna Nilsson, have come to dig a fortune out of the hills, romance builds for the boy and girl. Claim-jumpers headed by Larry and Monte Blue plan to loot Ellis of his holdings. Jagger gets wind of their intentions and sets a trap for the raiders. There follows a thrilling chase and gun battle in which Jagger saves Miss Patrick and Ellis. The romantic finale has Jagger discovering that he is not guilty of his suspicion of murder and sharing part of Ellis' mine with the girl.

Concentrating on thrill action, Otto Lovering's direction permits that quality to dominate as the individual work of the players is made subordinate. Yet the performances are convincing in relation to the plot's theme and Stuart Anthony's screen play contrives to get considerable comedy into the yarn.

It is substantial fare for juvenile audiences and the picture also holds interest for adult western fans.

Production Code Seal No. 1,023. Running time, 62 minutes. "G."

"Too Tough to Kill"

(Columbia)

SAN DIEGO, Dec. 4.—This is an action love drama built around the construction of a great aqueduct from Parker Dam on the Colorado to Los Angeles and other coast cities.

Its entertainment appeal, such as it is, is chiefly in cave-ins, landslides and explosions in the building of the Whitney Tunnel. There is perhaps sufficient suspense to intrigue the general run of audiences, although the love interest is meager. Timely story material, photography and players look like the best factor to be stressed in promotion.

The picture features the battle between Victor Jory as John O'Hara, two-fisted engineer, and an unknown force that is hampering the completion of the tunnel. With the aid of Sally O'Neill as Miss Miller of the *Chronicle,* Jory exposes Bill Anderson, assistant engineer, played by Robert Gleckler, who has been in league with rival contractors in causing the landslides. O'Hara, of course, falls for the girl reporter.

Comic relief is well supplied by Johnny Arthur as a news photographer. Thurston Hall does what he can in a brief appearance as a hard-boiled managing editor who sends Sally to the jinx tunnel after overhearing her boasting to the staff how she can handle the job. D. Ross Lederman directed from a story by Robert Speers.

Previewed without production code seal. Running time, 58 minutes. "G."

Reliance to Do "Fiske"

HOLLYWOOD, Dec. 4.—"The Life of Jim Fiske" will be a special on the Reliance schedule to go into production soon. The picture based on the life of that audacious character will be made on the same scale as "The Count of Monte Cristo."

Shapiro Joins Wurtzel

HOLLYWOOD, Dec. 4.—Victor M. Shapiro, former west coast manager of Quigley Publications, today signed a contract to join Sol. M. Wurtzel's production staff at Twentieth Century-Fox.

Ampa Lunch Closed

The Ampa lunch today will be a closed meeting at which members will outline plans for their annual Christmas luncheon. Jack Dempsey's as usual is the place.

Order Loew Dividend

A dividend of $1.75 a share on accumulations on the seven per cent preferred of Marcus Loew's Theatres, Ltd., payable Dec. 21, has been declared. The balance of past due payments will be $43.75 a share, according to Fitch's statistical service.

Assemble for Services

SCRANTON, Pa., Dec. 4.—A representative gathering of New York film executives had assembled here by late evening to attend the services Thursday morning for M. B. Comerford who died Monday following an auto crackup.

Sound Class Delayed

HOLLYWOOD, Dec. 4.—Start of the Research Council course in sound recording scheduled for Monday was postponed because of the illness of A. P. Hill of Erpi.

Allied White Book 23-Page Pamphlet

Allied's White Book published to gain support for the Pettengill and Neely anti-block booking and blind selling bills is a 23-page pamphlet aimed for distribution by exhibitor members and the 35 groups which have come out in support of the measures.

A list of these organizations is printed in the book along with the names of 43 educational, religious and civic leaders who have indorsed the Pettengill bill.

A foreword says the purpose of the booklet is "to supply accurate information to the movie-goers of America —and, more especially, to the parents of juvenile and adolescent movie-goers —relative to certain trade practices imposed upon the independent motion picture theatre owners by the major producers and distributors of motion pictures which practices have a direct bearing on the character of entertainment offered by the independent theatres to the public."

Six of the eight chapters give the Allied definition of block booking and blind selling and their effects. Chapter V insists the Pettengill and Neely bills, which are identical, are the only remedy. Chapter VI is titled: "Big Eight Propaganda Exposed." It purports to answer the majors' contentions that block booking is not compulsory; that block booking compels exhibitors to play the good pictures; that the bills will work undue hardships on producers and distributors, and that the proposed legislation is without precedent.

A list of endorsers of the bills is given on page 20. This is followed by a discussion of the meaning of the Allied seal, a reprint of the Pettengill bill and a glossary of industry terms.

A direct appeal for aid of readers of the booklet in support of the bills is made.

Wall Street

Paramount Issues Gain on Board

	High	Low	Close	Net Change
Columbia	69½	68⅝	68⅝	+1⅝
Consolidated	6¼	5⅞	6¼	+ ⅛
Consolidated, pfd.	19½	19¼	19¼	+ ⅜
Eastman Kodak	163¾	162¼	162¼	+ ¾
Eastman, pfd	155¾	155½	155½	— ½
Loew's, Inc.	53⅛	52¼	52⅞	+ ¼
Paramount	9¼	9	9¼	+ ¼
Paramount 1 pfd.	76½	75¼	76	+1⅝
Paramount 2 pfd.	11⅜	11⅛	11¼	+ ¼
Pathe Film	7½	7¼	7¼	.....
RKO	5⅜	5¼	5¼	.....
20th Century-Fox	23½	22⅞	22¼	—1¼
20th Century, pfd	30⅞	29½	29¾	—1⅛
Warner Bros.	9⅛	8⅞	9	+ ⅛

Curb Issues Up

	High	Low	Close	Net Change
Sentry Safety	11/16	½	11/16	+1/16
Sonotone	2⅜	2⅜	2⅜	+ ⅛
Technicolor	18⅞	18½	18⅞	+ ¼
Trans-Lux	4⅛	4	4	.....

Warner Bonds Gain a Point

	High	Low	Close	Net Change
General Theatre 6s '40	19	18¾	19	.....
General Theatre 6s '40 ctf	19	18½	18½	— ½
Keith B. F. 6s '46	93½	93½	93½	— ⅛
Loew's 6s '41 ww deb rights	104	104	104	.....
Paramount B'way 3s '55	56¾	56⅜	56⅜	+ ⅜
Paramount Pict. 6s '55	90⅞	89¾	89¾	—1
Warner Bros. 6s '39 wd	87½	87	87¼	+1

(Quotations at close of Dec. 4)



Climaxing a comet-like screen career with another sensational performance, alluring **WINI SHAW** reaches definite film stardom in Warner Bros.' fast-moving new musical, **"BROADWAY HOSTESS"**. Her role of a glamorous night-club singer affords Wini splendid opportunities to display the voice and charm which made her famous as Caliente's "Lady in Red" and as the "Lullaby of Broadway" girl in "Gold Diggers of 1935". Phil Regan, Genevieve Tobin, Lyle Talbot, Allen Jenkins and Director Frank MacDonald contribute their usual expert assistance. A First National Picture. Released December 7th.

Legion Films To Be Listed For U.S. Here

(*Continued from page* 1)

which organization has been active for many years in reviewing pictures. During the past 10 months the bureau has prepared the classification of pictures which has been issued by the authorities of the Archdiocese of New York.

Under the new national list motion pictures will be classified as follows:

A—Not disapproved.

B—Disapproved for youth with a word of caution even for adults.

C—Disapproved for all.

This designation of pictures, it is explained, being a general list is intended to confine itself to "negative commendation" where pictures are not disapproved. It is to be left to the authorities in the various dioceses to give positive praise to worthy pictures, if they see fit to do so.

The list is to be made available regularly to the press. Local councils of the Legion of Decency have been asked to support the national program and to depend upon the new national list of pictures to the exclusion of all others.

Kuykendall Pleads For United Front

(*Continued from page* 1)

ville, Ill.; Joe Hewitt, Robinson, Ill., and I. W. Rodgers, Cairo, Ill.; secretary-treasurer, L. C. Hehl, St. Louis.

Building Commissioner Charles Welsch made a plea for exhibitor cooperation in preventing crowding of aisles. Other speakers were: Reyburn Hoffman, secretary-manager of the St. Louis Safety Council; Mrs. Clyde McNay, president of the Better Films Council; Mrs. Norman Windsor of the Board of Religious Organizations; Mrs. R. Noble, chairman of the council's Family Night Committee, and Nelson Cunliff, president of the St. Louis Amusement Co.

Paramount Five Wins

Paramount ushers have defeated the Music Hall service staff's basketball team, 60-19, thereby continuing a winning streak. The game was played in the Metropolitan Life Insurance Co.'s gymnasium.

WANTED

Freelance

Sound Service Men

Must be capable of servicing independent manufacturers' sound equipment. Liberal commissions paid for any sales closed from leads furnished by manufacturers. Send complete details in first letter including territory covered.

BOX BT

MOTION PICTURE DAILY

Radio Gets Ascap Notice on Warners

(*Continued from page* 1)

ers, however, could not be sent out until Ascap received written notification of the withdrawal of the Warner music companies. Only an oral notification was given at the Ascap board meeting last week.

Few, if any, radio broadcasters are expected to cancel their Ascap contracts as a resutl of this development and the principal significance of Ascap's notification to the broadcasters, therefore, is the further evidence it affords that the society does not propose to reduce its licensing rates as a result of the loss of the Warner music. If such a reduction was being considered, it was pointed out, Ascap undoubtedly would have advised its licensees of the fact concurrently with the notification that existing contracts could be cancelled. A formal statement on rates, however, has not yet been made by Ascap. The subject may be up for discussion at today's meeting of the Ascap board.

It was stated at the society's offices that all music firms controlled by film companies other than Warners have either advised the organization that they would renew their memberships Dec. 31 or have indicated that they would. These include publishing companies controlled by Paramount, M-G-M and Fox.

Contempt Move Made Over Fox Subpoena

(*Continued from page* 1)

Judge William Bondy, the latter has ruled in an opinion handed down on behalf of the Capitol Co., which is seeking to recover from Fox for his alleged liability on a theatre lease.

At the offices of Hirsh, Newman, Reass & Becker, Fox's attorneys, an attorney stated yesterday that he had not yet read the opinion and added that no order had been signed by the court yet "so the question of Fox's contempt would take some time to decide."

Fox is reported to be at Atlantic City and in uncertain health.

Warner Forces Take Up Sales Problems

(*Continued from page* 1)

Comerford, whose funeral takes place this morning at Scranton.

The session opened with informal chats in A. W. Smith's office, following which "The Story of Louis Pasteur" was screened. After lunch "Dangerous" was shown. The men then went to the Waldorf Astoria where the three speakers discussed various topics.

Appeal to Be Filed On Missouri Ruling

KANSAS CITY, Dec. 4.—Attorneys for the Joplin cafeteria company which lost a court attack on the sales tax law have indicated they will file an appeal to the Missouri Supreme Court.

Judge Nike Sevier in the Cole County Circuit Court sustained a demurrer of State Auditor Forrest Smith without making comment on the constitutionality of the law.

Disney 34 Today

Walt Disney's 34 today. Seven years ago at the age of 27 he started Mickey Mouse on the road to fame, and during the 84 months since that time he has been pursuing Mickey and his other creations along the road to fame at a dizzy pace.

So far, he says, fame hasn't felt different from obscurity. He can't impress his wife, he can't make his daughter obey and he can't keep fleas off his dogs. On a few occasions he has been able to get good seats to football games, but these have not interfered with his work.

M-G-M Signs Feist To New Term Pact

(*Continued from page* 1)

after completing a course in advertising, he joined Kinemacolor as advertising manager. He left this post in 1909 to become president of Celebrated Players Film Corp. at Chicago. Four years later he joined Equitable Pictures as general manager and secretary. In 1917, Feist associated with Goldwyn Distributing Corp. as vice-president and general manager in charge of sales. Two years later he joined Joseph M. Schenck as supervisor of features.

Seek Stay to Stop Zirn's Litigation

Beekman, Bogue, Leake, Black & Stephens, attorneys for former Paramount bank creditors, filed a motion in Federal district court here yesterday asking that Samuel Zirn, attorney, either be enjoined from continuing litigation against Paramount in the state courts on behalf of former bondholders of Paramount Publix or be cited for contempt. The motion was set for hearing next Wednesday before Federal Judge Goddard.

The plaintiffs contend that Zirn's state court suits which are aimed at acts which occurred prior to the Paramount Publix receivership and to the company's voluntary petition for receivership are invalidated by the Federal court order of last June which confirmed the Paramount reorganization plan. They assert that a provision of the plan calls for the withdrawal of litigation by all classes of creditors the settlement of whose claims was provided for in the plan.

Berry Admits NRA Dead in Statement

(*Continued from page* 1)

"cleaner competition, better conditions for labor and a sounder philosophy of operation."

Unemployment and taxation apparently will be the predominant topics of discussion. According to an analysis of correspondence from industrial and labor sources, it was asserted,

"The enthusiasm which attended the birth of the Recovery Act and the new hope it gave to a depressed nation," he lamented, "seems to have turned by some strange process into despair and hate and vindictiveness."

Bank Night Is Given Higher Court Ruling

(*Continued from page* 1)

charge, the assistant district attorney, stated was that for entertainment.

As a result, the three judges informed the patrolman to advise his superiors not to make any further arrests in connection with this particular game. Some time ago, a Manhattan magistrate dismissed a case against the Gotham. Pending in a Bronx Magistrate's Court is an action against the Bronx Opera House, which had been postponed indefinitely until the outcome of the Special Sessions action.

All three theatres are operated by Harry Harris, who now plans to extend the game in five or six more units in his circuit.

Last week, Magistrate Anna Kross threw out a similar action against the Academy of Music when Assistant District Attorney James J. Wilson recommended dismissal on the same grounds as given in the Washington case. In this instance, Louis Weber, attorney for Skouras, represented the defendant, while in the Special Sessions' hearing the Bank Night attorney appeared.

Nothing has yet developed this week on reports police activity against Bank Nights in the Bronx would be renewed. Theatre managers who had been tipped off have not heard further than the first report.

Several weeks ago, Special Sessions in Brooklyn held against the Winthrop in connection with games. Melvin Albert of Weisman, Quinn, Allen & Spett appealed to the Appellate Division where the case now remains for disposal. It will probably be heard next month.

Although District Attorney Wilson brought out the fact Bank Night was a copyrighted game in the Academy of Music hearing, the subject did not come up yesterday until the judges themselves inquired. The information that it was then was supplied.

New Momand Suit Is Filed in Oklahoma

(*Continued from page* 1)

favor of a chain theatre organization which operates at Shawnee and have refused to supply films and accessories. She asks an injunction to restrain the companies from canceling contracts with her and carrying out alleged threats not to supply her with films. The companies named in her suit are Vitagraph, Warners, First National-Vitaphone, Fox, RKO, Columbia and Universal.

The plaintiff is the wife of A. B. Momand who has an anti-trust suit asking triple damages of $5,000,000 pending against Paramount. This suit was filed more than three years ago.

Coast Drive a Success

HOLLYWOOD, Dec. 4.—The film industry has subscribed 15 per cent of the Community Chest total here, or $228,778.50, said Louis B. Mayer in a brief address today before the Chest Committee of the Producers' Ass'n. He expressed his appreciation for the industry cooperation.

CALLING UNIVERSAL!

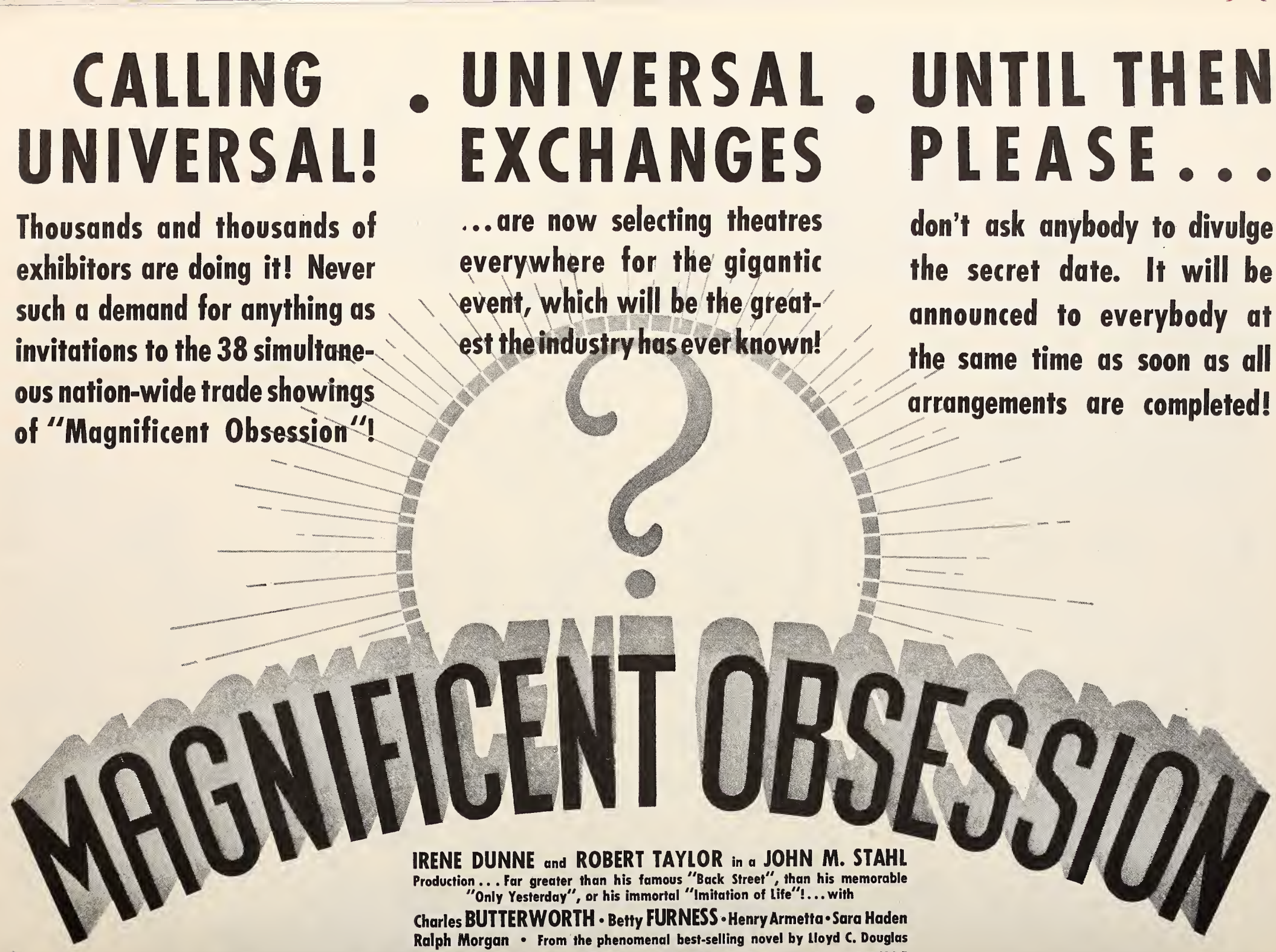
Thousands and thousands of exhibitors are doing it! Never such a demand for anything as invitations to the 38 simultaneous nation-wide trade showings of "Magnificent Obsession"!

. UNIVERSAL . EXCHANGES

...are now selecting theatres everywhere for the gigantic event, which will be the greatest the industry has ever known!

UNTIL THEN PLEASE...

don't ask anybody to divulge the secret date. It will be announced to everybody at the same time as soon as all arrangements are completed!



IRENE DUNNE and **ROBERT TAYLOR** in a **JOHN M. STAHL** Production... Far greater than his famous "Back Street", than his memorable "Only Yesterday", or his immortal "Imitation of Life"!... with

Charles **BUTTERWORTH** • Betty **FURNESS** • Henry Armetta • Sara Haden

Ralph Morgan • From the phenomenal best-selling novel by Lloyd C. Douglas

A UNIVERSAL PICTURE PRESENTED BY CARL LAEMMLE

Call Paul Benjamin

OFFICE RUSHGRAM

To

From Film Daily Relief Fund

Date

$2.00 Ampa Lunch Astor - 12th

Phone Marion

Mazie ★★★★

Call J.J. at Hays office

Phone Scaller about rumba

Find out name of blonde at Tony's

Squawk about ad position in Journal





AMPA Christmas lunch

2:00
3:50
6:00
8:20

$19.70

A.M.P.A.
3rd Annual X mas
lunch - HOTEL ASTOR
Thursday, Dec. 19th
12:45 noon.
2 Bucks
MUST!!!



Meet Betty-Astor lobby 6 p.m.

Collect football bet from Gottlieb

Ole baby!



Copy — Layout — Artwork — Typography and general confusion by Monroe Greenthal and Gregory Dickson — Engraving by City Photo Engraving Co.

Fred Stone Named Rogers Fund Head

WASHINGTON, Dec. 4.—Owen D. Young, chairman of the Will Rogers Memorial Commission Committee, today stated that the following officers of the commission had been elected: Fred Stone, Forest Hills, L. I., president; Oscar Lawler, Los Angeles; Ulric Bell, Washington, and Rex Beach, New York, vice-presidents; Jesse H. Jones, Houston, treasurer; James G. Blaine, New York, assistant treasurer; and Capt. E. V. Rickenbacker, Bronxville, N. Y., secretary.

Vice-president John N. Garner will continue as honorary chairman of the commission. Members of the executive committee are as follows:

Young, New York; Will H. Hays, New York; Jones, Houston; Amon G. Carter, Fort Worth; Patrick J. Hurley, Tulsa, Okla.; Bell, Washington. Members of the executive committee yesterday reviewed the progress of the campaign to date, but more specifically considered the permanent organization of the Will Rogers Memorial Commission. The committee learned with special interest of a meeting being held in Oklahoma, and progress which was being made in the states of Ohio and Michigan, it was stated.

Showed Men Films, Declares Lubitsch

CHICAGO, Dec. 4.—Discussing the Paramount sales meeting held here, Ernst Lubitsch said: "We held this meeting not to tell the salesmen what we will make, but to show them what we have made. Never before have we had so many pictures completed and nearly completed to show our men. I am glad to say they were enthused.

"Pictures we plan to make, he continued, "will be built with one idea in mind—their box-office value. Pictures that make money are usually good pictures, and that is what we intend to produce."

Asked what he thought of British competition, he said that if good pictures are made abroad with American appeal they are welcome in this country.

Before leaving today John E. Otterson, president, said that he felt the contact with the field forces had been a great success. He predicted that showing the men product already on hand would result in a healthy sales increase.

The coast contingent left tonight.

Contests Ahead for Local 306 Offices

Several contests are in prospect for executive positions in Local 306 as a result of nominations made last night at a meeting in Odd Fellows' Hall, Brooklyn. Elections will be held Dec. 18.

Joseph D. Basson, president, faces competition from Alex Polin and Ben Norton.

Other nominations were: Vice-president, Frank Ruddock; treasurer, Frank Pircher and Jimmy Ambrosio; recording secretary, Herman Telber (incumbent), and William Green; financial secretary, Charles Beckman.

About 800 members were present at the meeting.

Purely Personal

JULES LEVY, N. J. BLUMBERG, EDWARD MCEVOY, CRESSON SMITH, JOHN O'CONNOR, PHIL MEYER and JULES CHAPMAN at the Gateway; ARTHUR W. KELLY, HARRY D. BUCKLEY, HASKELL MASTERS and CECIL MARKS at Dinty Moore's; HARRY H. THOMAS, AL FRIEDLANDER, ED FAY, JAMES A. FITZPATRICK, MITCHELL KLUPT and AL HOVEL among those at the Tavern, during yesterday's midday recess.

•

ED FINNEY advises that NAT STEINBERG, St. Louis Republic franchise holder, has entered the Y.M.C.A. handball tourney in that city. A number of exhibitors also are in the playoffs.

Love Lyrics to Mox Shobbus

by Ali Gaga

A Picture of You Without Me*

Opus I

Picture Fred Astaire without a tap,
Picture Cecil B. DeMille without his cap,
Picture Brothers Warner without a lawsuit,
Picture little John Weismuller without his raw suit,
Picture M-G-M without its Leo,
Picture Groucho Marx minus all the trio,
Mix 'em all together and what have you got?
Just a picture of you without me.

Opus II

Picture 20th Fox without Darryl,
Picture Carroll's Vanities without Carroll,
Picture Louis Nizer without an answer,
Picture Pandro Berman, my dear, without that dancer,
Picture Universal without its Grainger,
Picture Music Hall minus any stranger,
Mix 'em all together and what have you got?
Just a picture of you without me.

(*Picture Ali Gaga without Cole Porter's hit song from "Jubilee.")

Sharafs Intervene In the Warner Suit

Judge Henry W. Goddard in Manhattan Federal Court yesterday granted the petition of Emelia and Morris Sharaf to intervene as co-plaintiffs in an action brought by Norman Johnson, as stockholder, against Warners.

The petition explained that the Sharafs are residents of Massachusetts and between them own 3,712 shares of Warner common stock. This action seeks to enjoin the meeting of stockholders in Wilmington, Dec. 9. They are opposed to the ratification of an alleged compromise agreement involving the transfer of 90,000 shares of Warner stock to Renraw, Inc., and the settlement of a stockholder's action brought in 1934 by Max Goldberg.

Fox Salesmen to Rest

All Fox salesmen will start taking their vacations the end of next week and return after New Year's.

AL LICHTMAN, LOUIS K. SIDNEY, LOUIS NIZER, SAM DEMBOW, PHIL REISMAN, HERMAN ROBBINS, EDDIE HYMAN, HERB EBENSTEIN, CHARLES MOSES. FRANK FREEMAN, MARTY MULLINS and ARTHUR HIRSCH among those in the Hunting Room of the Astor at lunch.

•

TOM PRYOR and FRANK NUGENT of the *New York Times* yesterday morning interviewed M. C. LEVENTHAL on Audioskopics at the M-G-M home office and they took the assignment seriously.

•

J. H. HOFFBERG has purchased the world rights for "It's a Bird." It has LOWELL THOMAS handling the narration and the Bowers process is used for color work.

•

CECIL MARKS, general manager for U. A. in Australia, leaves today for the coast by train en route to Sydney.

•

JOE E. BROWN reached town today for a vacation before starting "Sons o' Guns" for Warners.

•

AL JOLSON and MRS. JOLSON (RUBY KEELER) are planning a European trip shortly after the first of the year.

•

PAT O'BRIEN will be guest star on RUDY VALLEE's program tonight.

•

. . . Cincinnati

L. B. WILSON, owner of WCKY, radio station across the river on the Kentucky side, is on a fishing trip in Florida, after which he will make a short trip to Havana for business and pleasure.

HERMAN ORSHAM, student booker from the M-G-M office in New York, has been assigned here under Manager EDDIE BOOTH.

NAT LEVY, RKO district manager, here recently for a visit with STANLEY C. JACOBS, in charge of the local RKO branch.

Coast IATSE Head Here in Union Row

(*Continued from page 1*)

union officials on the studio and theatre labor situation resulting from the jurisdictional dispute between the I.A.T.S.E. and the I.B.E.W.

However, indications yesterday were that the projected meeting would not be held until some time next week, no definite date having been set yet. Pending the meeting and its outcome, the I. A. has agreed to order no strikes or walkouts of its members such as those which closed Paramount affiliated theatres in the middle west temporarily last week-end. Indications are that the I.A., at the coming session with film company representatives, will demand assurance that its members eligible for studio employment will not be discriminated against. It is also reported, but not verified, that the I.A. may ask the complete ouster of I.B.E.W. men from theatres and studios.

Agree with Canada Union

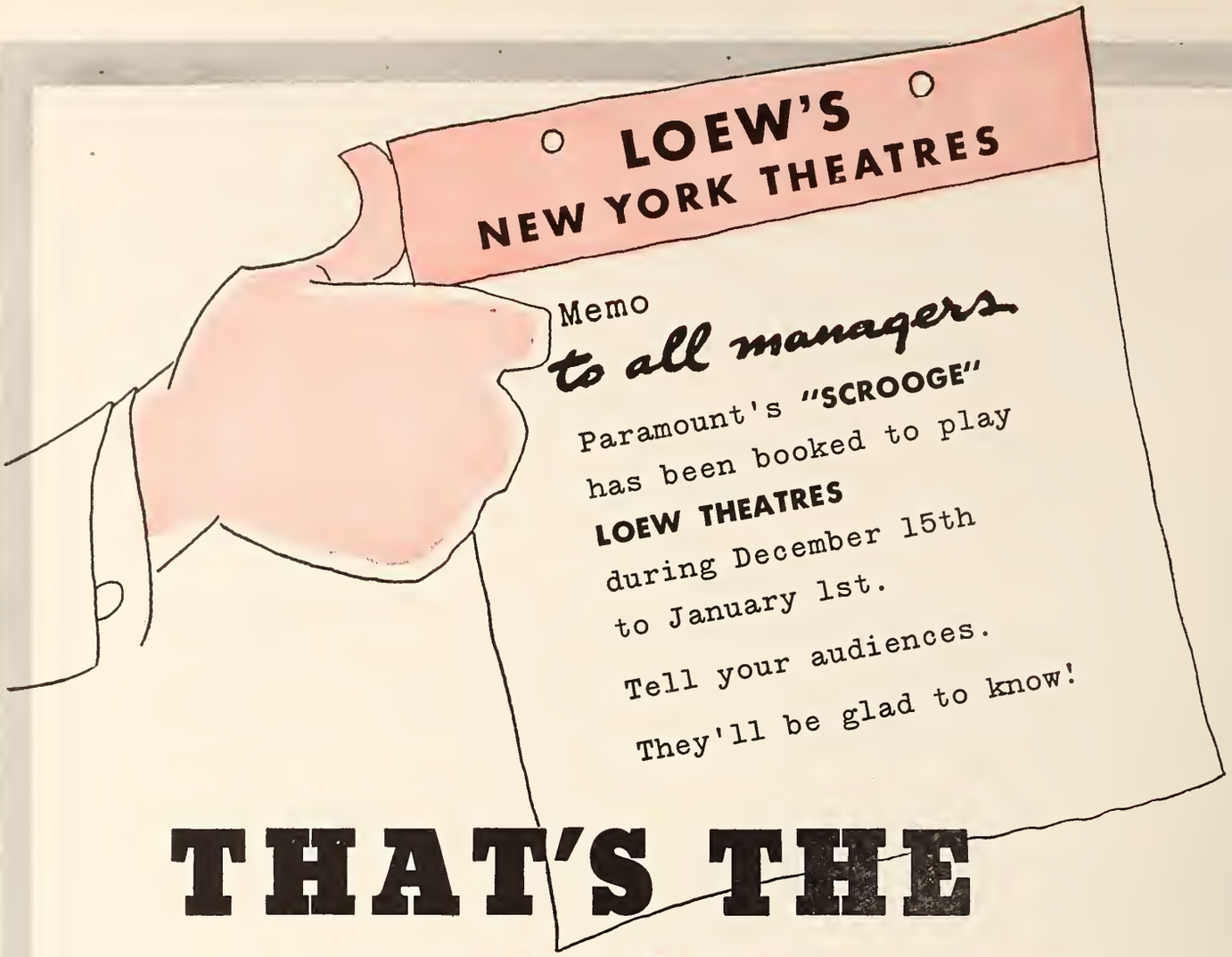
CALLANDER, Ont., Dec. 4.—A Canadian union photographer and technician will be employed for each American on Twentieth Century-Fox's company here to film scenes of the Dionne quintuplets for "The Country Doctor," according to a tentative agreement reached today.

A union dispute arose when Dr. Allan Roy Dafoe, the quintuplets' physician, advised the film company that only six technicians would be permitted in the hospital instead of the 11 technician members of the unit. The Canadian union insisted upon 11 of its alternates, regardless.

G. B. Signs Ralph Spence

Arthur A. Lee, vice-president of G. B., has received word from Michael Balcon on the coast that Balcon has signed Ralph Spence to work on stories for Jack Hulbert and Cicely Courtneidge for six months.





THAT'S THE CHRISTMAS SPIRIT!...

Here's LOEW'S ... the latest circuit to play Santa Claus to its customers by playing "SCROOGE" ... The new edition of Charles Dickens' "Christmas Carol."

We call that showing the right kind of Christmas Spirit. It's right smart of LOEW'S, too, for the whole family will get a lot of enjoyment out of seeing "SCROOGE," with Tiny Tim, the Cratchits, and all the rest of those familiar Dickens' characters.

Paramount Pictures

LOEW'S also knows

It Pays to Play a Paramount Picture!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 133 NEW YORK, FRIDAY, DECEMBER 6, 1935 TEN CENTS

Foreign Plans Of M-G-M Not Ready—Loew

Production Abroad Stays As in Past, He Says

Describing recent reports as "just a bubble," Arthur Loew, vice-president in charge of M-G-M's foreign activities, stated yesterday no definite production plans abroad have been made. He added the status of foreign production remains as it always has been.

M-G-M has been mulling such plans, Loew said. Ben Goetz, former vice-president of Consolidated Film, joined the company recently to make a survey in England looking toward the establishment of a laboratory and also to look into the possibility of production.

Goetz will arrive from the coast shortly, en route to London, where he will spend several months checking into both situations. Decision on both matters is contingent on his analysis.

If, and when, M-G-M decides to go ahead on production, activity will be

(*Continued on page* 11)

"Dream" Is $93,000 Draw at Music Hall

"I Dream Too Much" at the Music Hall garnered a nice $93,000 for the first seven days and entered its second week yesterday. For the first four days the take amounted to $69,000 and on the fifth day the take rose to $76,000. The Center, on the third week of "Thanks a Million," showed a profit, grossing around $23,000. The picture is now in its fourth week.

"In Old Kentucky" at the Roxy ended an eight-day run last night with approximately $45,000, slightly under expectations. "Miss Pacific Fleet" starts today. "She Couldn't Cook" has been booked for Christmas week.

Warner Examination Is Denied by Court

Supreme Court Justice Joseph M. Callahan denied a motion yesterday for examination before trial made in connection with injunction proceedings brought by Harris Pepper against Warners, its directors and Renraw, Inc. Pepper, the owner of 125 shares of common stock, seeks to recover from Warners alleged losses sustained by them by reason of supposed wrongful acts and negligence.

He also sought to enjoin the other 36,570 stockholders from voting upon a settlement contract at the meeting

(*Continued on page* 11)

City Finishes U. A. Audit; Will Levy Upon All Income

The city finance department yesterday completed its audit of the books of the local United Artists Exchange for the purpose of levying against its income in connection with the city sales tax. The exchange was notified by the department that an assessment covering the period from Dec. 28 last to Mar. 1, 1935, would be sent it within the next few days.

The assessment, it is understood, will be based on the entire revenue of the exchange, regardless of whether it originated from theatres located outside the city or state and, on this basis, is expected to be approximately double the assessment of $9,000 levied against the exchange some time ago. The city computed the first assessment only on the basis of revenue obtained from sources within the city limits.

The city's efforts to collect the sales tax are being contested by organized local distributors with the United Artists situation as the test case. A hearing has been held already by the city finance department on whether film rentals are subject to the sales tax but no decision has been handed down yet. An adverse ruling will be appealed by the exchanges which, under the city's new method of assessment, may be subject to an annual tax of approximately $800,000 from this source.

Hint Korda Going In Theatre Field

By BRUCE ALLAN

LONDON, Dec. 5.—The prospectus drawn up for County Cinemas' new £2,500,000 issue lists the name of John R. Sutro, a director of London Films, and therefore suggests a tieup between Alexander Korda's company and A. J. Donada of County.

However, a direct check with Sutro brought the statement that, for the time being at least, he will not join the County board and the definite comment London Films had no connection officially or unofficially with the proposed flotation. He further described all announcement as premature. The circumstances appear to suggest that Korda did have a deal with Donada which has fallen through, probably temporarily, and that the expansion of County Cinemas, therefore, may be delayed.

Allied Leaders End Their Session Here

Abram F. Myers, general counsel of Allied; H. M. Richey, Detroit; and Aaron Saperstein, Chicago, the latter two directors, yesterday returned to their respective headquarters after conferring with Sidney Samuelson, president, on distribution of the white books recently gotten out by the organization on block booking.

In addition, the men decided to hold the national annual convention in Washington late next month. At this time, officers will be elected. Samuelson stated yesterday he is not anxious to run again, but did not say he would not accept the post if the directors insisted on his keeping it. No meeting date has been set yet.

No Educational Cut Due—White

Educational asserts that the Hollywood story to the effect that the company intends to cut its next season list to 28 subjects is all wrong.

By Nov. 1, Gorden S. White declares, the company had released more than 28 subjects, and through December the total of two-reel and one-reel subjects will be 44. In addition, there are 44 subjects already out, a number of others completed and awaiting release shortly after January 1.

The Terry-Toon cartoons alone will total 26, White states, and a shooting schedule of Joe Cook and Al Christie starting at Astoria on Tuesday calls for 28 two-reelers. In addition, he says, preparatory work has been started on five two-reelers to follow.

G. B. to Raise List To 24 Next Season

G. B., currently releasing 16 pictures in this market, plans to step the total to 24 for 1936-37, according to Mark Ostrer, who, following his annual visit, will sail for London Dec. 14 accompanied by Michael Balcon who will return from Hollywood in a few days.

Ostrer will carry with him an optimistic and encouraged picture of G. B.'s progress in the American field. "We are well satisfied with the ground traversed to date, but expect our progress to continue," he declared.

The picture for which Sylvia Sidney has been signed will be made in London along about June.

George W. Weeks, general sales manager of G. B., has placed John

(*Continued on page* 11)

U. S. Said to Have Frowned On Atlas Move

Buy of Chase 20th-Fox Holdings Involved

Putting a further stumbling block in the reputed efforts of Atlas and the Lehmans to acquire part or substantial segments of the Chase National Bank holdings in Twentieth Century-Fox, it was reported yesterday the Government has registered its displeasure at such a potential sale to any group substantially interested in any other film company. The Atlas-Lehman group currently is interested in Paramount and is half-owner of RCA's $16,000,000 investment in RKO.

News to Washington

WASHINGTON, Dec. 5.—Reports from New York that the Government had interested itself in preventing a sale by the Chase National Bank of its Twentieth Century-Fox holdings

(*Continued on page* 11)

Ampa Award Details Ready in Two Weeks

Details in connection with the annual advertising awards by Ampa will be announced in about two weeks, it was stated yesterday by Gordon S. White, president, at a closed meeting of the organization.

George Jessel will be the principal speaker and Jack Alicoate will be master of ceremonies at the annual Christmas party to be held at the Astor on Dec. 19. Among those who will appear at the affair will be Lily Pons, Morton Downey and other screen, stage and radio talent.

Plans for a raffle this year were dropped yesterday and all efforts of the members will be concentrated on the sale of tickets for the party.

Browne, Spitz Come Here on Labor Talk

George Browne, I.A.T.S.E. head, and Leo Spitz, RKO president, are due here late today to attend the meeting of union and film company representatives at which the film labor situation arising from the jurisdictional dispute between the I. A. and the I. B. E. W. will be discussed.

Browne will come here from I. A. headquarters in Washington late today or early tomorrow. Spitz left the coast by plane yesterday, marking one of the rare occasions on which he

(*Continued on page* 11)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 6, 1935 No. 133

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II. *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Charge Bank Night Is Not Patentable

An answer to the injunction proceedings brought in Federal Court by Affiliated Enterprises, Inc., against Hatco Theatres Co., Inc., was filed yesterday.

The plaintiff seeks to restrain the defendant from employing Bank Night and Treasury Night in its theatres.

The defense sets up that the Bank Night or Treasury Night system is not patentable and these terms are not lawfully used as a trademark. It further charges that the plaintiff's system constitutes an unlawful scheme and is in violation of the state lottery laws.

Quigley at N. Y. U.

Martin Quigley was the speaker last evening in the motion picture course of the Dept. of Education of New York University, conducted by Dr. Frederick M. Thrasher, associate professor of education. Quigley's subject was "Morals and Motion Pictures."

Close with Saenger

M-G-M has closed its 1935-36 program with the Saenger circuit, 80 houses strong. Felix F. Feist represented the distributor.

Depinet, Goetz In

Ned E. Depinet and Harry M. Goetz are scheduled to arrive from Hollywood by air today.

Insiders' Outlook

By RED KANN

MR. HEARST'S pet phobia, companion piece to his horror over the "Red" menace in America, gets another whirl in the editorial columns of his *New York American*, which again, the other day, seized upon the court case involving "Ecstacy" and read into it the need once more for film producers to clean up their endeavors before a Federal censorship is clapped down on them. Varying the procedure a trifle on this occasion, New York stage producers were embraced as well. . . .

▼

Hearst has resided long enough in California and has been sufficiently long on the inside of this industry to remember, if he were of a mind to, that this latest editorial effusion, insofar as it concerns pictures, is not true. He must know that the quality of the product has reflected more progress in the last eighteen months than in any other similar period certainly and that the voluntary production code of ethics to which this industry has subscribed long since has cleansed the dirt spots. This statement will bear no challenge because the facts are all one way. Hearst knows them. If his editors do not, there are ways. . . .

▼

The barrage of published comment which alternately caresses and lambasts the susceptible cheeks of this business is not always quite so serious a matter. Much of it is amusing. There is, for instance, an erudite newspaper in Kentucky known as *The Columbia News* which one day found the following emanating from its editorial typewriter:

"Hollywood is revolting against the increasing invasion of foreign stars.

"And rightly so.

"The American people are revolting, too.

"They are getting fed up on the eccentricities, the broken-English, the nasal twang, the extremes and the affected acting of the big-footed Garbo, the spraddle-legged Dietrich, the thick-lipped Chevalier and the loose-legged Marshall. . . .

"The days of foreign stars are numbered. Americans are finding American stars who are just as good, if not better."

Who would have suspected such profound wisdom lurked in those Kentucky hills? . . .

▼

Then *The Philadelphia Lutheran*, beating the war drums, worked itself into a lather recently over Sunday shows in that city with this:

"If there is any enterprise in the catalogue of American business that lacks so much as the appearance of a right to more time to make money, it is the movie industry. . . . An industry which could be awakened to a sense of morality only by a boycott thrown against it by the churches in order to lessen its influences in the instigation of racketeering, adultery and murders, now has the effrontery to demand for its own additional profit part of a period assigned to the church and to religion.

"Of one thing there is assurance: no moral, or economic, or civic betterment can come to a people who sell Sunday to Hollywood."

The people of Philadelphia, exercising their inherent right of referendum, determined for themselves what they wanted. That's all which seems worth while to talk about. . . .

▼

And *Irish World*, right here in New York, which would be far better off sticking to the problems confronting that unhappy people, talks completely through its hat with this:

"Because of a lull among the critics, movie magnates seem to think the decent people of the land have gone to sleep. So of late one notices an increase in vulgarity and obscenity. All of which means the magnates have not lived up to their promises."

This demonstrates that a sense of humor continues to be a saving grace. . . .

▼ ▼

Felix Feist's new contract as general sales manager of M-G-M will bring to an abrupt and pleasant conclusion whispers and hand-cupped comment about his situation in that company. It was natural, perhaps, that Al Lichtman's addition to the executive roster should occasion speculation in view of the latter's wide experience as a distributor; far more remote circumstances have been linked together before this. The Feist pact comes along to sustain Nick Schenck's comment when Lichtman joined up that no replacements in personnel were contemplated.

Metro without Feist would be like Scotch without soda. . . .

▼ ▼

"Numerous offers" have been received by the Chase National Bank for its stock holdings in Twentieth Century-Fox, it is officially admitted and dutifully reported in the financial section of *The New York American*. . . .

Very decent of the bank to admit something which ran in complete detail in this space on Monday. . . .

▼ ▼

The next Hecht and MacArthur is "Murder at 21."

In protest of Jack and Charlie's price list? . . .

All Negatives

Hollywood, Dec. 5.—Persistent reports emanating from New York that Ned E. Depinet had signed a contract to become president of United Artists were denied on two fronts today.

Said Depinet vehemently: "I am remaining with RKO."

Said Leo Spitz, president of the company: "There is no truth to the report about Depinet and United Artists."

Court Threatens Fox With Contempt Move

Unless William Fox submits to examinations in a judgment action brought against him by the Capital Co., a San Francisco theatre holder, within the next few days, he will be punished for contempt of court, Federal Judge William Bondy ruled yesterday in citing Fox.

Fox failed to answer a subpoena served on him near Philadelphia for an appearance in connection with a supplementary action to a $297,000 judgment against him obtained by Capital last summer. The judgment was based on a theatre lease which was allegedly guaranteed by Fox. A summons had also been served on Fox at Atlantic City by Capital earlier but the Federal court ruled that the service was outside the 100-mile area covered by the process and not valid. The later summons was served on Fox near Philadelphia.

K. C. Independents To Sue on Zoning

KANSAS CITY, Dec. 5.—The local I.T.O. today voted funds to institute court action to break up the zoned, prior run protection on which Fox Midwest bought this season's product. The charge probably will be conspiracy in restraint of trade. Independents may form a cash giveaway pool similar to the circuit's Bank Night. President E. Rolsky will confer with City Manager McElroy tomorrow to ascertain the city administration's attitude toward the move.

McElroy recently ordered removal of all giveaway signs. Most independents favor elimination of such schemes, but the city has not taken such action. Most independents will join the pool, it is said, giving away $150 to $200 nightly, with drawing rotating and the awards made to any patron of a house in the pool.

R. P. Meyers Leaves KAO: Will Join NBC

Robert P. Meyers, assistant to Major I. E. Lambert, chief counsel for KAO, has resigned, and on Dec. 16 will join the legal staff of NBC. He was with the RCA legal force for six years before joining KAO. Lambert will appoint Meyers' successor some time next week.

Lou Jaffee, formerly with the legal staff of KAO, will return to the company next week.

C. P. Wertz Passes

HOLLYWOOD, Dec. 5.—Clarence P. Wertz, double for Guy Kibbee, yesterday died of peritonitis at his home. He was 42.



"M-G-M IS THE ANSWER TO THE EXHIBITOR'S PRAYER," says Hollywood Reporter in its review of the newest M-G-M Sensation! More "Mutiny" at the Box-office!

(Next page please!)

M. P. DAILY says:

"Outstanding contribution of film entertainment."





38 MAGAZINES CARRY NATIONAL ADS!



36 MILLION AMERICAN HOMES GET THESE NATIONALLY CIRCULATED AD MESSAGES!

FILM DAILY says:

One of the outstanding pictures of the year. David O. Selznick, who did so well with "David Copperfield," has given this other Dickens classic a painstaking production, while Jack Conway brings the drama of the story to the screen in a masterly way. Ronald Colman is splendid.



(Next Page! The Tale wags merrily on!)



HOLLYWOOD REPORTER says:

M-G-M's "Tale of Two Cities" great picture. Certain Box-Office! Immortal story brought to the screen with an overwhelming power and beauty that make that world-shaking chapter of history a living and shattering reality. This distinguished work is the second Dickens story David O. Selznick has fathered as producer within a year. By reason of its subject his "David Copperfield" is outdone and he leaves behind a monumental money-maker. For there is not a box-office in this country, and few in other lands, that will not be enriched by this presentation. In the whole cast of twenty-four credited parts with almost as many bits, all are shrewdly individualized, alive and interesting. Such a roster of celebrated names, of which at least eight are stars, is something to talk about. From Ronald Colman down it it is an illustrious assemblage.

GIANT MAGAZINE CAMPAIGN "TALE OF TWO CITIES"

Magazine	Date of Issue	Out	Circulation
American Magazine	January	December 15	2,006,493
Cosmopolitan	January	December 10	1,699,116
Delineator	January	December 20	2,220,773
Good Housekeeping	January	December 27	2,152,970
Ladies' Home Journal	January	December 10	2,545,857
McCall's Magazine	January	December 10	2,400,100
MacLean's Magazine	December 15	December 10	208,601
Pictorial Review	January	December 10	2,145,364
Redbook Magazine	January	December 10	763,890
True Story	January	December 5	1,680,398
Woman's Home Companion	January	December 5	2,618,954
Collier's	January	December 15	2,415,411
Liberty	December 21	December 13	2,212,708
Literary Digest	December 28	December 18	998,865
Saturday Evening Post	December 21	December 19	2,768,887
Time	December 21	December 17	541,392
Woman's World	December 23	December 20	1,176,138
Parents Magazine	January	December 1	333,172
American Boy	January	December 25	379,841
Boy's Life	January	December 20	270,657
News-Week	January	December 20	270,657
Open Road for Boys	December 21	December 19	235,434
Film Fun	January	December 20	142,582
Hollywood	February	January 1	140,479
Modern Romances	February	December 29	526,708
Modern Screen	February	January 1	486,213
Motion Picture	February	January 1	196,448
Movie Classic	February	December 25	187,362
Movie Mirror	February	December 28	338,314
Photoplay	February	December 25	429,527
Picture Play	February	January 5	122,424
Radio Stars	February	January 1	250,832
Screen Book	February	January 1	184,411
Screenland	February	December 29	202,204
Screen Play	February	December 25	174,720
Screen Romances	February	January 5	160,461
Silver Screen	February	January 1	415,309
		January 7	

GRAND TOTAL COPIES—36,002,680

While Hollywood Raves About Leo's Newest Box-Office Champ, M-G-M Blankets America with Giant Campaign!

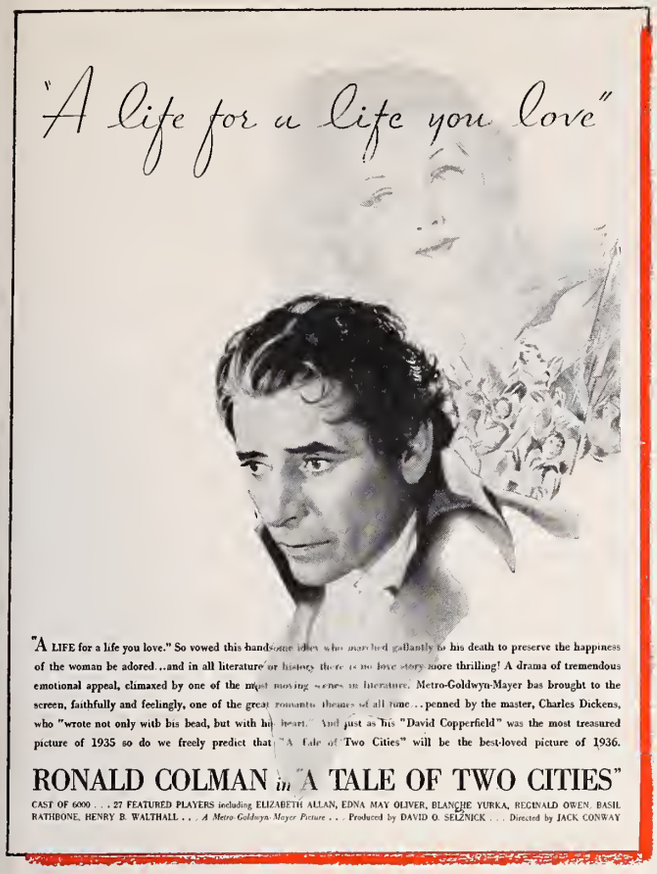
(The Raves Continue Next Page)





SHOWMEN'S TRADE REVIEW says:

Better than "Copperfield." Dickens' story mounts to epic proportions. M-G-M, sweeping the country with many fine productions, have added this stupendous story to their growing list of successes. It will be hard to equal for real entertainment. It has powerful scope and many dramatic moments. This Dickens story is interestingly told and vividly portrayed by a cast that could not be better and all can be proud of their contributions.



DAILY VARIETY says:

With high thrill, heroic terror and beauty has Charles Dickens' "A Tale of Two Cities" been brought to the screen to bid for the highest artistic and box-office honors. Altogether one of the finest expressions of screen and profoundly emotional incitements yet offered. Ronald Colman gives a great performance. Role scores tops for Colman. One of the finest of year's impersonations. Feel of being historically authentic, and production magnitude gives it an epic sweep.

"A TALE OF TWO CITIES" TOLD BY FULL-PAGE ADS IN YOUR CITY AND 12,000 OTHERS!



And so get ready for it! Next page please!

IF CHARLES DICKENS WERE ALIVE TODAY!

(as a matter of fact, he is!)



"Leo, you win my eternal gratitude. Last Christmas when you made 'David Copperfield' my heart was overflowing with thanks. Words fail me now as you bring the world another of my beloved novels – 'A TALE OF TWO CITIES' a great motion pictu for the delight of all humanity."

THANK YOU, SIR! THESE ALSO ARE THE ONES WHO DESERVE PRAISE FOR "A TALE OF TWO CITIES"!

Ronald Colman, the star, and the cast of 8,000, including ELIZABETH ALLAN, EDNA MAY OLIVER, BLANCHE YURKA, REGINALD OWEN, BASIL RATHBONE, HENRY B. WALTHALL, WALTER CATLETT, DONALD WOODS, FRITZ LEIBER, H. B. WARNER, MITCHELL LEWIS, CLAUDE GILLINGWATER, BILLY BEVAN, LUCILLE LaVERNE, TULLY MARSHALL, and all praise to producer David O. Selznick and director Jack Conway.



U. S. Said to Have Frowned On Atlas Move

(Continued from page 1)

to any group interested in any other film company were held to be without foundation here today.

Officials of the Department of Justice denied that the matter had been brought to their attention and declared that they were so barren of information on the situation as to make impossible any expression of opinion as to whether such a sale would be considered by the department as promotive of violation of the anti-trust laws.

No other agency in Washington, it was said, has any authority with respect to such matters. The Securities and Exchange Commission which is concerned with securities solely, would have no interest in the reported move.

Theatre Deal Not New

As part of the policy enforced now by Federal law, Chase National Bank for some weeks has been negotiating with Twentieth Century-Fox to sell to it the bank's interest in National Theatres Corp., which controls Fox West Coast and a number of affiliate circuits.

The probability is that the transaction will go through.

Cincy Views First Local Amateur Film

CINCINNATI, Dec. 5.—"First Option," the first feature-length sound picture ever to be produced and filmed in Cincinnati, had its premiere at the Taft, 2,500-seat house, a part of the Masonic Temple in the downtown district, which plays various attractions sporadically. It was sponsored by the recently formed Cincinnati Cine Club.

The picture, the story of which evolves around the invention of a new gasoline, is from an original scenario by Kenneth Albers and Sidney Travers, produced by William C. Sage, and directed by Margaret Radcliffe. Earl Derbes was head cameraman, Evelyn B. Mottern, continuity writer; James Maxwell, technical director, and Marcella Sage, makeup artist. These as well as members of the cast are local residents.

Additional features will be produced at intervals.

Gets Agfa Ansco Agency

SAN FRANCISCO, Dec. 5.—Motion Picture Service Co., trailer manufacturer and laboratory operated by Gerald Karski, has been named Northern California headquarters for Agfa Ansco.

A laboratory for processing and developing 16 mm. material, staffed by Ansco technicians, is being installed at the Karski plant. Karski retains management of his own plant for standard-size film work.

Delay KAO Meeting

The monthly directors' meeting of KAO, scheduled for Dec. 26, will be postponed until after the first of the year. The annual stockholders' session will be held in April.

Warner Examination Is Denied by Court

(Continued from page 1)

in Wilmington, Dec. 9, made by the board of directors, settling certain disputes arising out of a contract by which Warner Bros. Pictures, Inc., received the services of the three Warner brothers for a period of six years.

Judge Callahan ruled further that "it sufficiently appears that Pepper became a stockholder solely for the purpose of bringing this litigation and under the circumstances the court feels that its discretion should be exercised as indicated."

Ascap Accepts Resignation

The resignation of Herman Starr, Warner vice-president, from the Ascap board was formally accepted yesterday at a meeting of the board. The vacancy remains unfilled. No other resignations from the board occurred, it was stated at Ascap following the meeting, although Jerome Kern and Max Dreyfus, the latter of Harms, Inc., a Warner music subsidiary, were commonly considered Warner representatives on the Ascap board. It had been variously reported that their resignations might be forthcoming as a result of the withdrawal of their companies from the society.

No formal statement was made following the meeting on the possibility of Ascap making reductions in its current licensing rates as a result of the loss of the Warner catalogues. It is believed unlikely, however, that any change in the rates will be made.

Warner Conference Resumed

Warners' eastern district and branch managers will resume their mid-year conference this morning at the Waldorf-Astoria. It started Wednesday, but was interrupted yesterday in respect for the memory of M. B. Comerford. A. W. Smith attended the services at Scranton.

Informal personal conferences were held yesterday with Albert Warner and during the evening the men attended "Three Men on a Horse."

Smith will open the conference today. The men will leave tonight for their territories.

G. B. to Raise List To 24 Next Season

(Continued from page 1)

L. Franconi in charge of the Dallas and Oklahoma City branches. W. B. Wesley continues as branch manager at Oklahoma City under the new arrangement.

"Love Again" New Title

Jessie Matthews' next for G. B. will be released as "It's Love Again," instead of as "Modern Masquerade," according to Arthur A. Lee, vice-president.

RCA Paid on Deal

RCA has received from the London banking syndicate headed by Morgan, Grenfell & Co., and Edward De Stein & Co., $10,220,000, the proceeds of the sale of its 1,700,000 ordinary shares of Electric & Musical Industries, Ltd., plus a dividend participation, amounting to $400,000, since the stock was sold ex-dividend payable last month.

Ohio Spots Pushing General Improvement

CANTON, O., Dec. 5.—Improvement in industrial conditions is reflected in theatre construction and modernization in eastern and central Ohio, where activity in this line is at peak for more than five years. Several houses are under construction, more are planned, and many have modernized.

Plans have been drawn for a new theatre at Athens with a seating capacity of 1,266 at an estimated cost of $85,000. Completion is expected in the spring.

Schine Enterprises are enlarging their theatre at Mount Vernon, and are planning a new 1,000-seat house in Bucyrus.

There have been remodelings or new construction in Genoa, Maumee, Montpelier and Bowling Green and around Cleveland.

In Akron the Colonial, downtown first run house, has been modernized at an approximate cost of $50,000, and the National has reopened. The Nixon, neighborhood house, recently was enlarged and new equipment installed. The Akron Falls Theatre Co. has started construction of a new $80,000 house at Cuyahoga Falls. It will be known as the Ohio.

The Sixth St., in Coshocton and the Lincoln in Massillon, both Warner houses, have been remodeled. The Ohio at Uhrichsville recently was improved. There is remodeling going on in a score of other smaller towns in the territory.

Many New Yorkers At Comerford Rites

SCRANTON, Dec. 5.—Among the many friends at the funeral here today of M. B. Comerford, were the following: E. L. McAvoy, RKO, New York; Joseph McConville, Columbia, New York; J. J. Unger and Milton Kusel, Paramount, New York; Robert Mochrie, Warner; E. C. Grainger, Fox, New York; Edgar Moss, district manager, Fox, Philadelphia; P. A. Block, district manager, Paramount, Philadelphia; Major Leslie Thompson, RKO Theatres, New York; Louis Netter, Paramount, New York; Eddie Dowling, New York; Austin Keough, New York; Jules Levy, RKO, New York; Ted O'Shea, M-G-M manager, Buffalo; Sig Whitman, Universal; Charles McCarthy and Frank C. Walker.

Spartanburg Ad Tax Will Be Re-Drafted

SPARTANBURG, S. C., Dec. 5.—Roy L. Smart, district manager of Palmetto Amusements, operators of the Carolina, State and Strand here, and Robert Talbert, city manager, appeared before the City Council to protest imposition of a minimum license of $200 on showing of commercial advertisements in theatres in the city. The council agreed to re-draft the ordinance to provide that a license should be levied upon persons soliciting such advertisements.

Frisco Using Amateurs

SAN FRANCISCO, Dec. 5.—A radio act on the stage and amateur tryouts, with the audience judging, is used as a Friday night pull-in by the Parkside and Granada, which are neighborhood houses.

Foreign Plans Of M-G-M Not Ready—Loew

(Continued from page 1)

confined to England, Loew declared. Cost of the proposed film printing plant, as well as details in connection with production, will be determined upon Goetz's return from abroad.

For World-Wide Release

LONDON, Dec. 5.—Announcing the approaching trip of Ben Goetz to organize British production for M-G-M., Sam Eckman, Jr., managing director in England, stated that while the whole of M-G-M's quota commitment of 15 features a year might not immediately be made by their own organization, what pictures were made in England would definitely be for world distribution.

Pictures originally scheduled in Hollywood which will be made in England include "The Wind and the Rain," "Good-bye Mr. Chips," and "A Yank at Oxford."

Block Booking Issue Is Raised in Canada

TORONTO, Dec. 5.—The block booking issue has come to the fore in Canada largely through a move by a social organization, the Provincial Council of Women, in presenting a demand for the abolition of the system, the claim being made by Mrs. Harold Clarke of Windsor that theatres are forced to take poor features along with high-class attractions.

The Council of Women has presented a petition to the Ontario Cabinet for the enactment of legislation to prohibit block booking. This brought the reply from H. C. Nixon, acting premier of Ontario, that the Provincial Government probably did not have the power to interfere.

This was followed by a recommendation by Mayor P. J. Nolan of Ottawa for an investigation by the Dominion Government, through a Royal Commission, into the whole system of film distribution in Canada, Nolan declaring that block-booking "has been a burning question with theatre owners for the past 15 years."

Browne, Spitz Come Here on Labor Talks

(Continued from page 1)

uses the air route. Steve Newman, I. A. studio representative, arrived from the coast by plane yesterday. The heads of the various companies are prepared for the calling of the meeting on short notice. It was tentatively scheduled to be held today, but no confirmation of the date had been made up to late yesterday and indications are that it may not be called until early next week.

Honor Coolidge, Richard

BOSTON, Dec. 5.—Plans are progressing for a testimonial dinner at the Copley-Plaza Hotel, Dec. 17, in honor of Jake Coolidge, newsreel cameraman, and Al Richard, editor-in-chief of Paramount News. Both men mark their 30th year in the business this month.

Production Gains Despite Holidays

HOLLYWOOD, Dec. 5.—Despite the proximity of the holiday season production continued to show an uplift last week. Thirty-nine features and five shorts were in work, an unusual level for this time of year. The previous week, the checkup showed thirty-six features and six shorts in work. Forty-two productions were being rushed through the cutting rooms, many of them for Christmas distribution.

Paramount and M-G-M led the field for films in work, each having seven before the cameras.

Columbia had two features working, four in preparation and four in the cutting rooms. Fox had five, two and four; Goldwyn, two, zero and zero; M-G-M, seven, zero and 10; Paramount, seven, five and seven; Radio, five, two and four; Roach, zero, zero and one; Universal, three, two and two; Warners, six, one and eight; independents, two, one and two.

In the shorts division Columbia had one in production, one in preparation and three editing. M-G-M had zero, four and four; Radio, zero, one and five; Roach, two, one and two; Universal, one, zero and one; Warners, zero, zero and one; independents, one, zero and zero.

Consolidated Opens New Theatre Today

Second of four theatres being built by Consolidated Amusements in the Bronx will be opened this afternoon. It is named the Ascot, seats 600 and is located at 183rd St. and Grand Concourse. The first of the quartet, the Surrey, also a 600-seater, was opened about a fortnight ago.

The Kent, now nearing completion at 167th St. and Grand Concourse, will be ready Christmas. It will seat 600. The last of the four, now being erected at 161st St. and River Ave., will have a seating capacity of 1,200 and will be ready around Jan. 15.

Chaplin Picture Delayed

HOLLYWOOD, Dec. 5.—Charlie Chaplin's "Modern Times" will not be finished in time for release Christmas week, but will be spotted in a F.W.C. house shortly after. It is understood that Chaplin is opposed to a day and date booking in the Chinese and Loew's State, preferring a longer run in a single house. F.W.C. is talking about changing the policy of the Ritz, a second run house, and raising prices to 50 cents and $1 for an eight to 10 weeks' run. The deal probably will be closed within a week.

TERRITORIAL SUPPLY DEALERS WANTED

Want to hear from territorial supply dealers who are not affiliated with any other group to represent product of leading independent manufacturers! State everything in full in your reply as to present product representation and number of accounts being serviced..

BOX BT
MOTION PICTURE DAILY

Purely Personal

BUCK JONES and family, who have been vacationing here, leave for the coast Sunday. With NOAH BEERY, JR., who is a member of their party, they will attend the Universal Club ball at the Astor Saturday night. BETTY FURNESS, Universal player, who is vacationing here, will also attend the ball.

•

LILY PONS took such a fancy to the advertising material for her first picture that she asked S. BARRETT MCCORMICK for copies of everything, from press books to 24-sheets, for her memory book. It made a 15-pound bundle.

Quip of the Day

One of the gang is seriously considering writing a book on his experiences, to be titled: "General Manager for a Day."

MRS. HAL E. ROACH sails tomorrow on the *Ile de France,* for Lausanne, Switzerland, to visit her daughter, MARGARET, who is attending school there.

•

G. W. PABST, German director, will discuss his film, "Kameradschaft," before the Film Alliance at the New School for Social Research Sunday night.

•

ETHEL MERMAN, who has just finished in EDDIE CANTOR's "Strike Me Pink," will arrive in New York Sunday morning.

•

HARRY SINGER, brother of MORT, has arrived from New Orleans, where he attended a family reunion on Thanksgiving.

•

JOSEPH BERNE, Cleveland attorney, left yesterday for Chicago to confer with MORT SINGER. Both men will be in New York Monday.

•

JOHNNY O'CONNOR was in Scranton yesterday for the funeral services of M. B. COMERFORD.

•

MAX KORR of the Earle, Allentown, Pa., returned to the colliery city yesterday after one day in town.

•

FRANK SMITH of Smith Delivery Service, Syracuse, was in town yesterday and left for Washington.

•

HERBERT MILLER and PAUL GREENHALGH of the Exhibitor, Philadelphia, were in town Wednesday.

•

MILT KUSELL returns from Scranton today. He attended the funeral of M. B. COMERFORD yesterday.

•

NINA MAE MCKINNEY starts work today in a colored revue at the Vitaphone studios.

•

ALMA KRUGER left for the coast yesterday to start work in SAMUEL GOLDWYN'S "These Three."

•

JOHN FERGUSON'S "Night in Glengyle" has been acquired by M-G-M.

•

HARRY SHIFFMAN today celebrates another birthday.

•

JACK COHN is due back from the coast today.

HENRY SALSBURY, the LOU SIDNEYS, JOE RIVKIN, DAN MICHALOVE and MARY SIMMONS at "Boy Meets Girl." The NATE BLUMBERGS and the MILT SILVERS among those at "Dead End" the other night.

•

HERBERT LAZARUS, Paramount reorganization attorney, returned yesterday from Hollywood where he was engaged on legal work for west coast theatre properties.

•

CHARLES R. ROGERS is due in from the coast tomorrow for conferences with J. CHEEVER COWDIN and LAWRENCE FOX on Standard Capital Co.'s Universal option.

•

SOL EDWARDS of Educational visited the Fox Pittsburgh office earlier in the week. Ditto for EDGAR MOSS, Fox division manager, with headquarters at Philadelphia.

•

VICTOR SCHOCHET, of Fox Films in Buenos Aires, arrived yesterday on the *Western World.* He makes his headquarters at Rio de Janeiro.

•

RALPH KOHN, in from Hollywood on a short stay, was scheduled to return west last night.

•

MILTON C. WEISMAN is en route to Hollywood on business. He will be gone several weeks.

•

IRA H. COHN, Pittsburgh Fox branch manager, sails for a three-week Panama cruise on Dec. 17.

•

ZION MYERS and wife are at the Madison for a week's vacation here.

•

. . . Omaha

EVERT and HAZEL CUMMINGS, occupying apartments these many years, have gone in for domesticity in a large way by taking a large home. EVERT is A. H. BLANK'S district manager for Nebraska theatres.

FRANK GOFF, 85, and MRS. GOFF, 76, veteran pioneer exhibitors for Omaha and Nebraska, celebrated their 60th wedding anniversary this week. They once operated a "blacktop" here and in the state and later opened two of the first film houses—the Franklin and Alhambra, both in Omaha.

EDDIE ROSTERMUNDT, U. A. salesman, did an inside loop with his car last week and escaped without injury. He attempted to avoid collision and ran his machine up an incline at terrific speed with the result it "took off" and landed eventually on the car top.

ORVILLE RENNIE, assistant manager of the Omaha, isn't quite sure but he believes vaudeville is coming back. He recently wrote an agent and asked for the return of some of his photos he once used when he was active on the stage. The agent misunderstood the tone of Rennie's letter and thought he was seeking work elsewhere. So the agent offered him a week's work as m. c. in a Kansas City theatre starting Thanksgiving. RENNIS retired permanently from stage work a year ago to devote all his time to house management.

Jersey Theatres to Help State Police

ATLANTIC CITY, Dec. 5.—Theatres will cooperate with the Police Department in the exhibition of films to be made of criminals being sought, Col. H. Norman Schwartzkopf, superintendent of the New Jersey State Police, stated here at the convention of the New Jersey State Grange.

Schwartzkopf revealed that pictures will be taken of criminals at various times after they are arrested and sent out to theatres for screening when the men are wanted. The plan will get under way in three months.

The police official stated that a majority of New Jersey theatres have agreed to cooperate.

Warners yesterday stated it had not been informed of the plan, but would agree to any request of this kind, as it had done in the past. Sidney Samuelson, head of Allied of New Jersey, could not be reached for a statement yesterday, but it is understood members of the organization have, and will, cooperate with the state at all times.

Ohio 3% Tax Given Commitee Approval

COLUMBUS, Dec. 5.—The House taxation committee today reversed its previous stand and recommended the extension for another year after Dec. 31 of Ohio's three per cent tax on gross admissions. The committee earlier had failed to approve Governor Davey's recommendation that the three per cent tax be reenacted as an equivalent of the state's three per cent sales tax.

The committee's action again suspends application of the former 10 per cent admission tax, which was originally suspended following enactment of the state three per cent sales tax.

Harry Schreiber, RKO city manager, and Russell A. Dovim, manager of Loew's Ohio, were leaders in the move to obtain reenactment of the three per cent gross tax instead of reinstatement of the 10 per cent tax.

Golden to Conduct Regional Gatherings

Edward Golden, general sales manager for Republic, is planning to hold a series of four regional meetings in January. Dates and places will be set shortly after Christmas.

W. Ray Johnston, president, is scheduled to return from the coast in 10 days. He is in Hollywood to attend the opening of the new NBC broadcasting studio tomorrow night.

Music Hall Boys Won

It wasn't the Paramount ushers who won that basketball game, 60 - 19. It was the Music Hall service staff's five, take it from them.

Protest "Dart" Games

SPOKANE, Dec. 5.—On protest of the local exhibitor association, city officials are considering an increase in the licenses of "dart" games.

Held for a Third

PORTLAND, Ore., Dec. 5.—"Thanks a Million" is being held at the Orpheum for a third week.

"Mutiny" Is Sensational On the Coast

Los Angeles, Dec. 5.—"Mutiny on the Bounty" skyrocketed grosses at the Chinese and Loew's State. At the former the $18,600 gross passed par by $6,100 and at the latter the $24,500 take was $10,500 over the normal mark.

"Frisco Kid" was a hit in Warners' Downtown at $17,000, which is $5,000 over average, but at Warners' Hollywood it failed to make much of an impression at $12,800.

"Annie Oakley" and "King Solomon of Broadway" were in the money with a big $8,500 at the Pantages and the same combination also did well at the Hillstreet with $8,500.

The weather was unusually warm for the season.

Total first run business was $110,600. Average is $89,650.

Estimated takings for the week ending Dec. 4:

"MUTINY ON THE BOUNTY" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $18,600. (Average, $12,500)
"RETURN OF PETER GRIMM" (Radio)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $2,400. (Average, $3,250)
"SUCH A GIRL YOU NEVER FORGET" (St. Rights)
GRAND INTERNATIONAL THEATRE—(750), 35c-40c, 7 days. **Gross:** $900. (Average, $1,200)
"ANNIE OAKLEY" (Radio)
"KING SOLOMON OF BROADWAY" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)
"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $24,500. (Average, $14,000)
"A STRANGE CASE OF LOVE" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Cab Calloway and his band, F. & M. revue. **Gross:** $12,200. (Average, $18,000)
"A MIDSUMMER NIGHT'S DREAM" (W. B.)
WARNER BROS. (Beverly)—(1,612), 50c-$1.50, 3 days. **Gross:** $5,200. (Average, $3,500)
"FRISCO KID" (W. B.)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 7 days. **Gross:** $12,800. (Average, $14,000)
"FISCO KID" (W. B.)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. **Gross:** $17,000. (Average, $12,000)
"ANNIE OAKLEY" (Radio)
"KING SOLOMON OF BROADWAY" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $3,200)

Film Carriers File Schedules with ICC

Directors of National Film Delivery Ass'n, Inc., convened in Washington yesterday and filed a report on the routes various film delivery companies cover throughout the country. This is in compliance with a recent Interstate Commerce Commission ruling.

James P. Clark, president, presided at the meeting, which was held at the Hamilton. Seven other directors attended.

"Custer" Sold in Ohio

Louis Weiss, en route to California to prepare for production of "The Clutching Hand," a new Arthur B. Reever serial, has sold "Custer's Last Stand," his current serial to Nate Schultz of Selected Pictures Corp., which will distribute the 15 episode serial and the feature version in the Cleveland territory.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Last of the Pagans"

(M-G-M)

Hollywood, Dec. 5.—Located in the South Sea Islands, this picture tells the exotic love-drama story of a primitive native couple. Essentially, its elements are those common to all dramatic romances. Subtitles explaining the Polynesian dialect and movement are made understandable by the interpreting medium.

Its love interest is idyllic and the sympathy of the stimulating drama is powerful and appealing. Intelligently produced and directed, it is acted with a simplicity rare in current attractions, and should, with the proper showmanship guidance, assure box-office popularity.

Featuring the stars of "Eskimo," wife-raiding Mala (Ray Wise) captures Natita (Lotus Long). His prowess as a hunter, together with his tender kindness, breaks down her resistance and fear. Their primitive pagan happiness turns tragic when a native chief sells Mala into slavery in white man-operated phosphate mines. As the graphic action visualizes the savage people's reaction to the curse of the white civilization, Mala, who becomes a hero in a mine disaster, is promised the companionship of Natita. With the whites conspiring to keep the lovers apart, Mala escapes from jail during a tropical storm to rescue Natita from a sinking schooner. The finale has the couple sailing to another island to start life anew.

As the native courtship customs are depicted in song and dance, Herbert Stothart's musical score accentuates the romance and drama. In combining the values of action and music, Richard Thorpe's direction shows a deft understanding of showmanship requirements. The charm of the beautiful backgrounds is excellently accentuated by Clyde De Vinna's expert photography. As no attempt is made to intrude with Hollywood theatricalism on the charm of native simplicity, the novelty of the attraction should assure wide public interest, if the advance campaign is intelligently presented.

Production Code Seal No. 1,729. Running time, 72 minutes. "G."

Conn. MPTO Not to Act

New Haven, Dec. 5.—No action is to be taken by the M.P.T.O. in opposition to a walkathon scheduled to start near here in a few days. Members intend to rely upon enforcement of the law by legal authorities.

Women's clubs are protesting.

Wall Street

Trading Irregular on Big Board

	High	Low	Close	Net Change
Columbia	69⅞	69¼	69½	+ ⅞
Consolidated	6¼	6	6	— ¼
Consolidated, pfd	19¼	18½	18½	— ¾
Eastman Kodak	162¾	161½	161¾	— ½
Eastman, pfd	155½	155½	155½	.....
Loew's, Inc.	53½	52½	53½	+ ⅝
Paramount	9¼	9	9⅛	— ⅛
Paramount 1 pfd.	76¾	76¼	76¾	+ ¾
Paramount 2 pfd.	11⅜	11	11⅛	— ⅛
Pathe Film	7⅜	7	7	— ¼
RKO	5¼	5	5⅛	— ⅛
20th Century-Fox.	22⅜	21⅝	22⅜	+ ⅛
20th Century, pfd.	30	29	29¾	.....
Warner Bros.	9⅛	8⅞	9	.....

Little Curb Activity

	High	Low	Close	Net Change
Sonotone	2⅜	2⅜	2⅜	.....
Technicolor	19¼	18	18⅞	— ⅛
Trans-Lux	4⅛	4⅛	4⅛	.....

Paramount Bonds Gain ¾

	High	Low	Close	Net Change
General Theatre 6s '40	18¾	18⅜	18¾	+ ¼
General Theatre 6s '40 ctf.	18⅝	18⅜	18½	.....
Loew's 6s '41 ww deb rights	104⅛	103¾	103⅞	— ⅛
Paramount Pict. 6s '55	90¾	90	90½	+ ¾
Warner Bros. 6s '39 wd	87	86⅝	86⅝	.....

(Quotations at close of Dec. 5)

Kamen Seeks Voiding Of Longacre Action

Counsel for Kay Kamen, Inc., will make a motion in Supreme Court today to vacate a notice of examination before trial in connection with a breach of contract suit brought by Betty Longacre who is suing Kay and Herman Kamen for $79,000 which she says is due her under on oral agreement by which she was to receive 50 per cent of the net profits of the defendants' business.

The defendants had a contract with the Walt Disney Enterprises to use the Mickey Mouse character on merchandise. They charge that Miss Longacre was formerly a stenographer-secretary in Herman Kamen's employ and the petition for examination is not brought in good faith.

"Mutiny" Is $23,500 Hit In St. Louis

St. Louis, Dec. 5.—"Mutiny on the Bounty" at Loew's was by far the best draw of the week with $23,500, over average by $11,500. It was held over.

The only other house to get into the profit division was the Shubert-Rialto with "Mary Burns, Fugitive" and "I Live for Love." The $7,100 take there was $600 to the good.

Opposition was furnished by the St. Louis-Washington football game, "Tobacco Road," stage show, and Fritz Kreisler at the City Auditorium.

Total first run business was $54,950. Average is $46,000.

Estimated takings for the week ending Nov. 28:

"MIMI" (First Division)
"NAVY WIFE" (20th-Fox)
AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $6,500. (Average, $10,000)
"MAN WHO BROKE BANK AT MONTE CARLO" (20th-Fox)
"STREAMLINE EXPRESS" (Mascot)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $9,250. (Average, $12,000)
"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S—(3,162), 25c-35c-55c, 7 days. **Gross:** $23,500. (Average, $12,000)
"STARS OVER BROADWAY" (W. B.)
"ANNIE OAKLEY" (Radio)
ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $8,350. (Average, $8,500)
"MARY BURNS, FUGITIVE" (Para.)
"I LIVE FOR LOVE" (W. B.)
SHUBERT-RIALTO — (1,723), 25c-35c-55c, 7 days. **Gross:** $7,100. (Average, $6,500)

Westchester Houses Watch Water Moves

About 50 theatres in Westchester are watching moves for studying new sources of water supply in the county. The matter is important to air cooled houses.

Arthur J. Benline, formerly connected with RKO, is one of the leaders in a movement to have a County Water Authority named to study the comty's future needs. A public meeting to be held tonight at the County Center, White Plains, is sponsored by the Westchester County Chapter of Professional Engineers.

To Release Series

J. H. Hoffberg shortly will release a series of one-reel International Varieties. He has the world wide distribution rights.

"MARY BURNS, FUGITIVE"

Turns in

Best Business in 3 months

For ALLYN THEATRE, HARTFORD, CONN

It Pays to Play a Paramount Picture!

"Mutiny" Portland Hit; Pulls $8,000

PORTLAND, Dec. 5.—"Mutiny on the Bounty" continued strong on its third week at the United Artists with another take of $8,000, over par by $3,000.

"In Old Kentucky," in its second week at the Paramount, secured another $8,000, also over the usual by $3,000, fulfilling expectations.

With the help of a good stage show "French Follies," the Mayfair broke house records with a take of $5,000, over par by $2,000. The feature was "Rainmakers."

"Thanks A Million" in its first week at the Orpheum brought in $7,000, over normal by $2,000.

Although the final November week was clear and cold, it proved one of the best weeks of the year to date.

Total first run business was $35,200. Average is $24,700.

Estimated takings for the week ending Nov. 30:

"RENDEZVOUS" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. 2nd week. **Gross:** $5,200. (Average, $5,000)
"CALL OF THE WILD" (U.A.) (Second Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $1,700)
"RAINMAKERS" (Radio)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. Stage: "French Follies." **Gross:** $5,000. (Average, $3,000)
"THANKS A MILLION" (20th-Fox)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)
"IN OLD KENTUCKY" (20th-Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days, 2nd week. **Gross:** $8,000. (Average, $5,000)
"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 3rd week. **Gross:** $8,000. (Average, $5,000)

"Band" at $1,800 Best Houston Bet

HOUSTON, Dec. 5.—The best showing in a pre-holiday week here was made by "To Beat the Band" which gathered $1,800 in three days at the Kirby. Average is $1,500.

"Thanks A Million" was the only other attraction downtown to go over average. It grossed $7,200 at Loew's State, up by $200.

"The Gay Deception," "Peter Ibbetson" and "The Man Who Broke the Bank at Monte Carlo" failed to make much of a showing.

Total first run business was $24,000. Average is $26,000.

Estimated takings for the week ending Nov. 27:

"THE GAY DECEPTION" (20th-Fox)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,200. (Average, $3,500)
"TO BEAT THE BAND" (Radio)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,800. (Average, $1,500)
"THANKS A MILLION" (Fox)
LOEW'S STATE — (2,750), 25c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)
"PETER IBBETSON" (Para.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $5,000. (Average, $7,000)
"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
METROPOLITAN — (2,660), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

Fills 334 Food Baskets

CHAGRIN FALLS, O., Dec. 5.—M. B. Horwitz, owner of the Falls, reports that his Thanksgiving morning show, to which the ticket of admission was any article of food filled 334 baskets for needy families. This was a record, Horwitz says.

Out Hollywood Way

HOLLYWOOD, Dec. 5. — Warners will give HUGH HERBERT top billing in "Marry the Girl" . . . GLEN ERICKSON has been given an extension of his Paramount contract. . . . Warners considering CLAUDE RAINS for "Napoleon."

Paramount started three Dec. 2—"Preview," "F-Man" and "Sky Parade" . . . PAULA STONE gets lead in "Treachery Rides Again," Warners . . . "Dracula's Daughter" got under way at Universal Dec. 2 . . . ERIC LOCKE and crew finish background shots in Spain for MARLENE DIETRICH's "Desire" and move to Paris . . . JAN KIEPURA's song, "Give Us This Night," recorded in Spanish, French, Italian and English by Paramount.

JOHN HALLIDAY and MRS. HALLIDAY on way to New Zealand for 10-week fishing trip . . . WALTER WANGER to start "Brazen" Dec. 16 . . . ROSALIND RUSSELL victim of ptomaine poisoning . . . GRACE POGGI and BILL TANNEN get new pacts at M-G-M. . . . LAUREL & HARDY finish "The Bohemian Girl."

HARRY VINNICOFF remodeling the Strand . . . LOU OBRANSKY in General Hospital for stomach ailment . . . JOHN MEEHAN, traveling representative for Amity Pictures, here for audit of Selected Pictures . . . R. W. CARMICHAELS, M-G-M office manager, burned while fixing hot water heater . . . E. W. HAMMONS and JACK SKIRBALL leave for San Francisco . . . GUY DOUTHWAITE, who installed separate loud speakers for each car at his Drive-In Theatre, now talking about piping in hot air.

+

Casting—MICKEY DANIELS, 21, returns to HAL ROACH lot for role in TODD-KELLY short, "An All-American Toothache" . . . MICKEY played in the original Our Gang . . . HARVEY STEPHENS in M-G-M's "Getaway" . . . CHARLES LAUGHTON has lead in "Goodbye, Mr. Chips" and is also in "Marie Antoinette," M-G-M . . . HENRY WADSWORTH in "The Voice of Bugle Ann" . . . WILLARD ROBERTSON in "Three Godfathers," same studio.

IRVING BACON added to "Don't Bet on Love" and ADDISON RANDALL set in "Follow the Fleet," Radio . . . MARIE WILSON featured in "The Singing Kid," Warners . . . WARREN HULL in "Colleen," same studio.

Leads in "Concertina," Paramount, are: GEORGE RAFT, CAROLE LOMBARD, ALISON SKIPWORTH . . . MORGAN WALLACE and EDDIE GRIBBON set in "Don't Bet on Love," Radio . . . FRANCHOT TONE and FREDDIE BARTHOLOMEW teamed by M-G-M in "Captains Courageous" . . . GREGORY RATOFF assigned to "The Black Gang," Twentieth Century-Fox . . . ARTHUR LOFT signed for "The Prisoner of Shark Island," same studio.

+

Writers—JERRY WALD and JULES EPSTEIN adapting "Sons of Guns" for Warners . . . ROBERT ANDREWS and LILLIE HAYWARD doing script of "Guilt Edge Blondes," same studio . . . JAMES HILTON expected at M-G-M Dec. 15 to collaborate with FRANCES MARION on "Camille" for GRETA GARBO . . . S. K. LAUREN given term contract by Paramount . . . OWEN FRANCIS assigned to do screen play for "The Mine with the Iron Door" for SOL LESSER.

+

Songwriters—WALTER JURMANN and BRONISLAW KAPER, Viennese composers, get new contract at M-G-M . . . SAMMY STEPT gets new contract at Republic.

+

Story Buy—M-G-M acquires "The Unguarded Hour," an English version by BERNARD MERIVALE of a play written by the Hungarian, LADISLAUS FORDORE.

Reports Ad Films' Revenues $559,790

COLORADO SPRINGS, Dec. 5.—Revenue paid theatre operators this year for screening merchandising films will show an increase of 43.4 per cent over the 1934 figure, the Alexander Film Co. says.

Total revenue accruing to theatres, according to J. Don Alexander, will be $559,790—the largest amount since 1931. More than a third of American film houses are screening merchandising newsreels, Alexander says. His company now claims to handle three-fourths of this type of advertising, and has more than 5,182 theatres under contract to screen its service.

Sweepstakes in Cleveland

CLEVELAND, Dec. 5. — Five local houses are now playing Sweepstakes. They are the Knickerbocker, Capitol, Memphis Garden and Memphis, belonging to Associated Theatres, and the Rialto, operated by William Weiss.

Mack to Cincinnati

NEW HAVEN, Dec. 5.—William A. V. Mack, former New Haven G. B. manager, has been transferred to the Cincinnati office. I. D. Marson, formerly of Boston, replaces Mack here.

Film Receipts From Navy Over $300,000

WASHINGTON, Dec. 5.—Film producers during the fiscal year 1935 received more than $300,000 from the Navy, it was reported tonight by Rear Admiral William D. Leahy, chief of the Bureau of Navigation.

The Government contributed only $85,000 toward the $323,280 spent during the year for pictures, it was disclosed in the bureau's annual report, the remainder having been made up from ship's store profits and contributions from ships and stations.

The unit price for leasing programs remained the same as for 1934, it was stated.

Col. Campbell Is 73

NEW ORLEANS, Dec. 5. — Col. Thomas Campbell, manager of the Tulane, has just celebrated his 73rd birthday. The colonel is hale and hearty, more so than many men of half his age.

Oppose State Lottery

BOSTON, Dec. 5.—Exhibitors of the state are opposing a bill sponsored by Representative Raymond F. O'Connell providing for establishment of a state lottery.

"Frisco Kid" Best Bet in Charlotte

CHARLOTTE, N. C., Dec. 5.—Several days of bad weather cut box-office takes, but "Frisco Kid" at the Broadway with a take of $5,000—exactly $1,000 above average in six days.

Holiday crowds were not as large as expected as a result of pouring rain which fell throughout Thanksgiving Day, and "Music is Magic" was the only other picture to break average with a take of $2,500 in three days at the Carolina, $500 over par.

Total first run business was $11,000. Average is $11,000.

Estimated takings for the week ending Nov. 30:

"FRISCO KID" (W.B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $5,000. (Average, $4,000)
"HANDS ACROSS THE TABLE" (Para.)
CAROLINA—(1,441), 25c-40c, 3 days. **Gross:** $1,060. (Average, $2,000)
"MUSIC IS MAGIC" (20th-Fox)
CAROLINA—(1,441), 25c-40c, 3 days. **Gross:** $2,500. (Average, $2,000)
"DARK ANGEL" (U.A.)
IMPERIAL — (949), 25c-40c, 6 days. **Gross:** $2,500. (Average, $3,000)

Film Men Hit Trail Into Jackson Hole

KANSAS CITY, Dec. 5. — Earl Jameson of Film Delivery, Fred Greenberg of Warners, and Pilot Joe Jacobson of Kansas City, flew last week to Denver where they picked up Jack Langan, Universal manager, and flew on to the Jackson Hole country for big game hunting.

Later they were joined at Jackson Hole by Julian King, M-G-M, Denver; Jim Hummel, Universal, Denver, and Tom Vilnae, Buffalo, Wyo., exhibitor.

They were guests of Lee Mote of the Acme at Riverton, Wyo.

Once-a-Week Patrons Top British Checkup

LONDON, Nov. 28.—Replying to the question: "How often do you see films?" 9,651 of the first batch of entrants in London Films' "National Film Investigation" provide the following statistics:

Once a week	3,792
Twice a week	2,760
Three times weekly	819
Fortnightly	814
Monthly	416
Every ten days	260
Four times weekly	113
Daily	153
Occasionally	824

Charter Two Firms

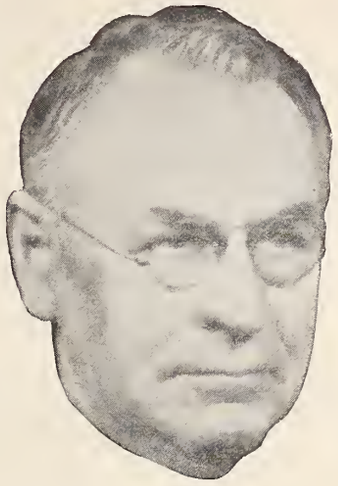
ALBANY, Dec. 5. — Thirty-first Ave. Theatre Corp., New York City, has been chartered here by Lillian Schauben, Betty Groman and Alvin Gelfon.

C-Lens Corp., also of New York City, has been incorporated by Jules Suppin, Benedict Santospirito and Irma Weisman.

A. V. Freeman to Loew's

BOSTON, Dec. 5.—Alton V. Freeman, former manager of the M. & P.-Publix Scollay Square, who recently returned from a world tour, has resigned to become treasurer for Loew's Orpheum, downtown first run.

Theatre Managers



Here's the answer to all Projection Problems - - -

The New
Sixth Edition of

F. H. RICHARDSON'S

BLUEBOOK OF PROJECTION

$5.25
POST PAID

FOREIGN PRICE $5.50

RICHARDSON'S new BLUEBOOK gives you the opportunity to add the services of this outstanding projection expert to your personnel—but not your payroll.

IN the sixth and most complete edition of his famous BLUEBOOK, Mr. Richardson offers you 714 pages plus 153 illustrations comprising everything in the known field of modern projection to protect you against screen trouble.

IT'S all new and original from cover to cover. It answers a thousand and one questions, details and describes all sound projection apparatus, and gives complete instructions for operation and maintenance.

WHATEVER you want to know—and know "right now," Richardson tells you, and helps you find the answer through the famous new lightning-fast index that turns up the information you seek with no more than the twirl of a thumb.

PUT Richardson to work for you now—24 hours a day, every day and wave farewell to projection trouble. Send for RICHARDSON'S BLUEBOOK to-day! Mail your remittance to the Quigley Bookshop and get your copy.

QUIGLEY BOOKSHOP

1790 BROADWAY NEW YORK

"Opera" Hits $25,200 High In Washington

WASHINGTON, Dec. 5.—The Marx Brothers came to town last week and so did the populace to Loew's Fox, where $25,200 was taken for "A Night at the Opera," singing a tune $4,300 over the average. Ed Lowry's unit stage show may have helped.

"Mutiny on the Bounty," playing its second week at Loew's Palace, missed the average first week by only $400, taking $15,500 in the second stanza.

In a return engagement, "Rendezvous" went strong at Loew's Columbia, where Psychic Adrienne was playing a second week, taking $5,400 to top par by $1,800.

A deliberate four-day run of "My Song for You" ("Mr. Hobo" was booked for a pre-holiday opening) took a seven-day average $2,200. Six days of "Personal Maid's Secret" took $5,000, topping the seven-day pay by $700.

Ginger Rogers in "In Person" was good for only $6,800, under average by $3,800.

Total first run business was $78,700. Average is $75,900.

Estimated takings, exclusive of tax:

Four Days Ending Nov. 26:

"MY SONG FOR YOU" (G.B.)
BELASCO — (1,140), 25c-65c, 4 days. **Gross:** $2,200. (Average, 7 days, $2,200)

Six Days Ending Nov. 27:

"PERSONAL MAID'S SECRET" (W.B.)
METROPOLITAN — (1,591), 25c-40c, 6 days. **Gross:** $5,000. (Average, 7 days, $4,300)

Eight Days Ending Nov. 27:

"IN PERSON" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 8 days. **Gross:** $6,800. (Average, 7 days, $10,600)

Week Ending Nov. 28:

"FRISCO KID" (W.B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Helen Reynolds Co., Cherry & June Preisser, Edgar Bergen & Co., Three X Sisters. **Gross:** $18,600. (Average, $18,400)

"RENDEZVOUS" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). Stage: Adrienne (second week). **Gross:** $5,400. (Average, first run, $3,600)

"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Ed Lowry & Revue, with Slate Brothers, June Carr, Five Jansleys, Allen & Kent Foursome, Norman Frescott. **Gross:** $25,200. (Average, $20,900)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days (2nd week). **Gross:** $15,500. (Average, first week, $15,900)

Operators in N. E. Oppose Long Reels

BOSTON, Dec. 5.—Operators of six New England states, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts and Connecticul, comprising the third district of the I.A.T.S.E., unanimously adopted a resolution disapproving the proposed 2,000-foot reel at their annual convention here. The reason for turning down the new plan was said to be based on safety and other factors.

Thad Barrows, head of Boston Local 182, introduced the resolution.

Heretofore, projectionists throughout the country have been sharply divided on the 2,000-foot reel. It is expected that the action of New England operators may carry certain weight because of the unanimous vote. The six states are the first to go on record officially against the proposal.

"Rose" Gets $26,500 Top For Detroit

DETROIT, Dec. 5.—"So Red the Rose," aided by Charles "Chic" Sale and a vaudeville show, ran into fancy money at the Michigan last week, the $26,500 take going $6,500 over normal.

"In Old Kentucky" was the same amount over average on a take of $21,500 at the Fox with Frank and Milt Britton and band on the stage. "Mutiny on the Bounty" took a strong $12,300 at the United Artists and "To Beat the Band" was well on the profit side of the line with a take of $13,400 at the RKO Downtown.

Total first run business was $82,600. Average is $67,500.

Estimated takings for the week ending Nov. 29:

"THANKS A MILLION" (Fox)
ADAMS—(1,770), 10c-40c, 7 days, 2nd week. **Gross:** $4,600. (Average, $5,000)

"IN OLD KENTUCKY" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Frank & Milt Britton band and vaude. **Gross:** $21,500. (Average, $15,000)

"SO RED THE ROSE" (Para.)
MICHIGAN — (4,100), 15c-55c, 7 days. Stage: Chic Sale and vaudeville. **Gross:** $26,500. (Average, $20,000)

"SHIP'S CAFE" (Para.)
"PERSONAL MAID'S SECRET" (W.B.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $12,300. (Average, $10,600)

"BE MINE TONIGHT" (G.B.)
"BORN FOR GLORY" (G.B.)
LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $1,100. (Average, $2,500)

"TO BEAT THE BAND" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. Stage: "Folies Bergere" revue. **Gross:** $13,400. (Average, $10,000)

"Kentucky" on Dual Leads in Montreal

MONTREAL, Dec. 5.—"In Old Kentucky" and "Heart's Desire," a British picture on a dual, made the best comparative showing of the week here by going to $10,500 at the Capitol. This is $1,000 on the profit side of the ledger.

"Fanfare D'Amour" and "Behind the Green Lights" made a good showing at the Imperial, with the Paradise Club revue on the stage. The take was $4,500, up by $1,000.

Chief opposition consisted of the musical stage show "Desert Song" at His Majesty's Theatre, the National Motor Show which drew big crowds, and two professional hockey games.

Total first run business was $44,500. Average is $41,500.

Estimated takings for the week ending Nov. 30:

"IN OLD KENTUCKY" (20th-Fox)
"HEART'S DESIRE" (B.I.P.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,500)

"FANFARE D'AMOUR" (French)
"BEHIND GREEN LIGHTS" (Mascot)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: Paradise Club Revue. **Gross:** $4,500. (Average, $3,500)

"SPECIAL AGENT" (W.B.)
"I LIVE FOR LOVE" (W.B.)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Broadway Rhythm" vaudeville unit. **Gross:** $11,500. (Average, $10,500)

"TRANSATLANTIC TUNNEL" (G.B.)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

"SHE COULDN'T TAKE IT" (Col.)
"THE GIRL FRIEND" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $7,000)

Stops 'Em

Akron, Dec. 5.—Enough is enough, Police Chief Frank J. Boss has decided.

So he took his pen in hand and slew the age-old habit of policemen.

"There have been complaints of officers asking for passes to theatres," he wrote. "This embarrasses the management of the theatres. It should be stopped."

"Remember" Leads Buffalo on Double

BUFFALO, Dec. 5.—"Remember Last Night" and "The Affair of Susan," a dual at the Lafayette, proved to be the top draw of the week. It ran up to $8,200, over par by $2,200.

The weather was warm for this season. "Mutiny on the Bounty" ended its third week at the Great Lakes with only five days and a gross of $5,600. The abrupt closing was to make way for a Thanksgiving Day booking. "So Red the Rose" was a disappointment at $8,260.

Total first run business was $36,660. Average is $34,702.

Estimated takings for the week ending Dec. 2:

"SO RED THE ROSE" (Para.)
BUFFALO—(3,000), 30c-50c, 6 days. **Gross:** $8,260. (Average, 7 days, $12,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $9,300. (Average, $7,300)

"MUTINY ON THE BOUNTY" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 5 days, 3rd week. **Gross:** $5,600. (Average, 7 days, $7,300)

"CONFIDENTIAL" (Mascot)
"THIS WOMAN IS MINE" (W.B.)
CENTURY—(3,060), 25c, 7 days. **Gross:** $5,300. (Average, $5,800)

"REMEMBER LAST NIGHT" (Univ.)
"THE AFFAIR OF SUSAN" (Univ.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $8,200. (Average, $6,000)

"Kentucky" Pulls $7,600, Oklahoma

OKLAHOMA CITY, Dec. 5.—"In Old Kentucky" at the Midwest was the outstanding draw of the week, nearly doubling the $4,000 average for a gross of $7,600.

"A Night at the Opera" was in the money with a take of $5,600 at the Criterion. "King Solomon of Broadway," with a stage show at the Liberty for four days, ran up to $2,300. Normal for a week is $3,000.

Total first run business was $17,500. Average is $13,500.

Estimated takings for the week ending Nov. 30:

"A NIGHT AT THE OPERA" (M-G-M)
CRITERION — (1,700), 10c-20c-36c-55c, 7 days. **Gross:** $5,600. (Average, $5,000)

"IN OLD KENTUCKY" (20th-Fox)
MIDWEST — (1,500), 10c-26c-36c-55c, 7 days. **Gross:** $7,600. (Average, $4,000)

"HERE'S TO ROMANCE" (20th-Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,200. (Average, $2,000)

"KING SOLOMON OF BROADWAY" (Univ.)
LIBERTY—(1,500), 10c-20c-26c-40c, 4 days. Stage: "Broadway to Bagdad," featuring Jack Randall, Adagio Four, Earl Gray's Singing Band, Barney Grant and Family, The Detricks, Al Tint, Babe Burns and Armida. **Gross:** $2,300. (Average for week, $3,000)

"STORMY" (Univ.)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $800. (Average for week, $3,000)

"Cape," Show Lead Boston In Dull Week

BOSTON, Dec. 5.—In a week of rather dull business all along the first run line "The Spanish Cape Mystery," aided by a stage show headed by Marcus' "La Vie Paree," managed to go $5,000 over par for a take of $16,000 at the RKO Boston.

"Navy Wife" and "Show Them No Mercy," dualled and day and dated at the Fenway and Paramount, were just average at each house. "Splendor" and "Feather in Her Hat" also were about normal in Loew's Orpheum and Loew's State.

Total first run business was $92,000. Average is $80,500.

Estimated takings for the week ending Nov. 22:

"NAVY WIFE" (20th-Fox)
"SHOW THEM NO MERCY" (20th-Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"IN PERSON" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $12,000. (Average, $12,000)

"SPLENDOR" (U. A.)
"FEATHER IN HER HAT" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-65c, 7 days. **Gross:** $12,000. (Average, $12,000)

"SPLENDOR" (U. A.)
"FEATHER IN HER HT" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $11,500. (Average, $12,000)

"PETER IBBETSON" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Elida Ballet, Fabien Sevitzky and Grand Orchestra, etc. **Gross:** $19,000. (Average, $22,000)

"NAVY WIFE" (20th-Fox)
"SHOW THEM NO MERCY" (20th-Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"SPANISH CAPE MYSTERY" (Republic)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Marcus's "La Vie Paree" Revue. Edward Rosenwald and his Orchestra. **Gross:** $16,000. (Average, $11,000)

"Parish" and Show Indianapolis High

INDIANAPOLIS, Dec. 5.—Thanksgiving plus an attractive stage show aided "I Found Stella Parish" to a gross of $10,000 at the Lyric.

The Lyric and the Indiana, which had "So Red the Rose" were the only houses to show a full week, the others opening a day early to take advantage of the Thanksgiving holiday. Double featuring of "It's In the Air" and "Feather in Her Hat" was not so successful at Loew's last week where the gross was $3,250, which is $1,250 below normal. A second week of "Thanks A Million" at the Apollo was fairly successful with a gross of $3,000.

Total first run business was $26,750. Average is $26,500.

Estimated takings for the week ending Nov. 30:

"THANKS A MILLION" (W.B.)
APOLLO—(1,100), 25c-40c, 6 days, 2nd week. **Gross:** $3,000. (Average, $4,000)

"THREE MUSKETEERS" (Radio)
CIRCLE—(2,800), 25c-40c, 6 days. **Gross:** $3,500. (Average, $4,000)

"SO RED THE ROSE" (Para.)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"I FOUND STELLA PARISH" (F.N.)
LYRIC—(2,000), 25c-40c, 7 days. Stage: "Blue Venus" Revue. **Gross:** $10,000. (Average, $7,000)

"IT'S IN THE AIR" (M-G-M)
"FEATHER IN HER HAT" (Col.)
LOEW'S—(3,000), 25c-40c, 6 days. **Gross:** $3,250. (Average, $4,500)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 134 NEW YORK, SATURDAY, DECEMBER 7, 1935 TEN CENTS

20th-Fox and G. B. Talent Pool Signed

Production Peaks to Be At Different Times

Twentieth Century-Fox and G.B. have concluded an arrangement for interchange of all talent—players, directors, writers—and have agreed to arrange the peaks of activity of the two companies so that they will not conflict. This will permit fuller use of the plan.

A joint statement by S. R. Kent and Mark Ostrer, heads of the companies, reads: "An agreement was entered into today [Friday] on our behalf by Michael Balcon and G.B. and Joseph M. Schenck and Darryl F. Zanuck for Twentieth Century-Fox, providing for large scale interchange of impor-

(*Continued on page 3*)

English Ask Limit On Television Use

By BRUCE ALLAN

LONDON, Nov. 30.—Cinematograph Exhibitors' Ass'n., has taken first steps to call a conference with producers, distributors and representatives of the Baird and E.M.I. television interests in order to protect trade interests in the event films are used for television.

The council of the association is particularly concerned about the television of news films and hopes to get an agreement on the basis of the suggested standard contract clause that no news film shall be televised until three months after the date of the last booking.

Cardinal Hayes Asks New Legion Pledges

Cardinal Hayes had issued instructions to all churches in the New York archidiocese to have the Legion of Decency film pledge read Sunday.

In his letter to parish priests Cardinal Hayes wrote:

"It was then suggested that the Legion of Decency be placed on a permanent basis, and the bishops of the country at their conference in Washington last month urged that the renewal of this pledge be made on Sunday, December 8, the Feast of the Immaculate Conception.

"I am grateful indeed to our beloved people for their hearty co-operation in this most important movement. Generally speaking, the results

(*Continued on page 3*)

Capital Meet Faces a Mass Of Mixed Aims

Berry's Contradictory Statements a Factor

WASHINGTON, Dec. 6.—Thrown into confusion by the many contradictory statements of purpose by George L. Berry, Co-ordinator for Industrial Cooperation, representatives of industry and labor will meet in Washington Monday to discuss the future of NRA.

Berry's statement of Dec. 4 that "NRA is dead" and that the major subjects of discussion were expected to be taxation and unemployment—with respect to the first of which the NRA has no authority whatever—was tonight being compared by industrial leaders with his statement of Oct. 3, calling the conference, in which he declared the main purpose would be the furtherance of voluntary codes. Between those two dates, Berry had indicated that the conference would devote itself to outlining the future

(*Continued on page 3*)

Stay Is Denied on Warners' Meeting

Moves to prevent the annual Warner stockholders' meeting in Wilmington next Monday by Federal court injunction failed yesterday when Judge William J. Bondy denied a stay to Norman Johnson.

Johnson had charged that the notice of the meeting, one of the purposes of which is to approve the settlement of the corporation's claims against the three Warner brothers, was legally insufficient and deceptive. Judge Bondy ruled there had been no fraud in the transaction and no irreparable injury.

Warner List "Most Diversified"—Smith

Discussing the Warner lineup for the next few weeks at the resumed sales conference in the Waldorf-Astoria yesterday, A. W. Smith, Jr., in charge of eastern and Canadian sales, said the output would be "the most diversified in the company's history."

The company has started many cycles, he told the visiting sales executives, "but has never remained to complete them."

"The various plays we have financed and will continue to finance on Broadway—with the ultimate aim of bring-

(*Continued on page 3*)

Walker at Helm?

Scranton, Pa., Dec. 6.—Frank C. Walker left for New York today refusing to talk about the future management of the Comerford circuit. Reliable local information, however, insists he will return here Wednesday to assume full command of the chain, the operation of which was in the hands of the late M. B. Comerford, nephew of M. E. Comerford who has been ill for many months following a paralytic stroke.

Fox Ordered To Appear by December 13

An order directing William Fox to appear in Federal court here on or before Dec. 13 to purge himself of a contempt of court citation was presented to Federal Judge William Bondy yesterday by attorneys for the Capital Co., a San Francisco corporation which obtained a $297,000 judgment against Fox last summer as a result of rent defaults on a theatre lease said to have been personally guaranteed by Fox.

The order was taken under advisement by Judge Bondy. If it is signed by the court and Fox fails to appear

(*Continued on page 3*)

GTE-Fox Agreement Approved by Court

WILMINGTON, Dec. 6.—The proposed settlement between U. S. Senator Daniel O. Hastings, receiver for General Theatres Equipment, Inc., and All-Continent Corp., William Fox and Eva Fox was approved by Chancellor Josiah O. Wolcott in Chancery Court here today.

Under the agreement, the claim of All-Continent for $2,300,000 is reduced

(*Continued on page 2*)

Samuelson Insists On No Reelection

Scotching reports he would continue as head of the New Jersey Allied organization, Sidney Samuelson yesterday stated "there'll be another president or no president at all when we get back from Bermuda."

Election of officers, postponed from the annual meeting in Atlantic City

(*Continued on page 3*)

Pathe's Name May Replace 1st Division

Shift Might Mark Move To Resume Producing

The Pathe name may supplant the First Division brand on product released by the latter if consideration now being given to the change by Pathe Film Co. materializes, it was learned yesterday.

The name change might also mark a new phase in Pathe's re-entry into film activity inasmuch as the possibility of Pathe either resuming production on its own or releasing under its own name additional product from independent producers is admitted by officials of the company. The new product would be handled by the present First Division distribution setup, it is believed.

Pathe's agreement to refrain from

(*Continued on page 2*)

Para. 3rd Quarter Net Is $737,791

Paramount Pictures, Inc., and wholly-owned subsidiaries estimate the net for the third quarter of this year at $737,791 after Federal income taxes and other charges.

Operating earnings, before the annual audit, are estimated at $999,189, with $186,430 in dividends from non-consolidated subsidiaries, a total of $1,244,632. Income taxes are estimated at $106,841. Interest for the third quarter on debentures is $400,000.

Operations of companies not wholly-owned or substantially wholly-owned are included only to the extent that dividend income has been received.

Paramount comments that the adverse effect of the studio reorganization undertaken early in the year will continue to be reflected in the operating figures for the fourth quarter.

Seek to Set Aside FWC Bankruptcy

HOLLYWOOD, Dec. 6.—T. I. Talley, I. I. Bard and Corbar Corp. today filed a petition in District Court to have the Fox West Coast bankruptcy proceedings set aside. Charging fraud, the petitioners claim F.W.C., Wesco Corp.—now known as National Theatres Corp.—Fox Film Corp., and Chase National of New York are a single entity, whereas these corporations represented to the bankruptcy court they were separate entities, and

(*Continued on page 4*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 7, 1935 No. 134

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Alabama Drawings Get Official O. K.

BIRMINGHAM, Dec. 6.—Attorney-General A. A. Carmichael of Alabama has ruled that Bank Night and Jack Pot, now prevalent in Alabama, do not violate any state law.

The opinion, addressed to Circuit Solicitor John K. Watkins of Opelika was based on his statement of facts that chances in the drawings were given as trade inducements and were not sold for a consideration.

Not to Stop Giveaways

KANSAS CITY, Dec. 6.—City Manager McElroy today told the I. T. O. the city will not attempt to stop giveaways, but will not allow misleading signs outside theatres. The group will meet Dec. 11 to plan its cash giveaway pool, in which 25 houses are expected to join.

Wins on Appeal

MILWAUKEE, Dec. 6. — Charles Washicheck today won a jury verdict in Municipal Court on an appeal from a District Court decision of Oct. 22, charging him with operating a lottery, Grocery Night, at his Grace Theatre.

Cut Claim Against Para.

A claim for $26,766 against Paramount Publix by the Madison-Toledo Corp. for defaults on a theatre lease was reduced to $2,421, plus interest, and allowed in that amount yesterday by Federal Judge John C. Knox.

Purely Personal

HARRY SHIFFMAN was given a surprise birthday luncheon yesterday at Leon & Eddie's by his friends. Attending were EUGENE PICKER, HARRY H. THOMAS, MOE STREIMER, ROBERT WOLFF, EDWARD SCHNITZER, LEO KLEBANOW, JOE HORNSTEIN, MAX COHEN, ARTHUR FISCHER, CHARLES MOSES, HARRY H. BUXBAUM, JOE LEE, CHARLES ROGERS and "Doc" BROWN.

•

The MILTON SCHWARZWALDS invaded Grand St. last night and staged a party for a few of their friends at the Villa Penza by way of observing their 19th wedding anniversary. The FOUR INK SPOTS, BABY ROSE MARIE furnished the entertainment, with a piano solo by ARNOLD SCHWARZWALD and incidental comics by FREDDY MEYERS. Among those present were the NATE BLUMBERGS, the ANATOLE FRIEDLANDS and the BOB UNGERFELDS.

•

LUPE VELEZ, DR. HERBERT T. KALMUS, head of Technicolor, and MRS. KALMUS; ROBERT KATSHER, M-G-M writer, MRS. HAL ROACH will be among the outgoing passengers on the *Ile de France* today.

•

MAURINE MCNEIL and her daughter, PEGGY, return to San Francisco via the Canal today. BOB, pater and head of the Golden State Theatres, leaves by train with a stopover of several days at Chicago planned.

•

NEIL F. AGNEW, A. J. RICHARD, WILLIAM F. RODGERS, GEORGE WEEKS, PHIL MEYER and SAM SHIPMAN were among those spotted at the Astor yesterday for the mid-day repast.

•

ARTHUR RUSCICA, Chile manager for Fox, is due in New York in a week or 10 days. VICTOR SCHOCHET, Argentine manager, arrived Wednesday and will spend a month here.

•

AL STEVENS, manager of the Orpheum, Jersey City, will give away 50 turkeys on Dec. 23 as a result of a tieup with the Five Corners merchants.

•

MARK OSTRER, ARTHUR A. LEE, HERMAN ROBBINS, SAM DEMBOW, PHIL REISMAN and HOWARD CULLMAN among those at "21" yesterday.

•

MRS. DOUGLAS MACLEAN, who has been staying at the Warwick, is on her way to Europe on the *Majestic*.

•

SPYROS SKOURAS is due to return from the coast the latter part of next week.

•

MITCHELL LEICHTER of Beaumont Pictures has left on a tour of exchanges.

•

MONROE GREENTHAL flies to the coast Sunday night.

•

BOB GILLHAM, now in Kansas City, returns Monday.

Hays to East

HOLLYWOOD, Dec. 6.—Will H. Hays leaves here for New York tomorrow night, following his dedicatory speech inaugurating the local NBC station. Mrs. Hays will accompany him.

New Chicago Union Officers Installed

CHICAGO, Dec. 6.—The installation of officers of the local operators' union was held here today with George Browne, I.A.T.S.E. president, and Harry Holmden, third vice-president of the I.A., officiating. Inducted were: Frank Clifford, business manager; Peter Shayne, president; Glenn Sweeney, vice-president; Neal Bishop, secretary-treasurer. Members of the executive board are: Robert Burns, James Fisco, Joe Berinstein, George Karg. Trustees are Edward Schultz, chairman; Louis S. Barbro, John Piotrowski. Samuel Klugman is sergeant-at-arms. Their terms expire in March, 1937.

Browne said there would be no radical change in policy, and Clifford reported union affairs in good condition. No mention was made of the recent strike situation, officers refusing to discuss the matter. Browne left here for New York today.

Spartanburg Sets Up Fees for Screen Ads

SPARTANBURG, S. C., Dec. 6.—City Council has passed an ordinance licensing film advertising, other than advertisements of coming attractions at the rate of $200 for the first $1,000 revenue and $5 for each additional $1,000.

The new ordinance prohibits advertising or offering for sale in theatres, halls or auditoriums, by moving pictures, still pictures, slides, paintings, drawings or writing except on payment of the license.

Depositions Due In Boston Action

BOSTON, Dec. 6.—Depositions are expected from industry leaders before trial of the Morse Rothenberg suit against the Shea circuit, Maine and New Hampshire Theatres, Inc., and major distributors, filed recently in District Court here. Answers in the $200,000 action have been filed by all but Columbia, and that is expected within a few days.

"Hurricane" to Goldwyn

HOLLYWOOD, Dec. 6.—Samuel Goldwyn has acquired screen rights to "Hurricane," by Charles Nordhuff and James Norman Hall, authors of "Mutiny on the Bounty." A unit will be sent to the South Seas to get authentic backgrounds. The story is to be published in the *Saturday Evening Post*.

Add Brooklyn Houses

Rosenblatt & Welt have taken over two Brooklyn theatres, making a total of 13 for the Greater New York circuit. Latest acquisitions are the Vanity and Sunset.

Stebbins to Marry

HOLLYWOOD, Dec. 6.—Arthur W. Stebbins and Ann Darling today filed notice of their intention to wed next week. The couple will honeymoon in New York.

Gag Man Sues Cantor

Dave Freedman, gag man, has filed suit in N. Y. Supreme Court against Eddie Cantor for $250,000. He claims he had an agreement for payment of 10 per cent of Cantor's earnings.

GTE-Fox Agreement Approved by Court

(*Continued from page 1*)

to $600,000 and controversies involving the receiver and other parties in interest are settled.

All-Continent Corp. also is given title to 108,000 shares of Fox Film Corp. Class A stock (old) and 50,000 shares of the capital stock of Grandeur, Inc., collateral for a note held against General Theatres for $300,000.

The agreement also provides for settlement of a suit commenced by All-Continent and Eva Fox against Fox Film Corp. and others, including Senator Hastings, as receiver; General Theatres Equipment, Twentieth Century-Fox and others in N. Y. Supreme Court, and an action started by Senator Hastings in Chancery here against All-Continent Corp. and William Fox.

Pathe's Name May Replace 1st Division

(*Continued from page 1*)

re-entering production for a five-year period, which was made at the time the company's principal assets were acquired by RKO, expires next Jan. 29. The current discussions on reviving the name as a film brand by dropping the First Division name are in anticipation of the expiration of the five-year agreement. Pathe has been advised already by RKO officials that the latter company, which owns RKO Pathe News, has no objection to the revival of the Pathe name as a film brand even in advance of the expiration date. A Pathe decision on re-entering production would be made at a considerably later date, it is now believed.

Allied Iowa Combine Seeking 48 Members

DES MOINES, Dec. 6.—A membership roll of 48 theatres is aimed at by the recently formed buying combine of Allied Theatre Owners of Iowa and Nebraska, with $1,000 posted as a guarantee by each theatre.

The money will be used for the general purposes of the combine and "also to build theatres where and if necessary."

Kent Heads Drive

S. R. Kent has assumed chairmanship of the M. P. Section of the business groups cooperating in the 29th annual Christmas fund campaign of the N. Y. Tuberculosis and Health Ass'n which opened on Thanksgiving and terminates Christmas Day.

Ray Jones to Memphis

Ray Jones, formerly manager of the Vendome, Nashville, has been named assistant to Cecil Vogel, manager of Loew's State, Memphis. John Phelps, formerly at the Poli, Bridgeport, is now in charge of the Nashville house.

L. M. Sagal Celebrates

NEW HAVEN, Dec. 6.—The 62nd birthday of Louis M. Sagal was celebrated by a dinner which many of the Loew managers and other friends attended.

Capital Meet Faces a Mass Of Mixed Aims

(Continued from page 1)

course of Federal control of industry and had declared that the Administration would not consider itself bound to accept or even consider any recommendations which the meeting might make.

The rapid footwork of the President's co-ordinator, who incidentally is 11th vice-president of the American Federation of Labor and president of the printing pressmen's union, left business men reaching Washington for the conference decidedly "up in the air" as to just what they were here for.

Transfer Recommended

Coincident with Berry's admission that NRA was dead, Secretary of Commerce Roper's business advisory council adopted a resolution recommending transfer of what remained of the NRA to the Department of Commerce, taking a slap at the NRA policy of entrusting control of industries to men who knew little or nothing about them by pointing out that in the department "kindred activities and surveys connected with business and industry are conducted by trained career men, conversant with the background of those problems of business and industry which were temporarily dealt with by the NRA during the emergency."

"Conservative estimates" of probable attendance at the meeting run as high as 2,500 persons, according to Berry. This unwieldly mass will be divided into some 48 groups which will be expected to discuss such problems as they may have laid before them. Motion pictures will be included in one of five groups under the general head of public services. Labor will be divided into 13 groups, one covering amusements.

May Be Protest Meeting

Possibilities of a "packed" meeting, dominated by the small independents who found in the codes an effective method of curbing their larger competitors and who would like to see a return to those conditions, were seen by business executives in the size of the conference as predicted by Berry.

In view of the general uncertainty as to just what Berry is driving at, in view of his many conflicting statements, those reaching Washington toward the end of the week confessed inability to predict what the meeting would do when it convened. Unless Berry, in opening the conference, sounds the keynote for the discussions, industrialists predict that one of two things will occur: the convention will develop into a cat and dog fight or turn into a huge protest meeting.

"U" Dance Tonight

Universal employes will hold their annual dinner-dance tonight at the Hotel Astor. It will be called "A Night in Old Kentucky." The ballroom has been decorated to represent a southern garden with a mansion.

Arrangements are in charge of Gene Cox, president, with Helen E. Hughes, Herman Stern and Sam Sedran serving as committee chairmen.

Cardinal Hayes Asks New Legion Pledges

(Continued from page 1)

have been most gratifying, and I am hopeful that vigilance in observing this renewed pledge will not abate.

"I am confident that a word of exhortation from you to the people will insure a more general making of the pledge for the coming year and bring about even better results than those accomplished in the last year."

Cincy Pledges Ordered

CINCINNATI, Dec. 6.—Archbishop John T. McNicholas, chairman of the Episcopal Committee on the Movies, has issued a pastoral letter for his diocese to be read at mass in all churches Sunday, asking renewal of the pledge to the Legion of Decency.

The pledge reads:

"I condemn indecent and immoral motion pictures, and those which glorify crime or criminals.

"I promise to do all that I can to strengthen public opinion against the production of indecent and immoral films, and to unite with all who protest against them.

"I acknowledge my obligation to form a right conscience about pictures that are dangerous to my moral life. As a member of the Legion of Decency, I pledge myself to remain away from them. I promise, further, to stay away altogether from places of amusement which show them as a matter of policy."

A note appended to the pledge form, which contains spaces for the name and address, reads:

"Millions of Americans, pledging themselves individually, can rid the country of its greatest menace—the salacious motion picture."

20th-Fox and G. B. Talent Pool Signed

(Continued from page 1)

tant personalities. We believe this is one of the most forward steps in the history of international film relations inasmuch as it affects the full list of stars, writers, directors, etc., of both companies.

"For G.B. it means a full and complete use of some of the biggest star names and players in Hollywood who are under contract to Twentieth Century-Fox. At the same time it makes available to Twentieth Century-Fox the full roster of artists under contract to G.B. now and in the future.

"By the terms of this agreement our respective companies have call on such of each other's talent as are not engaged in actual production. And to further facilitate this interchange, schedules of productions are to be so arranged that the respective peaks of activity of each company will occur at different times."

In a further personal statement Ostrer expressed his personal appreciation for the cooperation of Kent, Schenck, Zanuck and William Goetz.

Loew Men Are Shifted

NEW HAVEN, Dec. 6.—Several Loew staff promotions have been made. Al Weir, chief of service at the Poli, is now assistant at the Poli, Bridgeport. Joe Lavenduski, usher, has been promoted to chief of service and student assistant at the College, and Frank Gladish, doorman, to chief of service at the Poli here.

Warner List "Most Diversified"—Smith

(Continued from page 1)

ing them to the screen—prove very definitely that we are seeking new and unusual topics," he said.

Among films taken up and discussed in detail were: "Captain Blood," "The Story of Louis Pasteur," "Dangerous," "Ceiling Zero," "The Petrified Forest," "The Singing Kid," "Anthony Adverse," "Green Pastures," "Colleen," "The Adventures of Robin Hood," "The Angel of Mercy" and "Three Men on a Horse."

S. Charles Einfeld discussed advertising and publicity. Others who spoke were: Robert Mochrie, assistant to Smith; Dr. Richard Burton, literary adviser on "A Midsummer Night's Dream," Pat O'Brien and Joe E. Brown.

Those who left for their posts last night were: Ray S. Smith, Albany; Thomas B. Spry, Boston; H. A. Seed, Buffalo; Nat Furst, New Haven; W. C. Mansell, Philadelphia; Charles Rich, Pittsburgh; Robert Smeltzer, Washington; Al Shmitken, Cincinnati; M. Mooney, Cleveland; F. E. North, Detroit; Oscar Kuschner, Indianapolis; Harry Decker, New York and Brooklyn; Harry Hummell, New Jersey, and H. O. Paynter, Toronto.

11 Win Chicago Drive

CHICAGO, Dec. 6.—The nine weeks' promotion contest staged by Warner theatres in this territory has resulted in the following winners, each manager ranking in the order named: 1, Fred Reeths, Sheboygan, Sheboygan, Wis.; 2, Herbert Wheeler, Stratford; 3, Harry Mintz, Parthenon, Hammond, Ind.; 4, Gene Hopson, Orpheum; 5, Bill O'Connell, Oakland; 6, Owen McKivett, State, Racine, Wis.; 7, Bud Erickson, West Englewood; 8, Irving Litnick, Jeffrey; 9, Harvey Stillman, Majestic, Sheboygan, Wis.; 10, Ben Katz, Warner, Milwaukee; 11, Dan Malloy, Orpheum, Hammond, Ind.

These 11 managers win places on the James E. Coston, mythical All-American theatre football team. The managers and their assistants will all receive prizes at a meeting to be held next week at the Warner office here.

According to general manager Coston, the drive was a success and every theatre in the group showed an increase.

Samuelson Insists On No Reelection

(Continued from page 1)

last August, is slated for 5 P.M. on the *Queen of Bermuda* today. About 55 reservations were counted up to yesterday, including those of Lee Newbury, Dave Snaper, Joe Lee, Nathan and Simon Meyers, and Arthur Price of Baltimore. Six reservations have been made in Pittsburgh.

Scheduled for discussion at the meetings on board the liner are legislation, the White Books, and production.

Samuelson has repeatedly held he cannot do justice to the local presidency and to the national organization at the same time. Jack Unger of the Mayfair, Hillside, N. J., Newbury and Snaper have been mentioned as prospective candidates for the post, but are said to have turned it down.

Fox Ordered To Appear by December 13

(Continued from page 1)

for examination here within the time specified, a warrant for his arrest for contempt would be obtained by Capital, the attorneys said. If Fox did appear he would be purged of the contempt charge.

The Capital Co. was the lessor of the Fox, San Francisco. It was unable to collect the $297,000 judgment from Fox and is seeking his appearance in court for an examination concerning his ability to pay it.

Called Too Ill

Fox's attorneys, Hirsh, Newman, Reass & Becker, contend that the former film company head is too ill to answer the subpoena served on him near Philadelphia recently. This has been the firm's contention since Fox's appearance in court at Mineola early last summer in a suit for an accounting brought against him by Fox Film Corp. The testimony there was taken at closed hearings which were later adjourned to Fox's Atlantic City hotel, where he went for his health. Subsequently, when his appearance in court was sought by various other litigants, he was reported by his attorneys as too ill to attend. No litigant succeeded during that time in bringing him into court. Even the Sirovich Congressional committee for the investigation of patent pooling, a Federal agency, failed in this. When the committee sought Fox in Atlantic City it was discovered that he had gone to Toronto, and, his attorneys said, was undergoing treatments at a sanitarium there for a diabetic condition.

Fox in Toronto

With the present Federal court subpoena and citation facing him, Fox is back in Toronto once more, it was learned yesterday. A physician appointed to make a physical examination of Fox for Justice Isidor Wasservogel of the N. Y. state court, who is presiding over another suit against Fox in that jurisdiction, reported back to the court a few days ago that Fox was so ill he would be unable to leave his bed for at least six weeks. Other litigants who say they have investigators watching Fox's moves declare that they are informed that he is up and about and takes six-hour motor drives almost daily.

The Capital Co. recently collected $25,000 of its $297,000 judgment against Fox from the U. S. Fidelity & Guaranty Co., which had bonded Fox up to that amount. Yesterday the guaranty company won a motion to recover the $25,000 from Fox when the latter defaulted by failing to appear before Federal Judge Henry W. Goddard to defend the action.

Form Two, Drop One

ALBANY, Dec. 6.—New incorporations here are: New-Art Plays, Inc., New York City, by Raymond J. Gorman, David H. Jackman and Edward S. Williams, and Greene Theatres, Inc., New Paltz, by Fred V. Greene, Jr., J. Agned Held and Ruth Trowbridge.

Voe Pictures Corp. has been dissolved.

Short Subjects

"Some Class"
(*Vitaphone*)

Charles Ahearn brings his class to order in a manner that will pleasantly surprise audiences. It is a hobo seminary and there is a graduate course in panhandling, eluding dogs and brakemen. With plenty of rough and tumble slapstick and some long absent pie throwing, the comedy element of the rougher sort is sure to please. Ahearn must leave and he tells his class to give the new teacher everything they have. They do when they see her face. Recommended. Production Code Seal, No. 0583. Running time, 10 mins. "G."

"Katz' Pajamas"
(*Vitaphone*)

Built around a somewhat rewritten plot, this production's chief appeal lies in the introduction of the various acts, for there is little new in the plot. Fifi D'Orsay is an entertainer in a night spot and enters into a conspiracy with a dress manufacturing house to show their line to a disinterested buyer. She lures him into her night club and there Katz & Katz hold a fashion show interspersed with the acts of Duffin & Draper, The Meadowbrook Boys, George Tapps, Pauline Alpert and the eccentric violin playing of Frank Kingdon, which is a high spot. The man from Missouri takes the whole line. Production Code Seal, No. 0611. Running time, 20 mins. "G."

"Logging Along"
(*Vitaphone*)

The work of the men who "bring home the lumber" is effectively and entertainingly portrayed. A humorously delivered dialogue and clever musical synchronization together with fine camera work bring all the thrills that are to be found. Eddie Acuff delivers the speech with a lumberjack's lingo and the breaking up of a log jam excitingly closes the effort. Recommended. Production Code Seal, No. 1601. Running time, 10 mins. "G."

Seek to Set Aside FWC Bankruptcy

(*Continued from page* 1)

"conspired to act as such to perpetrate fraud."

Based on the testimony given before the recent Senate hearings on bankruptcies, the petition states directors Oscar S. Oldnow, Alfred Wright and H. G. Delabar of F.W.C. declared an $8,000,000 dividend which was in reality "a withdrawal and reduction of capital stock of F.W.C." The petition adds the dividend was never paid but false book entries were made showing it listed as a liability. In addition to asking the bankruptcy adjudication be set aside, the petition asks the court to appoint a receiver for F.W.C. and all subsidiary companies, that Chase National, Wesco, Fox Film and National Theatres pay the receivers $25,000,000 or other damages set by the court and that the court render judgment for fees against Tuller & Myers, Reuben G. Hunt, Charles P. Skouras, Charles C. Irwin and Samuel W. McNabb. The petition also asks that rentals of all disaffirmed leases be paid to date at the original rental rates.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Drift Fence"
(*Paramount*)

HOLLYWOOD, Dec. 6.—Sensibly produced, this stacks up as a better than average western. A logical story carefully balances the drama, comedy and romance and embellishes them with a unique human interest twist. The required amount of thrill and action being visibly present, dialogue, action and situations combine to give the plot a bit of novelty and freshness, setting it apart from the formula of the outdoor adventure feature.

Tenderfoot Benny Baker is sent west and has little enthusiasm for the rough ranch life. He propositions Tom Keene, undercover ranger, to substitute for him, but the latter is unwilling until he learns that an ace rustler he is traiiling is playing havoc with the herds of Baker's uncle. Helping to build a fence to protect cattle, Keene comes into conflict with Larry Crabbe and Katherine De Mille, the innocent tools of the rustler gang.

The romance developing between Keene and Miss De Mille conflicts. Keene sets to work to trap the conspiring thieves led by Stanley Andrews. Permitting them to believe him a tenderfoot, he gets full knowledge of the rustler's plans. In the customary thrill chase and battle climax he leads the ranchers in a fight with the rustlers. Bringing the foe to justice, he absolves Crabbe and wins the love of Miss De Mille. Individual characterizations are convincingly performed.

Directed by Otto Lovering, the picture aims at pleasing the masses, with particular appeal to juvenile audiences. Adapted from the Zane Grey story by Robert Yost and Stuart Anthony, the screen play injects much modern dialogue. The beauty of the natural settings is enhanced by Virgil Miller's effective photography.

Previewed without production code seal. Running time, 63 minutes. "G."

"We're Only Human"
(*Radio*)

HOLLYWOOD, Dec. 6.—Fights between cops and robbers sprinkled liberally throughout this pleasing love story provide plenty of excitement in a nicely directed film.

Preston Foster plays the conceited cop who loves grandstand plays. He makes a daring capture of Gangster Mischa Auer, but loses the rest of the mob and so gets a severe reprimand from Chief Inspector Moroni Olsen, instead of the confidently expected promotion. Jane Wyatt does nicely with the part of a newspaper girl who cannot set foot on the street without running into a murder. James Gleason is a cop who, in spite of his natural caution, is killed capturing bank robbers. He draws plenty of laughs in the first part of the film.

Foster is particularly good in a scene after he has been temporarily blinded and for the first time knows real fear. Christian Rub scores heavily as a simple citizen frightened out of his wits by gangsters. John Arledge, as a blithe cameraman; Arthur Hohl, Jane Darwell, Harold Huber, Rafeala Ottiano, Delmar Watson, Effie Ellsler, Charles Wilson and James Donlan do nice work.

The screen play by Rian James from the story by Thomas Walsh moves with plenty of action, nice dialogue and a few inconsistencies which do not offend. James Flood's direction is particularly commended. Edward Kaufman produced.

The angle that brain always wins over brawn and that the courage of a frightened man is greater than that of the man who does not know fear looks like a good one to play.

Production Code Seal No. 1,721. Running time, 80 minutes. "G."

"Show Them No Mercy", which opened yesterday at the Rivoli, was previewed by wire from Hollywood on Oct. 26.

"A Night at the Opera," now playing the Capitol, was reviewed from Hollywood by wire on Oct. 15.

"Miss Pacific Fleet," yesterday's opener at the Roxy, was reviewed by wire from Hollywood, Nov. 20.

Rogers to New York

HOLLYWOOD, Dec. 6.—Charles R. Rogers left here for New York tonight to confer with J. Cheever Cowdin and Lawrence Fox of Standard Capital on the Universal negotiations.

David Loew Eastbound

HOLLYWOOD, Dec. 6.—David Loew left here today for New York on business of the Roach studio. He will remain in the east until after the first of the year.

K. C. to Stage Big Rogers' Fund Show

KANSAS CITY, Dec. 6.—A 25-act show recruited from St. Louis, Chicago, Hollywood, and the ranks of professional stage, radio and night club entertainment locally will feature the Will Rogers Memorial Show in Convention Hall, Dec. 9. Expenses are being held as low as possible. George Goldman is chairman of the committee in charge. Musicians are contributing their services, as are stage hands.

Members of the committee include: Stanley Chamber, Barney Joffee, Elmer C. Rhoden, Ward E. Scott, Arthur Cole, John G. McManus, George S. Baker, Emanuel E. Rolsky, Lawrence Lehman, Edward Dubinsky, Landon Laird of the *Kansas City Star* and Lowell Lawrance of the *Journal-Post*.

Boston to Have Tag Day

BOSTON, Dec. 6.—A Will Rogers' Tag Day will be held here on Dec. 14, according to a decision of the committee in charge of the memorial fund. Eddie Rickenbacker, World War ace, is scheduled to lead a squadron of airplanes in maneuvers.

Several thousand newsboys have been lined up for "Tag Day" work. Many organizations are furnishing volunteers.

Donate 40% to Fund

BOSTON, Dec. 6.—The Repertory, headed at present by Mary Young, is donating 40 per cent of the net during the Will Rogers' Memorial campaign to the fund. This is one of the most outstanding offers made so far in New England toward this cause.

Jack Foster Laid Up

SALEM, Dec. 6.—Jack Foster, manager of the Empire, has been seriously ill for several weeks. Timothy Cawl, a transfer from the local Paramount, is acting manager.

Wall Street

Warner Issues Up on Big Board

	High	Low	Close	Net Change
Columbia	69	69	69	— ½
Consolidated	6	6	6	.....
Consolidated, pfd	17	18⅜	19	+ ½
Eastman Kodak	161¼	160¼	160¼	—1½
Eastman, pfd	155½	155	155½	.....
Loew's, Inc.	53⅞	53⅜	53⅝	+ ⅛
Loew's, Inc., pfd.	107	107	107	+ ½
Paramount	9⅜	9⅛	9¼	+ ⅛
Paramount 1 pfd.	77	76¼	76¼	— ½
Paramount 2 pfd.	11⅜	11⅛	11¼	+ ⅛
Pathe Film	7⅛	7	7⅛	+ ⅛
RKO	5¼	5	5	— ⅛
20th Century-Fox	22¼	22⅛	22⅛	— ¼
20th Century, pfd	29⅞	29½	29⅞	+ ⅛
Warner Bros.	9¼	9	9⅛	+ ⅛
Warner, pfd	48½	48½	48½	+1⅝

Sentry, Technicolor Curb Gains

	High	Low	Close	Net Change
Sentry Safety	5⅛	5⅛	5⅛	+1/16
Sonotone	2⅜	2¼	2⅜	.....
Technicolor	19	18⅝	19	+ ⅛
Trans-Lux	4⅛	4⅛	4⅛	.....

General Theatres Bond Advance

	High	Low	Close	Net Change
General Theatre 6s '40	19	18⅝	19	+ ¼
General Theatre 6s '40 ctf	18¾	18½	18¾	+ ¼
Keith B. F. 6s '46	94	93⅝	93⅝	+ ⅜
Loew's 6s '41 ww deb rights	104	103¾	104	+ ⅜
Paramount Pict. 6s '55	91⅞	90½	91½	+1¼
Warner Bros. 6s '39 wd	88	87½	87½	.....

(Quotations at close of Dec. 6)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 135 NEW YORK, MONDAY, DECEMBER 9, 1935 TEN CENTS

About 90% of N. Y. Theatres Using "Games"

Major and Independent Circuits Included

Approximately 90 per cent of Greater New York theatres have resorted to "games" as an asserted box-office stimulant, according to agents of the various enterprises. Major and independent circuits are now featuring the policy. It is only within recent months that the major circuit houses have gone in for the scheme.

About 40 per cent of the local theatres, in addition to games, are also giving away merchandise. Large circuit houses feature games about once a week while in the independent houses the practice varies from one to seven nights a week. Articles are now given away as many nights as the games are held, but in many instances exhibitors distribute merchandise instead of cash when some sort of game is staged.

Opinion of the major circuits is that adoption of the game policy has not increased business. It is held that the idea had to be booked to meet the same kind of competition from unaffiliated theatres.

Among the games in the local area

(*Continued on page* 11)

ITO Union Contract Is Voided by Court

Holding that the agreement to employ as operators members of the Allied Union, which was made by the executive board of I. T. O. A. some time ago, was not binding on I. T. O. members, Justice James Cropsey in state supreme court in Brooklyn on Saturday denied the petition of Allied for an injunction to restrain Estates Operating Co. from employing other than Allied operators in its three Brooklyn theatres.

The action was brought by Benja-

(*Continued on page* 6)

"Bounty" $209,500 Hit in Four Weeks

With $32,000 taken in during the fourth and last week, "Mutiny on the Bounty" chalked up a gross of $209,500 in its month run at the Capitol. The first week's tally was $76,300; the second week, $59,000, and the third stanza, $42,200.

"So Red the Rose" in eight days at the Paramount garnered the anticipated $30,000, while the Strand on the second week of "Frisco Kid" ended with a profitable $27,000 take. "The

(*Continued on page* 6)

Hallgarten & Co. to Back Circuit, Reports Indicate

Hallgarten & Co. is reliably reported to have approached sponsors of the proposed Independent Theatre Circuit and to have offered to underwrite a preferred and common stock issue to the extent of $2,000,000 for the formation of the circuit.

Auditors for Hallgarten & Co. are understood to be checking into the books of about 144 theatres in Greater New York, following which about 100 houses will be picked out to serve as the nucleus. Exhibitors whose theatres are approved will be paid in both stock issues, it is said. The preferred stock will be retired out of 50 per cent of the profits, it is understood.

Several secret meetings have been held in the past few weeks at which Milton C. Weisman, Harry Brandt and a representative of Hallgarten & Co. have been present.

If the plan goes through, Brandt will be the operator. He is said to have thrown his group of about 45 units into the circuit with the understanding that if the required number of theatres is assembled he will head the organization.

If, and when, the new circuit de-

(*Continued on page* 6)

Junior to Stay

Hollywood, Dec. 8.—Carl Laemmle, Jr., it is learned authoritatively, will remain as a Universal producer in the new studio setup which is to evolve under the anticipated deal with J. Cheever Cowdin and Charles R. Rogers.

He starts work on "Show Boat" Monday.

City Sales Tax Levy Against U. A. $20,100

An assessment of $20,100 for the city sales tax on revenue of the local United Artists exchange for the period from Dec. 28 to Mar. 1 last was decided upon Saturday by the city finance department.

The assessment was made against the entire revenue of the exchange, regardless of whether it originated outside the city or state limits, and excluded only the non-taxable revenue derived from sales to the U. S. Government. The levy compares with an original assessment of $9,000 made by the city against the same exchange

(*Continued on page* 6)

Upper Court Favors No Stay for Pathe

The appellate division of the state court on Saturday unanimously affirmed, without opinion, a lower court order denying an injunction to restrain Pathe from enforcing its plan of reorganization which was approved by stockholders of the company last spring.

The appeal was taken to the higher court by Henry Chesterfield, as administrator for the estate of Ben Hilbert, who brought the action last spring as a Pathe stockholder, contending that the plan unfairly discriminated against certain classes of stockholders.

Small British Houses Asking Deals at 25%

By BRUCE ALLAN

LONDON, Nov. 29.—Alleging that distributors exclude their super-features from the "Small Exhibitors' Scheme," owners of small theatres, through the Cinematograph Exhibitors' Ass'n are appealing to the Kinematograph Renters' Society to apply the scheme to all films, making films of all types available on a 25 per cent basis to all theatres taking less than £125 per week.

* * *

London County Council, after consultation with the Cinematograph Ex-

(*Continued on page* 6)

Two Charity Drive Meets Are All Set

Plans are all set for simultaneous meetings here and in Hollywood Dec. 11 for the purpose of raising funds for the Federation for the Support of Jewish Philanthropic Societies, according to Louis K. Sidney.

The coast meeting has been arranged by request of screen and radio talent. Eddie Cantor, Sophie Tucker, Boris Morris, Abe Lastfogel, Ada Lewis and others are active in the movement.

The New York gathering will be a luncheon at the Hotel Astor with Sidney presiding. The quota for the Artists' Division is $125,000.

RKO May Take 2 Radio City Houses Again

Move Part of Settlement Of Rockefeller Claim

RKO may resume full operation of the Music Hall and Center on its emergence from reorganization by making new leases with Rockefeller Center for the two houses as part of a settlement of the Rockefeller $8,207,000 claim against RKO, it was learned on Saturday.

At present RKO has no interest whatever in the Center and its association with the Music Hall is confined to a minor interest in the operating company through its subsidiary, RKO Service Corp., and in a Radio Pictures product deal with the Hall. Management of the theatre is dominated completely by the Rockefeller interests.

The Rockefeller's $8,207,000 claim against RKO was approved in that amount by Special Master Thomas D.

(*Continued on page* 6)

Warner Proxies in; Meeting Set Today

With a majority of proxies in hand over the week-end, Warners will hold its annual stockholders' meeting today in Wilmington. All suits aimed to forestall the session have been cleared.

Election of six directors, to constitute the majority of the board, will be held, in addition to ratification of a settlement, as finally negotiated, for Warners and Renraw, Inc., to deliver 100,000 shares of common stock, and that these parties release the corporation from all claims based upon, related to or arising out of the employment contract, including all claims against the corporation by reason of non-payment of part of the cash compensation payable to them under the employment contract.

Sirovich Is Probing Sans Robins, Berger

The Sirovich Congressional committee for the investigation of patent pooling and licensing resumed its hearings at the Fifth Ave. Hotel late last week, but minus the official presence of Robert Robins, head of the ephemeral American Society for the Protection of the M. P. Theatre, and his counsel, David G. Berger. The association of Robins as a special investigator for the committee and of Berger as its

(*Continued on page* 6)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 9, 1935 No. 135

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street. *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

NBC's Coast Studio Opens; Gala Program

HOLLYWOOD, Dec. 8.—NBC's new broadcasting studio, built on premises formerly occupied by Consolidated Film Industries, opened Saturday evening. A gala program was broadcast on a coast-to-coast network with WJZ the New York outlet. Will H. Hays, M. H. Aylesworth, David Sarnoff participated from New York and Hollywood and a battery of stars were on the program.

Circuit Reports Profit

TORONTO, Dec. 8.—Loew's London Theatres, Ltd., an affiliate of Loew's, Inc., reports net income after all charges for the year ended Aug. 29 of $5,207, against $12,041 in the previous year.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

IN the mailbag, a communication from Charles J. Giegerich, mouthpiece at large for Pat Powers and his Celebrity Productions. It has to do with MOTION PICTURE DAILY'S recent review of "Kiss Me Goodbye" and centers around the expressed opinion that the picture "will present an American selling problem chiefly because of lack of known names."

First, the points raised by Giegerich:

"Purely aside from the fact that any reference to merchandising seems out of place in a dramatic criticism, the 'problem' referred to is certainly susceptible to contradiction. And if given the opportunity I would challenge this opinion.

"It is, of course, difficult to combat any editorial statements without the privilege of replying editorially. Any 'selling problems' which a producer may have are intensified by any adverse editorial statements. The advertising columns, which are the only avenues open for a defense, are, admittedly, impotent as compared with the news and editorial pages.

"Assuming that the statement in question is intended as advice to the exhibitor and that it refers to the box-office value of the picture, I beg leave to point out that the statement is entirely erroneous when weighed against the basic principles of showmanship."

▼

He continues:

"The fact that the principals in any picture may be termed as 'unknown' does not present a box office 'selling problem'—on the contrary, the conditions are exactly the reverse.

"Obviously, an ideal picture is an attraction rating 100 per cent in box office possibilities—and no 'known' star ever has enjoyed such a rating. The only potential 100 per cent attraction is something entirely new, unclassified, and unrated as to its box office value.

"The showman's greatest asset is the curiosity of the public—and curiosity can be fully aroused and capitalized only by means of 'something new'. This fact has been demonstrated and proved beyond all question, in all lines of amusement."

▼

And then this:

"History recalls the greatest of pictures have been those with 'unknown' leads. The same is true of the stage and the literary world.

"Currently, we have had demonstrations of the public interest in new personalities by the great public ovations accorded talent presented on the radio amateur hours.

"With 'unknown' players in a worthwhile production, the exhibitor has unlimited scope for exploitation. He can intrigue public curiosity to the fullest degree by the most magical words in the showmanship vocabulary—'something new.'

"In 'Kiss Me Goodbye,' P. A. Powers is presenting three new stars—one of them drawn from the operatic stage, and two from the musical comedy stage. And we believe that the exhibitor who takes advantage of this fact will not be faced by any box-office 'selling problem.'

"This feature presents excerpts from the operas 'La Belle Helene' and 'Daughter of the Regiment' by Offenbach and Donizetti respectively, and the exhibitor may exploit these names should he desire to supplement 'something new' with something known."

▼

And now, the rebuttal.

Merchandising, this opinion insists, has a definite place in a dramatic criticism in this field. Appraisals of product in the columns of a trade paper properly include direct reference to methods of selling that product. The man who buys constantly seeks to ascertain all the known factors for the obvious purpose of aiding him fashion his decision. Giving him the slants as the reviewer sees them is essential, else the reviewer is not carrying out his task. . . .

▼

Any difficulty about replying to editorial statements in this case is no difficulty at all, for Giegerich's communication runs in full. Likewise should there be no difficulty in wondering whether the reference which he finds provocative is designed to advise the exhibitor. It is. When it is argued that a selling problem, predicated on players unknown at the box-office, is erroneous "when weighed against the basic principles of showmanship," we hardly agree and point to the career of similarly geared attractions. There may be a theoretical question where the principle is concerned, but there is not where experience is involved. . . .

▼

The men who run the theatres in this country and probably elsewhere as well hitch their star to Hollywood's stars. This is not to imply lesser luminaries never click, but the point long since has been established that known and popular personalities always have been the showman's greatest comfort. There was Paramount which, in a year long gone by, turned great concentration on a series of directors' specials. If you can harken back to that distant day, you will recall what a flop it was. There have been top flight executives who, from time to time, made much noise over pictures "perfectly" cast regardless of star value. Had they the stars then described as unessential, the story would have been different and everyone knew it. The facts, simple and direct, are that all other factors being even, the attraction with known players will go more places than the attraction which has not. . . .

GB Annexes Another Battery of Players

Sally Eilers, Edmund Lowe, Elizabeth Allan, Richard Arlen and Robert Young have been added to GB's list of Hollywood talent to be used in forthcoming productions from the company's Shepherd's Bush studio in England, Mark Ostrer, GB head, said Saturday.

Miss Eilers and Lowe will co-star in a feature whose working title is "The Phantom Wrecker." Miss Allan, a M-G-M contract player, will be featured in the next George Arliss film. Arlen will be starred in a story based on the building of the Canadian Pacific railroad, tentatively titled "The Barrier." Maureen O'Sullivan will be co-starred with Arlen in this if her M-G-M schedule makes her available. Robert Young, now at the GB studio working in "Secret Agent," has been re-signed for "It's Love Again."

Used to Act in 'em; Now He Sells Them

George K. Arthur, who appeared in a number of M-G-M pictures, including "Brotherly Love," "The Last of Mrs. Cheyney," "Chasing Rainbows," "Riptide" and "Vanessa," has rejoined the company, but not as an actor.

In his new capacity, Arthur is selling film to exhibitors scattered about the northern sector of New Jersey. From now on Arthur reports to David A. Levy, New Jersey branch manager, instead of a director.

Frisco Plant Will Work on Television

SAN FRANCISCO, Dec. 8.—Believing that television is not far off, Max and Louis Graf are establishing a television laboratory in their electrical transcription plant here.

They say they intend to "apply their knowledge of screen technique and sound manipulation to the new problems which will arise from the commercial use of television."

Young Back on Set

HOLLYWOOD, Dec. 8. — Completely recovered from her illness and back from her European trip, Loretta Young returned to the Twentieth Century-Fox studios and was assigned a starring role in "Lightning Strikes Twice."

To Oppose Walkathons

SEATTLE, Dec. 8. — Legislation against walkathons and dart games is to be sought by the M.P.T.O. of the Northwest at the next session of the legislature.

Lovejoy Salary $90,903

WASHINGTON, Dec. 8.—Frank W. Lovejoy, president of Eastman Kodak Co., reported his salary at $90,903 for 1934. His 1929 salary was $85,050.

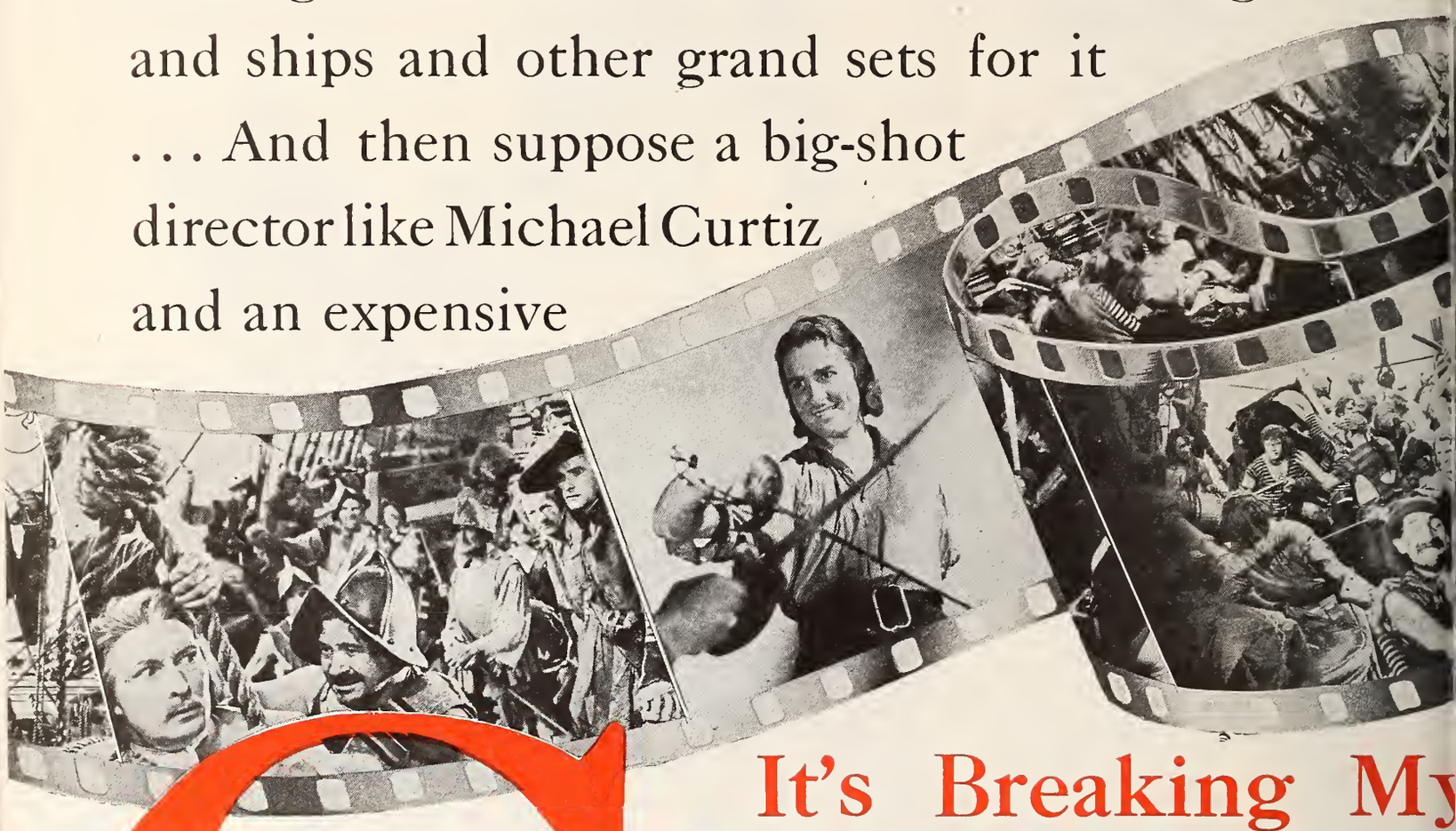
I'm CUTTING *with Tears In My Eyes"*

SAYS NOTED
BURBANK
FILM SURGEON



Read his pathetic human story on next page.

"How would you feel, brother, if a world-famous word-slinger like Rafael Sabatini took a year to turn out a novel so good it became an adventure classic? . . . And then your bosses bought it for pictures and had a studio-full of costumers and carpenters spend nine months making about 1500 costumes and building cities and ships and other grand sets for it . . . And then suppose a big-shot director like Michael Curtiz and an expensive



It's Breaking My

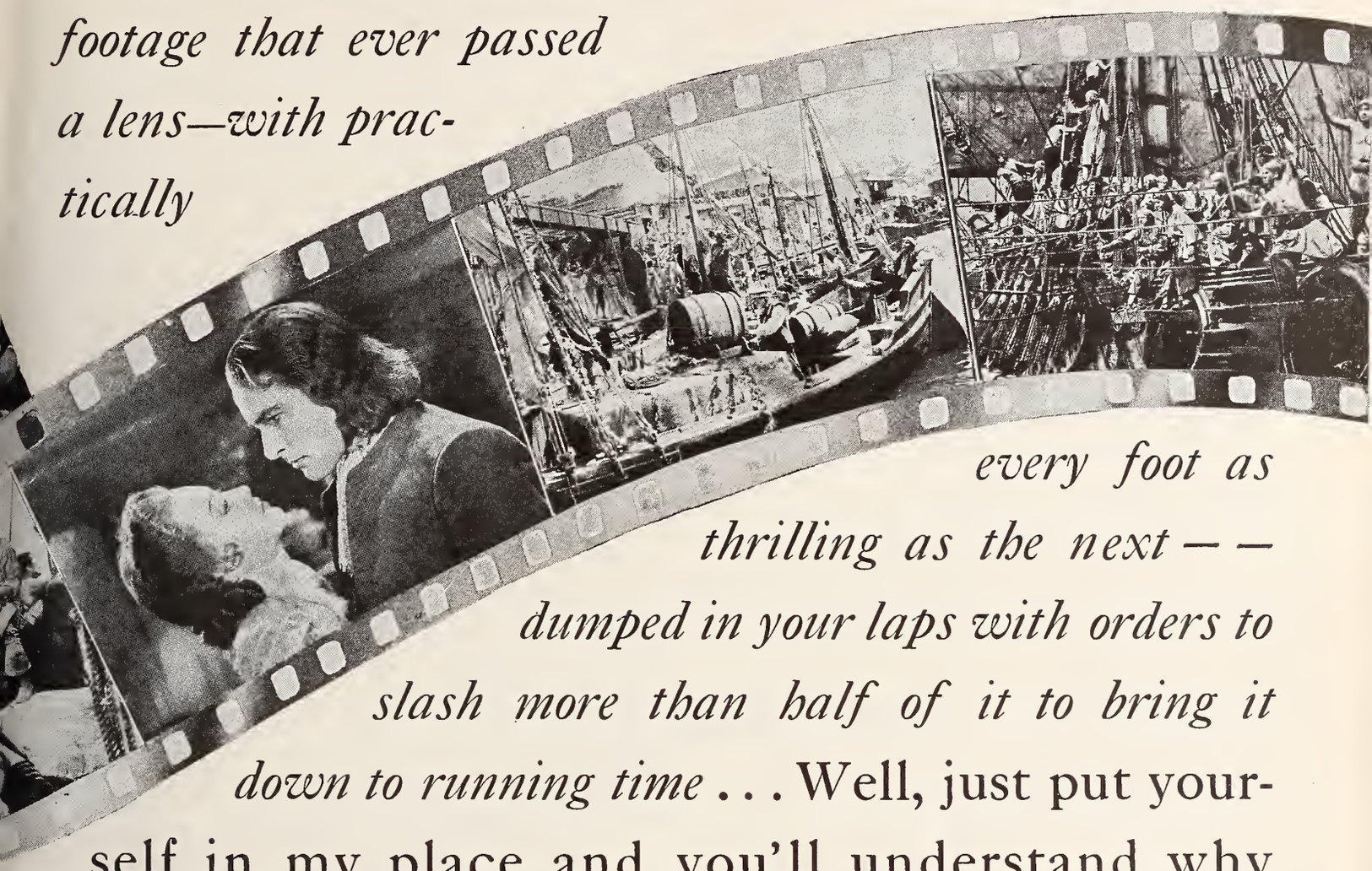
CAPTA

A Cosmopolitan Prod

ERROL FLYNN •

LIONEL ATWILL • BASIL RATH

cast had spent three months on the actual filming, with half-a-dozen cameramen shooting a cool million dollars' worth of film. *Then suppose you and five other cutters had about five miles of the swellest footage that ever passed a lens—with practically*



every foot as thrilling as the next — — dumped in your laps with orders to slash more than half of it to bring it down to running time . . . Well, just put yourself in my place and you'll understand why

Heart to Cut a Single Foot of N BLOOD"

• A First National Picture with

LIVIA De HAVILLAND

IE • ROSS ALEXANDER • GUY KIBBEE

• **Editor's Note:** — Regardless of the emotional wear and tear on the cutting department, "Captain Blood" will positively be delivered, as you demanded, **FOR CHRISTMAS FROM WARNER BROS.**

RKO May Take 2 Radio City Houses Again

(Continued from page 1)

Thacher early last summer. It is based on the original leases made by RKO with Rockefeller Center which provided that RKO would become liable for the construction costs of the theatres in the event of certain defaults under the leases. The special master held that the designated defaults had occurred and found RKO liable for construction costs of more than $6,000,000 and rental deficiencies of more than $1,000,000.

Irving Trust Co., as trustee in reorganization for RKO, has filed exceptions to the special master's report, but hearings on the exceptions have been delayed from time to time over the past two months to permit negotiations looking toward a settlement of the claim. The latest postponement will be made today when a scheduled hearing before Federal Judge William Bondy will be adjourned to Dec. 19.

Official sources point out that by entering into new leases for the Radio City theatres RKO might relieve itself of liability to Rockefeller Center for the major portion of the claim, that involving the more than $6,000,000 in construction costs of the theatres. The balance in rental deficiencies could be liquidated by the issuance to Rockefeller Center of new securities of reorganized RKO for the amount of the deficiencies.

While it is officially admitted that such a solution of the huge Rockefeller Center claim against RKO has been discussed, a Rockefeller spokesman described the claim negotiations at present as "very indefinite." This official said that it was unlikely that a final compromise of the claim would be reached until a reorganization plan for RKO had proceeded "considerably farther than it now has."

RKO Houses to Have New Year Vaudeville

Vaudeville will have a one-night comeback in RKO and Loew theatres which formerly featured this type of entertainment. All former vaudeville houses of both circuits will have from seven to nine acts as a special attraction on New Year's Eve. The bookings are only for midnight shows. In a number of the theatres reserved seats, as in past years, will be sold.

Stop Clarksburg Tax

CLARKSBURG, W. Va., Dec. 8.—The City of Clarksburg has been enjoined by a Circuit Court order from imposition of a one-cent tax on theatre tickets. Argument for a permanent injunction will be heard next week.

The tax ordinance was to become effective Dec. 1, but Jack Marks of the Orpheum and Claude Robinson of the Grand Theatre and Moore Opera house, obtained the restraining order.

Change Canton Openings

CANTON, O., Dec. 8.—Loew's has switched the program changes from Tuesdays and Fridays to Mondays and Thursdays. The new policy may not be permanent, however, says Larry Thompson, manager.

Hallgarten to Back Circuit, Reports State

(Continued from page 1)

velops, it will loom as an important factor in the local exhibition field. There is no independent circuit in Greater New York with 100 houses, the nearest contender being Metropolitan Playhouses with some 80 odd theatres, divided between Randforce and Skouras Theatres Corp., but under control of United Artists Theatres Corp.

About a year ago, Weisman and a number of independent exhibitors began working on a plan to pool about 100 theatres under a plan which provided for the payment of a cash contribution by exhibitors who would turn over properties and leases. Theatre owners were to get stock and in most cases continue operation of the houses. They would be guaranteed a flat sum every week, based on weekly earnings of individual theatres for the past two years.

Exhibitors representing approximately 60 theatres pledged to go along, but when it came to sending in checks to support the financial end of the commitment more than half were reluctant to remit. The new proposal, it is understood, does away with cash contribution by exhibitors. This would be taken care of by Hallgarten & Co., it is said.

It is said the audit, now under way, will take several weeks.

City Sales Tax Levy Against U. A. $20,100

(Continued from page 1)

some time ago, which covered the period from Dec. 5, 1934, to Mar. 1, 1935, but which embraced only revenue derived from sources within the city limits. Since that time the city has decided that the delivery of film to a carrier at a local exchange consummated a sale, regardless of the location of the theatre for which the film was destined, and after completing a second audit of the exchange's books revised its assessment accordingly.

The new assessment would indicate that local exchanges might be taxed approximately $800,000 annually if the city succeeds in its efforts to prove that film rentals are subject to the sales tax. Local distributors, employing the United Artists instance as a test case, contend that they are not.

Drop IBEW Men

MILWAUKEE, Dec. 8.—Seven I. B. E. W. electricians have been laid off in Warner and Fox houses here as well as E. J. Weisfeldt's Riverside. Maintenance work has been transferred to members of Local No. 18 of the I.A.T.S.E.

Mrs. Alexander Dead

HOLLYWOOD, Dec. 8.—Mrs. Ross Alexander is dead of a bullet wound which, police say, was self-inflicted. She was said to have been despondent. She was found, critically wounded, by her husband.

Studios Hum with 40 Features Going

HOLLYWOOD, Dec. 8.— Studios hummed last week, moving up a notch over figures for the previous week. Forty features and three shorts were before the camera against 39 features and five shorts for the preceding week. Forty-five features and 16 shorts kept editors working at full speed.

Paramount recorded a production peak of nine in work, which surpassed figures returned from the other companies.

In the feature category Columbia had two shooting, three in preparation and four in the cutting rooms. Fox had four, four and four; Goldwyn, two, zero and zero; M-G-M, seven, zero and 13; Paramount, nine, six and seven; Radio, four, three and six; Roach, zero, zero and one; Universal, two, five and two; Warners, eight, one and seven; independents, two, two and one.

Short production dropped slightly. Columbia had none working, two in preparation and slated for the cameras within two week and three editing. M-G-M had one, five and five; Radio, zero, one and three; Roach, one, one and three; Universal, one, zero and one; independents, zero, one and one.

Sirovich Is Probing Sans Robins, Berger

(Continued from page 1)

counsel brought the Sirovich group's probings of film and communications patents to an abrupt halt in October, after only four days of hearings, when it was disclosed by MOTION PICTURE DAILY that those two officers of the committee's were principals in litigation pending against film and communications patents owners which seeks aggregate damages of upwards of $40,000,000.

A member of the committee told MOTION PICTURE DAILY on Saturday that not only had Robins and Berger been divorced from the committee, but that the group's "study" of film patents had been concluded and would not be revived during the present sessions.

Poster Men's Board Ends Regular Meets

Members of the National Poster Renters' Protective Ass'n will hold their annual convention within the next few months. Directors are scheduled to meet the end of the month to formulate plans for the yearly event.

Because of the few problems confronting the organization, directors have done away with regular meetings. They get together only when matters of importance arise.

"Bounty" $29,500 Hit in Four Weeks

(Continued from page 1)

Land of Promise" at the Astor is keeping pace with the rest of Broadway houses, getting about $10,000 for the second week. The Rivoli ended the second week of "Splendor" with approximately $10,000. "Show Them No Mercy" yesterday replaced the Samuel Goldwyn picture. The Palace's dual bill, "Way Down East," and "Stars Over Broadway," hit slightly above $9,000.

Small British Houses Asking Deals at 25%

(Continued from page 1)

hibitors' Ass'n., has suspended for a further 12 months the institution of a Register of Hours Worked. The obligation to keep such a register was imposed by the Sunday Entertainment Act, but it is considered that the interests of labor are sufficiently safeguarded by the agreement recently negotiated by the Joint Conciliation Board, which includes provision for a standard 55-hour week.

* * *

British Cinematograph Theatres, Ltd., of which Major A. W. Banner is chairman and managing director, plans a reduction of capital from £200,000 to £112,500. The cut equals 25 per cent of par values. Later, an issue of 350,000 new 5/- shares is planned, bringing the total capital again to £200,000. The dividend on preference shares will be reduced to five per cent from eight per cent and these shares will be made non-participating. B. C. T. owns the Picture House, Southampton, and two halls in Ipswich.

* * *

Analysis of 10,000 replies to a request for star preferences, in the London Films' questionnaire, shows Charles Laughton easily ahead of all other British screen players, in the view of picture fans. He got 11,909 votes. George Arliss was second, with 6,915 and Sir Cedric Hardwicke third, with 4,339. Robert Donat, fourth, had 3,793 votes, and then in order came Jack Hulbert, Leslie Howard, Tom Walls, Jack Buchanan, Gordon Harker, Conrad Veidt, Leslie Banks and Clive Brook. The vote was limited to British artists.

Ohio House Passes An Income Tax Bill

COLUMBUS, Dec. 8.—The House has passed by an 85 to 33 vote the bill of Representative P. E. Ward for an income tax. The issue was forced by proponents of the measure who threatened to hold out against reenactment of the three per cent sales tax unless the income tax bill were put through.

Passage of the income levy is looked upon as an idle gesture, since it is the general opinion that it will not get by the Senate, which has defeated similar bills previously. However, it is conceded that the action of the House will make the sales tax bill easier to pass, and this, it is hoped, will be accomplished next week. The three per cent also will apply to gross admissions, according to the present setup.

ITO Union Contract Is Voided by Court

(Continued from page 1)

min De Agostino against Estates, which operates the Avon, Garfield and 16th St. Justice Cropsey, in dismissing the union's complaint, held that because the agreement with the Allied union was made by the I. T. O. executive board, and not the membership of the organization, it was not binding on I. T. O. members.

"CAST IN THE POPULAR ENTERTAINMENT MOLD, 'THE GREAT IMPERSONATION' IS AN INTERESTING AND WELL-DONE ADVENTURE STORY...NICELY PRODUCED BY ALAN CROSLAND UNDER THE PRODUCING GUIDANCE OF EDMUND GRAINGER, THE PICTURE IS WELL ACTED...IT IS GOOD STUFF KEYED IN A POPULAR ADVENTURE VEIN...PRODUCTION VALUES ARE HIGH!"

—RED KANN, Motion Picture Daily

Carl Laemmle Presents

EDMUND LOWE

in Universal's adventure drama

The GREAT IMPERSONATION

From the celebrated novel by E. Phillips Oppenheim

with

VALERIE HOBSON, WERA ENGELS
Henry Mollison, Murray Kinnell
Spring Byington, Lumsden Hare.

An EDMUND GRAINGER Production
Directed by Alan Crosland

"Kentucky" Is Denver Smash For 2nd Week

DENVER, Dec. 8.—"In Old Kentucky" was a sensation at the Broadway following a week at the Denver. The $3,000 take was just three times normal.

"The Man Who Broke the Bank at Monte Carlo" also was in the big money with a gross of $7,500 at the Denver. This is $2,500 to the good. "So Red the Rose" was $1,500 up on a take of $5,500 at the Denham and "Annie Oakley" showed an excellent profit at $6,000 in the Orpheum.

Total first run business was $26,600. Average is $19,500.

Estimated takings for the week ending Dec. 5:

"THREE KIDS AND A QUEEN" (Univ.)
ALADDIN — (1,500), 25c-35c-50c-60c, 5 days. **Gross:** $1,000.

"MELODY LINGERS ON" (U.A.)
ALADDIN — (1,500), 25c-35c-50c-60c, 4 days. **Gross:** $1,000. (Average for week, $2,000)

"IN OLD KENTUCKY" (20th-Fox)
BROADWAY—(1,500), 25c-40c, 7 days following a week at the Denver. **Gross:** $3,000. (Average, $1,000)

"SO RED THE ROSE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. Gross: $7,500. (Average, $5,000)

"ANNIE OAKLEY" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. Gross: $6,000. (Average, $5,000)

"GRAND EXIT" (Col.)
PARAMOUNT—(2,000), 25c-40c, 5 days. **Gross:** $2,000.

"FEATHER IN HER HAT" (Col.)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $600. (Average for week, $2,500)

"Kentucky" Cracks Omaha Dual Record

OMAHA, Dec. 8. — "In Old Kentucky," heading a dual with "Little Big Shot," shattered the double feature house record at the Orpheum with a $12,500 gross. This was $4,500 over normal.

Thanksgiving weather was good and all houses got off to a good start. "A Night at the Opera" and "Personal Maid's Secret" reached $8,700 at the Omaha and "Annie Oakley" and "The Payoff" was strong at $5,900 in the Brandeis.

Total first run business was $27,100. Average is $17,000.

Estimated takings:

Week Ending Dec. 4:

"ANNIE OAKLEY" (Radio)
"THE PAYOFF" (F.N.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,900. (Average, $4,000)

"A NIGHT AT THE OPERA" (M-G-M)
"PERSONAL MAID'S SECRET" (W.B.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $8,700. (Average, $5,000)

Week Ending Dec. 5:

"IN OLD KENTUCKY" (20th-Fox)
"LITTLE BIG SHOT" (W.B.)
ORPHEUM — (3,000), 25c-40c, 8 days. **Gross:** $2,500. (Average, $8,000)

F. L. McFadden Gaining

WACO, Texas, Dec. 8.—Fred L. McFadden is gaining following an operation to relieve a skull fracture sustained in an automobile accident. McFadden is assistant manager of the Palace, Dallas.

"Million" Is $39,000 Hit, Philadelphia

PHILADELPHIA, Dec. 8.—"Thanks a Million" grossed a pre-depression figure of $39,000 for its first eight days at the Fox.

The extra day of the week is accounted for by the Sunday preview showing during the run of "In Old Kentucky," on which the musical film grossed $4,000. It opened its regular run on Thanksgiving Day with a take of $7,000 and maintained a headlong pace for the rest of the week. It was held a second week.

Also topnotch was the $18,500 gleaned by the Earle with "In Person" as the feature and the Ted Weems show on the stage. The figure is all the more remarkable in that the Thanksgiving Day business isn't counted for this feature, having gone on last week's gross.

Another standout was "Frisco Kid," with its $9,000 take at the Stanton. It was held.

Weakest of the new films was "Night at the Opera," which got $15,000 on eight days. "Ah, Wilderness!" held to its average at the Boyd with $16,000 for the same period.

Total first run business was $115,900. Average is $89,840.

Estimated takings for the week ending Dec. 5:

"SPLENDOR" (U.A.)
ALDINE—(1,200), 40c-55c-65c, 7 days, 2nd week. **Gross:** $7,000. (Average, $8,160)

"THE CRUSADES" (Para.)
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,800. (Average, 7 days, $2,800) Thanksgiving included.

"AH WILDERNESS!" (M-G-M)
BOYD—(2,400), 40c-55c, 8 days. **Gross:** $16,000. (Average, 7 days, $14,000) Thanksgiving included.

"IN PERSON" (Radio)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Ted Weems with band and revue. **Gross:** $18,500. (Average, $14,000)

"THANKS A MILLION" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 8 days. Including Thanksgiving and special Sunday preview during run of "In Old Kentucky." Stage: Yorke and King, Grace Dufayc, Schlictl's Wonderettes. **Gross:** $39,000. (Average, 7 days, $14,000)

"MIMI" (Alliance)
KARLTON—(1,000), 25c-35c-40c, 9 days. **Gross:** $4,400. (Average, 7 days, $4,000) Thanksgiving included.

"SO RED THE ROSE" (Para.)
(2nd run)
KEITH'S—(2,000), 30c-40c-50c, 9 days. **Gross:** $4,200. (Average, 7 days, $4,000) Thanksgiving included.

"A NIGHT AT THE OPERA" (M-G-M)
STANLEY — (3,700), 40c-55c, 8 days. **Gross:** $15,000. (Average, 7 days, $14,000) Thanksgiving included.

"FRISCO KID" (W.B.)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $9,000. (Average, $7,000) Thanksgiving included.

R. I. Pledge Renewed

PROVIDENCE, Dec. 8.—Bishop Francis P. Keough, in a letter read Sunday in all the Catholic churches of Rhode Island, exhorted members of his diocese to continued vigilance against immorality on the stage and screen and urged them to shun theatres advertising and presenting attractions of dubious moral tone.

Bishop Keough called the improved moral standards of the films, which followed the Legion of Decency campaign, "a heartening triumph for religion."

"Night" Milwaukee Hit; Pulls $7,210

MILWAUKEE, Dec. 8.—High honors for the week went to "A Midsummer Night's Dream," roadshowed at the Pabst with a $7,210 take. Sponsored performances, one by the Federation of Women's Clubs and another by the Milwaukee Athletic Club, helped ticket sales. Top admission price was $1.65.

"In Old Kentucky," closing Dec. 3 at Fox's Wisconsin, netted $6,200 for the seven days for second high honors. The auto show, giving away a car a day, opened Nov. 30 and attracted 75,979 paid admissions at 40 cents a head during the first five days. This admission price represents a five-cent hike over last year.

Like the exposition the week before, the show hurt business along the street. Weather was cold and cloudy.

Total first run business was $30,510. Average is $24,200.

Estimated takings for the week ending Dec. 3:

"IN OLD KENTUCKY" (20th-Fox)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $6,200. (Average, $8,000)

Week Ending Dec. 4:

"A MIDSUMMER NIGHT'S DREAM" (W.B.)
PABST — (1,500), $1.65-$1.10-85c-55c, 7 days. **Gross:** $7,210.

Week Ending Dec. 5:

"CRUSADES" (Para.)
"SHIP CAFE" (Para.)
PALACE—(2,800), 25c-40c, 7 days. Gross: $4,800. (Average, $5,000)

"CONFIDENTIAL" (Mascot)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Stan Myers and 17 Radio Cavaliers, Bobby Bixler, Buddy Howe and Jean Carroll, Flo Mayo, Benny Laevin. **Gross:** $5,000. (Average, $5,000)

"THREE KIDS AND A QUEEN" (Univ.)
"POWDER SMOKE RANGE" (Radio)
STRAND—(1,400), 25c, 8 days. **Gross:** $1,500. (Average, $1,200)

"FRISCO KID" (W.B.)
"IN PERSON" (Radio)
WARNER — (2,400), 25c-40c, 8 days. **Gross:** $5,800. (Average, $5,000)

Kugel Gets N. O. Strand

NEW ORLEANS, Dec. 6.—M. W. Kugel has been made manager of the Strand, now operated by WWL.

Wall Street

Twentieth Century-Fox Issues Gain

	High	Low	Close	Net Change
Consolidated Film.	6	5¾	6	.....
Consolidated, pfd..	18¾	18¾	18¾	— ¼
Eastman Kodak...	162	161	162	+1¾
Keith-Albee Orpheum, pfd...	80	80	80	.....
Loew's, Inc.....	53⅞	53½	53⅞	+ ¼
Loew's Inc., pfd...	106⅝	106⅝	106⅝	— ⅜
Paramount	9⅜	9⅛	9¼	.....
Paramount 1 pfd..	77	76⅝	77	+ ¾
Paramount 2 pfd..	11¼	11	11	— ¼
Pathe Film.....	7	7	7	— ⅛
RKO	5¼	5	5¼	+ ¼
20th Century-Fox.	23	22⅜	23	+ ⅞
20th Century, pfd.	30⅜	29¾	30⅜	+ ½
Warner Bros.....	9½	9⅛	9½	+ ⅜

Slight Losses on Curb

	High	Low	Close	Net Change
Sentry Safety....	⅝	⅝	⅝	.....
Sonotone	2½	2⅜	2⅜	— ⅛
Technicolor	19⅛	18⅝	19⅛	— ⅛
Trans Lux.....	4⅛	4	4	— ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	18¾	18¾	18¾	.....
Loew's 6s 41 ww deb rights.....	103¾	103¾	103¾	— ¼
Paramount Pictures 6s '55.....	91¾	91¼	91¼	— ¼
Warner Bros. 6s '39 wd.....	87½	87½	87½	+ ¼

(Quotations at close of Dec. 7.)

Purely Personal

JACK GOETZ returned from Canada Saturday bringing word that JOE MOSKOWITZ, now a big snow man in the north country, will return to the warm precincts of the Warwick today or tomorrow. JOE is at Callander with the Twentieth Century-Fox unit shooting scenes of the Dionne "quins" and wearing ear muffs and the like as part of the routine equipment in that neck of the woods.

•

SHIRLEY TEMPLE placed an order with a Long Island City manufacturer for five two-and-one-half-foot dolls in her own likeness to be sent to the Dionne quintuplets as Christmas presents.

•

HOWARD S. CULLMAN will be $20,000 richer tomorrow when Federal Judge Francis G. Caffey approves his application for an interim allowance for services as trustee at the Roxy.

•

WILLIAM BRANDT, who is at the Jewish Hospital, Brooklyn, recovering from a serious illness, reads the trade papers every day. And he gets a great kick out of them.

•

DAVE LOEW will arrive from the coast sooner than he expected. He originally planned to visit New York around Christmas.

•

JANE WINTON, who has just finished "The Street Singer" for British and Dominion in England, will arrive Wednesday on the *Washington*.

•

DONALD FLAMM of WMCA has reserved 10 tables for the HARRY HERSHFIELD testimonial dinner to be held at the Astor Jan. 26.

•

JOSEPH D. BASSON is expected to be reelected president of Local 306 at the Dec. 18 meeting of the membership.

•

FRED VANWYCK MASON'S "International Team." a polo story, has been acquired by Universal.

•

HARRY SHIFFMAN is remodeling the Strand, Lakewood, in anticipation of seasonal business.

•

JOE E. BROWN blew the starting whistle for the Rangers-Montreal hockey game last night.

•

E. W. HAMMONS, Educational president, will return from the coast today.

•

HAL HORNE has returned from the coast. DANNY THOMAS came along.

•

GEORGE HIRLIMAN is at the St. Moritz. Just in from California.

•

NEIL AGNEW will not travel any other way than by air if he can help it.

•

L. J. SCHLAIFER is contemplating a tour of exchanges.

•

MORT SINGER arrives from Chicago today.

•

JACK COHN is back from Hollywood.

•

LOU IRWIN in bed with a cold this time.

Active Period In Exhibition Continues On

New theatres, new ownerships of old theatres, renovations and fresh equipment in others under current managements are making news of the moment in the field today.

MOTION PICTURE DAILY *correspondents reported these developments over the weekend:*

Remodel Akron House

AKRON, Dec. 8.—The National is being remodeled. It is planned to have the work finished shortly.

Emmet, Chicago, Opened

CHICAGO, Dec. 8. — Mrs. Mary Rudolf's Emmet has been opened after having been remodeled.

Build at Prentiss, Miss.

PRENTISS, Miss., Dec. 8.—A new theatre is being erected here by B. C. Griffith, local merchant.

Form Rockwood Amusement

ROCKWOOD, Tenn., Dec. 8.—Rockwood Amusement Co., capitalized at $10,000, has been incorporated.

Building in Tenn.

DAYTON, Tenn., Dec. 8.—A new house, to cost $30,000, is planned here by the Crescent Amusement Co. It will seat 400.

Form Essaness Amusement

MOUNT VERNON, Ky., Dec. 8.—Essaness Amusement Co., capitalized at $10,000, has been incorporated by Theodore Schlosser and others.

Reopen at Atkins, Ark.

ATKINS, Ark., Dec. 8.—The theatre here, dark for several weeks while being remodeled, has reopened under the management of Harry Odom.

Reopen Detroit Brooklyn

DETROIT, Dec. 8.—The Brooklyn, downtown subsequent run which has been closed for some time, has been reopened by Chester Brown.

Plans New Romero House

DETROIT, Dec. 8. — Howard R. Paul, who also operates the Princess at Yale, will build a new 500-seat house at Romero, Mich., to replace the Palace which he also owns.

Reopen at Nashville

NASHVILLE, Mich., Dec. 8. — The Star, closed for some time, has been reopened by Raymond Hebert. It has been remodeled, new equipment and a new front having been installed.

Remodel Grenada House

GRENADA, Miss., Dec. 8. — The Grenada Theatre has been remodeled and new seats installed at a cost of approximately $5,000, according to Homer J. Williams, proprietor.

N. E. Shifts Continue

BOSTON, Dec. 8. — New England theatre changes are continuing. The Colonial, 1,000-seat Lawrence theatre, has been opened by J. Frankmoore. The Middlesex in Middletown, Conn., has been reopened by Arthur Lockwood. Work has begun in Stamford on the Plaza, 1,000-seat theatre. The American in Fairhaven, Mass., has been opened by L. Task, and was formerly operated by Ernest Comi. The Warner in Lawrence is due for lights. John Uston has opened the Easton in North Easton.

Form Theatre Firm

TALLAHASSEE, Fla., Dec. 8. — A charter has been granted to Rosetta Theatres, Inc., Miami. Directors are Sidney Meyer, Francis Wolfson and M. Wolfson.

Reed Heads Company

WASHINGTON DEPOT, Conn., Dec. 8.—Joseph Reed is president of the recently formed Washington Theatre Corp. here. Marie Reed is secretary-treasurer.

Plans Two Houses

RICHMOND, Dec. 8. — Community Theatre Co., of New York, plans two houses here, the Ginter Park and a negro theatre. Elmer H. Brient, secretary of the M.P.T.O. of Virginia, heads a new company which plans a circuit in the state.

Build at Myrtle Beach

MYRTLE BEACH, S. C., Dec. 8.—Ground has been broken for a new $40,000 theatre. The house will be completed before next summer. It will seat 800.

Loew Takes Newport House

BOSTON, Dec. 8.—Elias M. Loew has taken over the Colonial, Newport. The house, formerly run by M. & P.-Publix, has been dark for about 17 months.

To Open at Newellton

NEW ORLEANS, Dec. 8. — E. I. Hawkins will soon open the Hawkins at Newellton, La., a short distance from St. Joseph. This is the first house in that vicinity.

Charter Davidson Theatre

CHARLOTTE, N. C., Dec. 8.—Davidson Theatre Co. has been chartered by H. F. Kincey, Charlotte; M. S. Hill, Greensboro, and A. F. Sams, Winston-Salem.

Monrovia Rialto Leased

MONROVIA, Dec. 8.—Feldstein and Dietrich have leased the Rialto. Simon Lazarus has held the lease for several years, and has kept it dark to avoid opposition to his Lyric.

Fox Midwest Gets Uptown

KANSAS CITY, Dec. 8.—Fox Midwest has acquired the Uptown and office building of which it forms a part. The deal was termed "merely a paper shift" by Fox Midwest executives, inasmuch as the circuit had had the house under lease for several years.

Ownership passed to Fox Midwest through its purchase of the Kansas City Universal Theatres Corp. stock. That corporation formed a portion of the assets of the Universal Chain Theatres Corp., now being liquidated. Universal acquired the house in 1927 from E. J. Willett.

Remodel Around K. C.

KANSAS CITY, Dec. 8.—Remodeling is under way in several places in this territory.

"Gil" McKinney is remodeling the Apex and the Best at Topeka and G. F. Houser is getting ready to open a 450-seat house there on Jan. 1.

A. F. Perkins is reseating the 500-seat Perkins at Harrisonville, Mo., and is putting up new signs.

Louis Griefe is improving the seats at the Opera House, Windsor, Mo. K. Max Davisson, operator of the Mayflower at Florence, Kan., has decorated the place.

Keep Vancouver Music

VANCOUVER, B. C., Dec. 8.—After serving a week's notice on the orchestra, Jake Dawson, manager of the Lyric, reversed his decision to discontinue stage shows and will continue the policy for a few weeks. The house band remains under a continuing one-week notice.

The house is playing five acts of vaudeville, one feature, two shorts, and has a 14-piece band.

To Rename Dallas House

DALLAS, Tex., Dec. 8.—The Columbia, East Dallas, will be renamed the Rita by P. G. Cameron and L. E. Harrington, new managers, who have closed the house for remodeling. The Rita will be re-equipped throughout, according to Harrington, who was formerly branch manager for RKO-Radio and Pathe exchange.

Western Houses Re-equip

OMAHA, Dec. 8.—Two more houses have been re-equipped in this territory. They are the Dewitt at Dewitt, Neb., with new seats, screen, projectors, sound and drapes, and the New Leo, Morehead, Ia., with seats, screen, projectors, etc.

To Open in Virginia

STUART, Va., Dec. 8. — Stuart Theatres has been formed here to operate locally and in Hillsville and Galax. Officers are: Elwin Branscome, president; Leonard Branscome, vice-president; M. L. Branscome, secretary-treasurer.

Nearly Ready at Geneva

GENEVA, Ala., Dec. 8. — Geneva's new theatre, the Avon, is nearing completion and will open soon. Levy Moore of Enterprise is the owner.

The building was used by the old Arcade, which was almost destroyed by fire several months ago.

To Build at Romeo, Mich.

ROMEO, Mich., Dec. 8. — Howard Paul, operator of the Palace here and the Princess in Yale, expects to build a new house here soon. Plans are now being prepared. The Palace will be closed upon completion of the new house, which will seat 800.

May Rebuild at Marietta

MARIETTA, O., Dec. 8.—Providing Federal aid can be obtained, the City Hall building razed recently by fire, which housed the Auditorium theatre, will be rebuilt.

Take Over Lynn House

LYNN, Dec. 8.—Morse & Rothenberg have acquired the Uptown here.

Eggs Going on Screen

Humpty Dumpty, the most famous egg in literature, is about to make his screen bow with a lot of other more modern eggs that have never fallen off a wall.

There'll be the Good Egg, Bad Egg, Easter Egg, Tough Egg, Hard-boiled Egg and Rotten Egg—practically the whole egg family. It'll be a ComiColor Cartoon to be distributed by Celebrity.

Photophone Points to Profits

S.R.O. TRIPLED

There is a theatre in a suburb near our factory that is attended by a number of our employes. These men and their families grumbled to the exhibitor about his sound. (Most people don't take the trouble to kick; they just go elsewhere.) Finally the theatre manager said "Yes" when a Photophone man called. The house thought it was doing well when it sold out Saturday night; since installing RCA Photophone it averages *three* sell-outs a week, usually Thursday, Friday, Saturday. And the increase has not all come from RCA employes, either!

★ RCA Photophone has a decided effect at the box office. Its perfection of sound increases attendance, often in a spectacular way. The above example is typical of results.

RCA PHOTOPHONE
RCA TRANS LUX · RCA SONOTONE
RCA MANUFACTURING CO., INC.
CAMDEN · NEW JERSEY

A Radio Corporation of America Subsidiary

Variety Club

Des Moines

DES MOINES, Dec. 8. — Variety club's first charity party is scheduled for Friday morning, Dec. 27, with G. RALPH BRANTON, general manager of Tri-States Theatres, in charge. Shutins of the city and inmates of local institutions will be the guests. The entertainment will be a flesh show at the Paramount.

Detroit

DETROIT, Dec. 8.—To provide additional money for its welfare fund, Variety Club will sponsor a keno party in the ballroom of the Book-Cadillac hotel Dec. 14. Dancing and entertainment also will be included. H. M. RICHEY is in charge, with M. GOTTLIEB and J. L. SAXE as the other members of the committee.

For the same purpose, the club also will give a special preview showing of "A Tale of Two Cities" at a downtown theatre some night of the week before Christmas.

Installation of the newly elected officers will take place at the first meeting in January.

Kansas City

KANSAS CITY, Dec. 8. — SPYTOS SKOURAS, head of National Theatres, and RICK RICKETSON, head of the Rocky Mountain division of Fox houses, were guests at Variety Club last week. SKOURAS left by plane for Los Angeles, and RICKETSON for Denver by train the same day, after the two had conferred here with ELMER C. RHODEN, president of Fox Midwest.

NAT HECHTMAN was one of the Kings for a Day, with CHARLES JONES aiding. HECHTMAN departed from the usual program by offering a bottle of Haig & Haig in a draw, and FRANK HENSLER won. A bottle supplied by *Screenland* and HAROLD LUX went to DOUGLAS DESCH.

MAX BAREWIN was guest of HECHTMAN.

Variety's membership quota is full and only five of the 10 candidates for initiation Dec. 9 can go through.

CHARLES JONES, who heads the New Year's party committee, announced that the affair would be exclusively for members and close friends. The levy will be $5 a couple, which will include dancing, the banquet, etc. Other members on this committee are EDGAR STERN, BEV MILLER and F. E. RITTER.

Omaha

OMAHA, Dec. 8.—The local tent will be formally inducted into the national Variety organization when officials doing the inducting arrive here after receiving the Dallas and Oklahoma City tents sometime this week or next. It had been planned to take in the Omaha tent Dec. 1, but plans since have been changed, H. J. SHUMOW, chief barker says. When the national officers will arrive here will be settled within a few days, it is expected.

Meanwhile there is talk that Variety club will expand its present quarters by removing another wall. What were regarded as spacious quarters last June have already become crowded—especially on week-ends.

Looking 'Em Over

"She Shall Have Music"

(Twickenham-British)

LONDON, Nov. 29.—One of the brightest examples of a type of light musical which is making the money in all grades of British theatres.

It's a case of stringing a series of acts and musical numbers on a radio or stage celebrity and the thinnest thread of story and giving the public the variety it may be pining for, per film. Here the key attraction is Jack Hilton and his band, probably the best of its type in England. Also are a French can-can troupe and an unveiled and expert Continental dancer, dubious for America under the code. There is also a brief but excellent ballet sequence. The musical numbers of Sigler, Goodhart and Hoffman are good popular stuff. It isn't staged like an American musical, but it is definitely bright entertainment.

Running time, 75 minutes. "G."

"Come Out of the Pantry"

(B. and D.-United Artists)

LONDON, Nov. 29.—Farce comedy. The star values are Jack Buchanan, who sings a bit, dances a bit and otherwise gives a rather stiff impersonation of Jack Buchanan, and Fay Wray, who acts very nicely the part of a girl with a sense of humor and looks charming.

The story is that a young British nobleman who, having lost the family money entrusted to him in a bank smash in New York, meets an old servant who is butler to a rich American and gets a footman's job from him. His employer's pretty niece sees through the imposture and falls in love with the impostor, although there is a plan to marry her to his bumptious elder brother. At a dinner party in honor of the latter's arrival the footman proposes in the interval of serving the courses and finally takes his brother's place as guest and as husband-designate.

There is some fair comedy, the best of it in the dinner episode. As light entertainment this should go where Buchanan is a draw.

Running time, 70 minutes. "G." ALLAN

Hudson County Men Want Variety Club

Hudson County theatre managers have applied for a charter to establish a New Jersey Variety Club tent. Al Stevens, manager of the Orpheum, Jersey City, has been fomenting interest in such an organization for the last five years.

Temporary officers have been named and elections will be held at the Plaza Hotel, Jersey City, Dec. 18, midnight. Tentative officers are: George Dumont, Loew's Jersey City, president; Morris Hatoff, State, Jersey City, first vice-president; Solly Posner, Orient, Jersey City, treasurer; M. Yarbo, Capitol, Union City, secretary.

About 35 managers attended a meeting last week and it is expected that all theatre heads in Hudson County will attend the Dec. 18 session. Managers outside of the county will be admissible as non-resident members.

Ohio Cuts Only 20 Of 437 Reels Seen

COLUMBUS, Dec. 8.—Of a total of 437 reels reviewed by the Ohio censor board in November, 417 were passed.

During the week ending Nov. 21 only two deletions were made in 148 reels.

The October record was 682 reels reviewed, and eliminations ordered in 34.

Moss Point House Burns

NEW ORLEANS, Dec. 8.—The Joy at Moss Point, Miss., controlled by the Joy-Hucks interests, was totally destroyed by fire early this week. The house will in all probability be rebuilt.

Chicago Exhibitors Unite in Xmas Move

CHICAGO, Dec. 8.—Practically every exhibitor in this territory has joined in the Movie Christmas Basket charity campaign which has been launched under the sponsorship of the CAPA organization. Shows will be given in all theatres the morning of Dec. 23, with foodstuffs as the admittance fee. Baskets will then be made up from this food and distributed.

All branches of the industry here are contributing to the success of the plan which was suggested by Jack Miller.

Goldwyn Signs Dean

HOLLYWOOD, Dec. 8.—Helen Laughlin, dean of women at the University of California at Los Angeles, has been signed by Samuel Goldwyn to act as technical director of the school sequences of "These Three."

To Do Scenes in China

Douglas Fairbanks has sent word from London to the U. A. home office that he will do a number of sequences for "Marco Polo" in China and will fit out a studio on a yacht for this purpose. Work will start soon.

New Film Council Elects

MIDDLETOWN, O., Dec. 8. — Miss Anna E. Metzler has been elected president of the Better Motion Picture Council just formed here. Mrs. J. W. Holman is vice-president, and Mrs. E. S. Sherrar, secretary and treasurer.

The voting membership consists of two representatives from each of the 24 local women's clubs affiliated with the organization.

Short Subjects

"The Lucky Swede"

(Vitaphone)

Tenderfoot El Brendel arrives in a gold-rush town in the Yukon and assisted by his dialect antics is relieved of his cash and handed a deed to a mine. With a grubstake he seeks the mine, which proves to be a bonanza yielding 14-karat nuggets, and some 12-karat ones, which he discards. Back in town he puts on the dog and reveals a talent for some jigging and horn-piping while singing about his Yukon girl. The end has him giving a girl her weight in gold, for which she will marry him. His "hot feet" will help this effort to go over, for he certainly can dance. It is high farce and will be accepted as such. Recommended. Production Code Seal No. 1,404. Running time, 20 mins.

"Flowers for Madame"

(Vitaphone)

Tastefully colored and with a new twist to its plot, this effort ranks among the best of the type. With each pictorial composition bearing likeness to a water color, in the cartoon manner it presents the idyllic life among flowers. A parade is held and interrupted by a fire which threatens the whole assembly. A cactus, which decorated itself with blossoms and was laughed at, saves the day by ingeniously putting watermelons to work extinguishing the blaze. Recommended. Production Code Seal No. 1,737. Running time, 7 mins. "G."

"Vitaphone Headliners"

(Vitaphone)

A collection of second rate vaudeville acts aid and hinder this piece of film to some extent by their ordinary performing and the method of presentation. The acts to be seen are the singing Mullen Sisters, Eddie Stuart, Nick Lucas and the imitative act of O'Donnell and Blair. Production Code Seal, No. 0627. Running time, 10 mins. "G."

Fox Midwest "Scrip" Use to Be Extended

KANSAS CITY, Dec. 8.—Having inaugurated the sale of "scrip" theatre ticket books at Wichita, Kan., Fox Midwest will introduce the books throughout its territory.

"Scrip" has been sold by Fox houses at various times in the past, particularly at holiday time, when its desirability as a gift has been stressed. Books containing $1 worth of tickets are being sold in Wichita for 90 cents; $2 books for $1.80 and $5 books for $4.50.

Scrip will be sold also in Kansas City, where the circuit's gift stamps represent, in effect, a 10 per cent reduction in admission. After Jan. 1 gift stamps are to be redeemed only for tickets.

Makes Gift to Hospital

BALTIMORE, Dec. 8. — Major Edward Bowes has sent 12 toy kaleidoscopes to Dr. Allen F. Voshell, medical director of the James L. Kernan Hospital for crippled children here, to amuse the inmates and they will be used in the four wards by children too crippled or too young for instruction during the vocational theraphy classes. The toys are hand made and were given Major Bowes by a radio fan.

About 90% of N. Y. Theatres Using "Games"

(*Continued from page* 1)

being featured are Rhummy, Bank Night, Screeno, Sweepstakes, Moviestakes, Lucky, Monte Carlo Night, Prosperity Night, Race Night, Kentucky Derby, Movie Derby, Pay Night, Silver Dollar Night, Bingo, Bango, Keyno, Bagatelle, Hollywood Stars, Cash Night and others.

Major circuits blame the independents for their moves in adopting "games." They claim the small houses show doubles at lower admissions and first started the idea. To meet this sort of competition, circuits claim they had to go to twin bills and now "games."

One important independent exhibitor and head of a local exhibitor organization states: "The small fellow has one consolation. The circuits haven't got first run on Screeno and Bank Night."

This same exhibitor holds it is not the fault of the independent that many theatres are featuring games. He says the small man had to do it to offset the competition of the major circuits. He contends that the affiliated theatres were and are charging the same admissions as independent houses, yet the independent cannot get the "run" on films the way his large competitor does.

"The independents won't give up the game and giveaway idea unless the majors increase their prices," the spokesman asserts. "While it is true independents started it, they cannot afford to give the policy up until the circuits hike admissions."

Asked if he would make any efforts to move for a meeting to discuss increasing admissions and simultaneously drop the so-called box-office hypodermics, the exhibitor answered in the negative.

Bay State Movement Aimed at Marathons

BOSTON, Dec. 8.—Marathon dances, walkathons and other endurance contests will be banned in Massachusetts if the recommendation of a special recess commission is adopted by the State Legislature.

Paul G. Kirk, in charge of censorship under the Sunday law, was one of the three members of the commission. Theatremen favor the abolishment of such promotions.

Similar legislation failed to pass last year. Such contests are illegal in 10 states.

New Hampshire Bank Night Ban Is Eased

BOSTON, Dec. 8.—The ban on Bank Night in New Hampshire theatres has been lifted temporarily by the district attorney's office which recently clamped down on the giveaway scheme. A test case to establish the status of Bank Night under New Hampshire laws is set for hearing in the State Supreme Court, probably some time this month, according to Attorney George S. Ryan who represents Affiliated Enterprises, Inc., in this territory.

Very Different

Boston, Dec. 8.—Answering a newspaperman's query if a feature showing at a local first run house was a "holdover," the manager replied: "No, it's an hangover!"

End K. C. Pay Night Stay

KANSAS CITY, Dec. 8.—On motion of Lee Vaughan, Jr., attorney for A. L. Dare, Judge E. L. Fischer of the Wyandotte County District Court has dissolved the restraining order which prevented Dare from giving away money under his Pay Night plan at the Rosedale, Kansas City, Kan.

W. L. Jackson, for his daughter, Miss Elsie Jackson, had filed a petition charging Dare with withholding $140 Nov. 20 after Miss Jackson had won under the contest's rules.

Delay Cash Night Case

KANSAS CITY, Dec. 8.—The suit of Affiliated Enterprises, Inc., bank night patentees, against Sam A. Blair Theatre Enterprises, charging that the Cash Night used in the latter company's houses infringed, has been continued in the Kansas City, Kan., division of the Federal court by Judge Richard J. Hopkins.

The case, which was to have been heard Dec. 2, probably won't be heard until the January term.

N. O. Giveaways Gain

NEW ORLEANS, Dec. 8.—Of 32 neighborhood houses here 20 are now using Buck and Bank Night. United, with 18 houses, has started with Buck Night. Other giveaways are also being made.

Three Companies Formed

ALBANY, Dec. 8.—Three new companies formed here are:

Republic Films of Central America, Inc., by M. Waller, S. Cantor and K. Krall; Leslie J. Casey & James W. Liddle, Inc., New York City, by Leslie J. Casey, James W. Liddle and George Faunce, Jr.; Leo V. Cherton, Inc., New York City, by Miriam Shector, Milton Wexler and Julian Rosner.

Lincoln Distributing Corp., a Delaware corporation, has filed a certificate enabling it to do business in this state.

Des Moines Parties Set

DES MOINES, Dec. 8.—First of the Christmas parties here will be that of Fox exchange employes at the Wayside Inn Dec. 20.

The A. H. Blank staff will hold a gathering at the Izaak Walton Club Dec. 23 with Ralph Branton, L. M. McKechneay and Stanley Brown as guests of honor.

Mrs. Harris Marries

BLOOMINGTON, Ind., Dec. 8.—Mrs. Jewel L. Harris, owner of the Princess and Harris Grand, and Judson Buchanan of Chattanooga, have married. They will make their home this winter in Miami.

Bell Goes to Salt Lake

DETROIT, Dec. 8.—Chet Bell, Paramount salesman here for a number of years, has been made acting manager of the Salt Lake City exchange. He will take the place of R. B. Thompson, who is ill.

No More Duals Are Expected In K. C. Spots

KANSAS CITY, Dec. 8.—No further extension of duals here is expected now that the first excitement following the introduction of the policy by Fox Midwest has settled down.

Fox has not tried the policy in the de luxe subsequents—Plaza, Warwick, Isis and Apollo—and it is not thought that it will be tried in other spots in view of the Fox buying of "prior run protection."

At Wichita, the first run Orpheum and Miller have been double billing since late October, with the Palace, Fox's other first run, singling for seven days. A Fox Midwest official says the circuit will discontinue double bills at the Miller.

The Uptown and Wichita, Fox's subsequent runs at Wichita, have been doubling for about a year. Their regular policy is to double Sunday and Monday, single Wednesday and Thursday, and double again Friday and Saturday, with Tuesday going to the early week double or the midweek single.

The Miller, which breaks Sunday, has a regular policy of doubling seven days without change. The Orpheum doubles and singles, but occasionally, doubles throughout the week on all its changes.

Independent exhibitors at Wichita have followed Fox's lead, and the Nomar, West, Crawford and Novelty are double billing, though not all the time.

Fox houses at Joplin, Sedalia and Lexington, Mo., are doubling on Friday and Saturday; Marysville, Liberal, and Hays, Kan., and Excelsior Springs, Mo., Saturday; Nevada, Mo., all week; Ottawa, Kans., midweek, and Fort Scott, Kans., midweek and Friday and Saturday.

At Topeka, some of the Fox houses are running "encore" shows; the Orpheum at 11 P. M.; the Gem at 4 and 11. "Encores" are pictures other than the regular one. Even the Jayhawk is running a "preview" at 11 P.M.

The Crystal, small independent house, also is doubling at Topeka.

Vinita House to Open Soon

VINITA, Okla., Dec. 8.—Work on a new theatre here is nearing completion. The house will be opened about Dec. 10, according to Foster Lyman, manager for the Griffith Amusement Co.

Take Pasadena Theatre

HOLLYWOOD, Dec. 8. — Robb & Rowley have taken over the State in Pasadena which gives them complete control of subsequent runs in that city with the exceptions of the Colorado and the Egyptian. F. W. C. controls all first runs.

Build at Grand Rapids

DETROIT, Dec. 8.—W. S. Butterfield and Allen Johnson have completed plans for a $100,000 house at Grand Rapids. It will be modern in design. B. & J. Theatres, Inc., a new company headed by Butterfield, will operate.

Industry and Payrolls for Ohio Gaining

COLUMBUS, Dec. 8.—"There have been some startling gains in production figures, and improvement in employment and payrolls," says the November business review of the Federal Reserve Bank of the Fourth Federal Reserve District, comprising Ohio, a portion of northern Kentucky and a part of eastern Pennsylvania, including Pittsburgh.

"The Fourth District has experienced the best upturn in business this fall that has occurred in several seasons," the bulletin continues. "In mid-November operations continued at or near the high point of the year."

Various employment indices were higher in October than at any time in the past five years, and payrolls were reported very much larger than a year ago.

October department store sales were reported 10 per cent larger than in October, 1934, and retail furniture sales were up 18 per cent in the same comparative period.

Production of rubber products was 40 per cent ahead of October last year, and there was a 16 per cent gain in electric power production.

October steel production showed a 110 per cent increase over October, 1934, and pig iron output gained 108 per cent in the same period. The steel industry was operating at the highest level of the year in mid-November.

Shoe production gained 32 per cent in October compared with the same month last year, and had a 15 per cent increase for the year, the shoe industry having been adversely affected by the weather.

Dropping of Sunday Case Stirs Clergy

SUFFOLK, Va., Dec. 8.—Dismissal of a charge of Sunday operation against Roy A. Richardson, theatre manager, has stirred up ministers here. Dr. N. J. Goodwin, pastor of the First Baptist Church, has demanded that Police Justice E. Roland Custis explain his reasons for the dismissal.

Three ministers and five church leaders testified against the theatre manager in court.

Taylor Opposite Gaynor

HOLLYWOOD, Dec. 8.—Robert Taylor will play opposite Janet Gaynor in M-G-M's "Small Town Girl," to be directed by William Wellman.

WANTED

Freelance Sound Service Men

Must be capable of servicing independent manufacturers' sound equipment. Liberal commissions paid for any sales closed from leads furnished by manufacturers. Send complete details in first letter including territory covered.

BOX BT

MOTION PICTURE DAILY



In the Holiday Spirit

MELODY and MIRTH



TWO-REEL COMEDY FEATURETTES

"RHYTHM OF PAREE"
with
Niela Goodelle, Earl Oxford
Fred Lightner, Nell Kelly
A smart comedy of Paris, with the song hit "Rhythm of Paree"

"MOONLIGHT AND MELODY"
with
Lucille Page, Buster West
Tom Patricola, Rita Rio
Back stage comedy, catchy songs, spectacular dancing, a beautiful chorus.

"ONE BIG HAPPY FAMILY"
with
TIM and IRENE
Ryan Noblette
The popular radio team in their screen debut with a good old button-buster

"WAY UP THAR"
with
Joan Davis and
"The Sons of the Pioneers"
A sure-fire treat for the millions of hill-billy music fans.

"PERFECT THIRTY-SIXES"
with
Niela Goodelle, Earl Oxford
Fred Lightner, Nell Kelly
Music, romance, fun and an authentic fashion parade make this an ideal holiday comedy.

ONE-REEL ENTERTAINMENT

Song and Comedy Hits

"HILLBILLY LOVE"
with
Frank Luther
Pappy, Zeke and Elton

"WAY OUT WEST"
with
The Cabin Kids
Norman Cordon, Jimmy Fox

"SORORITY BLUES"
with
Nell Kelly
Randall Sisters, Foster Twins

"SEEING NELLIE HOME"
with
Charles Henderson and The Master Singers, Carol Deis, Geirsdorf Sisters

Paul Terry-Toons

By Frank Moser and Paul Terry

"ALADDIN'S LAMP"

"YE OLDE TOY SHOP"

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by
20TH Century-Fox Film Corporation

Nothing is More Appropriate for Your Holiday Programs— Nothing More in the Spirit of the Season— than these Short Subjects Packed with Laughs and Good Music

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 136 NEW YORK, TUESDAY, DECEMBER 10, 1935 TEN CENTS

IATSE Given "Closed Shop"; Strike Averted

Attitude of Producers Bar To Regulation—Kuykendall

"The whole project of self-regulation of trade practice problems, which exhibitors are apparently ready and willing to undertake, is blocked by the withholding of any offer of essential cooperation by the distributors," Ed Kuykendall, M.P.T.O.A. president, charges in his current organization bulletin distributed to exhibitors yesterday.

Reporting on exhibitor reactions to the idea of developing plans for self-regulation of the industry through locally authorized agencies, reactions gathered by Kuykendall in a nation-wide tour of exchange centers which he completed recently, the M.P.T.O.A. head says that he found "a surprising unanimity of opinion that the trade practices of this business badly need some sort of self-regulation and self-discipline.

"Sentiment among representative owners of both large and small theatres," he adds, "has become well crystallized in favor of practical self-regulation within the industry to settle and adjust in a rational way disputes and controversies by local conciliation, arbitration and hearings to remove abuses and prevent injustices. M.P.T.O.A. has focused attention on the specific things that should be done,

(*Continued on page 2*)

To Get Property, "Lab," Cameramen in Fight With the IBEW

A "closed shop" for Hollywood studios with the I. A. T. S. E. given jurisdiction over property men, laboratory workers and cameramen while retaining complete jurisdiction in the theatres is the basis upon which the jurisdictional dispute between the I. A. and the I. B. E. W. was settled following a two-day conference at the Hays office with the heads of film companies and which ended the threat of a nationwide theatre projectionists' strike which has hung over the industry for the past nine days.

As part of the agreement reached between the unions and the film company heads some 150 to 200 I. B. E. W. men who were dropped from theatre posts in the middle west during the past week will be reinstated and will remain members of the I. B. E. W. I. A. T. S. E. members who were forced to resign from that union during recent studio developments will, in turn, be reinstated. The action of Paramount in asking the resignations from the I. A. of members of a production company before leaving for the east to photograph exteriors for "Thirteen Hours by Air" precipitated the I. A. demand for a showdown on the jurisdictional dispute. It was preceded by the temporary calling out of I. A. men in Paramount affiliated theatres which closed houses for a few hours in Chicago, Minneapolis, Iowa and Nebraska.

Jurisdiction over sound men at the

(*Continued on page 8*)

Warner Profit Of Million in 3 Months Seen

Thomas Says It Will Top All of Last Year

WILMINGTON, Dec. 9. — Warner Bros. Pictures, Inc., has a prospect of $1,000,000 in profits for the first quarter of the new fiscal year, Abel Carey Thomas told the stockholders here today at their annual meeting.

Thomas said he had received information to this effect from the company's comptroller. This would exceed the profit for all four quarters of the fiscal year ending Aug. 31.

Approval was given the compromise settlement agreement between the company and the Warner brothers by a vote of 2,140,451 shares to approximately 4,000. The percentage in favor was 99.2.

This is the agreement that caused several injunction suits in advance of the meeting.

Directors unanimously reelected

(*Continued on page 8*)

Big Industry Meet Breaks Up in Row

By BERTRAM F. LINZ

WASHINGTON, Dec. 9.—What was designated this morning by George L. Berry, coordinator for industrial control, as the greatest industrial meeting ever held tonight threatened to be as great a flop, as industry after industry passed resolutions to have nothing to do with his conference, or walked out without the formality of taking action.

Film and theatre interests, slated to hold a round table conference on their problems never even organized a meeting, an example which was followed by a number of other industries. Others met, passed resolutions of condemnation and quit, and tonight probably only a half dozen had formulated a program and elected delegates to the Industries Council meeting which is to end the affair, as asked by Berry.

If any representatives of the film

(*Continued on page 8*)

Film Examiners and Shippers Organize

After several unsuccessful attempts, local film examiners and shippers have formed Film Exchange Examiners & Shippers Union. Robert Murray of Universal is president.

The organization has succeeded in

(*Continued on page 8*)

MPTOA Head Demands Cuts In Ascap Tax

A "substantial reduction" in the music fees charged exhibitors should be made by Ascap as a result of the loss of the Warner music catalogues, Ed Kuykendall, M.P.T.O.A. president, declared in an organizational bulletin released yesterday. Kuykendall also calls upon Warners in the bulletin to "frankly announce they will levy no added tax on the exhibitor who buys their pictures" after Warners

(*Continued on page 8*)

Conditions "Good," E. W. Hammons Says

Earle W. Hammons, president of Educational, returned to New York from his coast trip yesterday declaring conditions observed in various territories were "very good."

Following a stay in Hollywood, he visited San Francisco, Salt Lake and Denver on the way east. J. H. Skirball, Educational's sales manager, who journeyed west with Hammons, stopped off at Kansas City and St. Louis and is due in New York tomorrow.

Review Denied In Minnesota Contract Case

By CLARENCE LINZ

WASHINGTON, Dec. 9.—A decision of the Minnesota Supreme Court that inclusion in film contracts of the arbitration clause tainted the entire contract and rendered it invalid was today given effect by action of the U. S. Supreme Court in dismissing for want of jurisdiction the petition of the Fox Film Corp. for review of its suit against A. B. Muller, Minne-

(*Continued on page 9*)

Loew Planning for International Meet

Plans for an M-G-M international sales convention are scheduled to be completely mapped out by Arthur Loew, vice-president in charge of the company's foreign activities, by the end of the month.

Loew is figuring on staging the event in Hollywood. It will probably run a week. Dates and other details are now being worked out. The last international meet was held eight years ago in New York. As in the previous sessions, Loew will preside.

Molyneaux Chosen In St. Louis Case

ST. LOUIS, Dec. 9.—Presiding Justice Kimbrough Stone of the U. S. Circuit Court of Appeals today appointed Federal Judge Joseph West Molyneaux of Minneapolis to hear the government's equity case against Warners, Paramount and RKO for a temporary injunction. No date has been set for the hearing, but attorneys for the defense and Government counsel will meet tomorrow to decide when the case shall be heard. The date is not expected to be before the middle of January.

Judge Molyneaux's entrance into the equity hearing follows as a result of

(*Continued on page 2*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 10, 1935 No. 136

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

N. H. Court Refuses Bank Night Ruling

CONCORD, N. H., Dec. 9.—The Supreme Court of New Hampshire has declined to pass on the legality of Bank Night until a direct suit against a theatre is launched. The decision came as a result of a test case against Attorney General Johnson seeking to have him rescind his order of several months ago that Bank Night could not operate.

The recent order from the state attorney's office, which removed the ban on Bank Night until such time as its legality shall be established, continues until further legal action.

Schlaifer Sets Five For Zeidman's List

Jack Schlaifer, in charge of distribution of the B. F. Zeidman Film Corp., has set the company's first five releases beginning with "St. Elmo" scheduled for Jan. 30. Others in order, at intervals of approximately five weeks thereafter, will be "Sweetheart of the Navy," "In His Steps," "The Gold Bug" and "Rogue's Gallery."

Schlaifer said yesterday all of these pictures are now in actual preparation.

Deer in Cleveland

CLEVELAND, Dec. 9.—Irvin E. Deer of the Hays office will be the guest speaker Wednesday at an open meeting of local parents, educators and psychologists, sponsored by the Cleveland Cinema Club.

Purely Personal

JOE VOGEL, JACK SCHLAIFER, MORT SHEA, EDDIE GRAINGER, HERB EBENSTEIN, LEO KLEBANOW, JIM RYAN, EDDIE SAUNDERS, TOM CONNORS, BILL SCULLY, GAR O'NEILL, GORDON WHITE, LOU NIZER, GRAD SEARS, HARRY BUXBAUM, HARRY ARTHUR, JACK PARTINGTON and IRVING LESSER among those in the Hunting Room of the Astor yesterday.

•

WALTER J. HUTCHINSON, at present managing director for Twentieth Century-Fox in England and mentioned as the successor to CLAYTON SHEEHAN as general foreign sales manager of that company, is aboard the *Aquitania,* due from channel ports Friday.

•

HAL and MAX HALPERIN are mourning the loss of their father, funeral services for whom were held Sunday from his home at Kew Gardens. Other surviving children are SOPHIE, CLARA SOLOMON and NAN GOULD.

•

DAVE BADER arrives from London on the *Georgic* next week. It is reported he has resigned as personal representative in England for CARL LAEMMLE, although Universal stated it knew nothing of this yesterday.

•

MAXWELL ANDERSON'S "Winterset," current Broadway hit, has been acquired by Radio. BURGESS MEREDITH, lead in the play, will have the same role in the film.

•

LOUIS and MEYER SCHINE, their wives, and GEORGE LYNCH returned to their headquarters upstate Sunday after spending a few days in town.

•

RAYMOND MASSEY, who recently completed work in ALEXANDER KORDA'S "Things to Come," is due to arrive on the *Aquitania* Friday.

•

MAX KRAVETZ, who is working on an independent production deal, is in from Hollywood. He will leave the end of the week.

•

LOU KAUFMAN, Warner attorney, returned yesterday from Cleveland where he was kept busy on a theatre deal.

•

JOE CLEMMONS of Jefferson Amusement Co. is in town for a couple of days. JULIUS GORDON, his attorney, is with him.

•

AL SCHACHT will be tendered a beefsteak dinner Saturday night by the Friars at their headquarters.

•

ABE LICHTMAN has returned to Washington after looking over the town last week.

•

MICHAEL BALCON, head of G.B. production, returns today from Hollywood.

•

LYNN FARNOL and MONROE GREENTHAL left for Hollywood Sunday.

•

LOU EDELMAN of the M-G-M home office celebrated a birthday yesterday.

•

DORIS DUDLEY, daughter of BIDE DUDLEY, has been signed by Radio.

•

MONROE GOLDSTEIN, coast attorney, is in New York.

•

RODGERS and HART, tunesmiths, are off for the coast.

BEN GOETZ arrived from Hollywood last night after an eventful trip. He started east by plane, as per usual, was grounded at Amarillo, then flown to Wichita, then to St. Louis and then bundled aboard a train. GOETZ expects to sail for London and his survey of the production and laboratory field for M-G-M on the *Aquitania* Dec. 14.

•

HARRY H. THOMAS, JAMES A. FITZPATRICK, DOROTHY GISH, ARCH REEVES, HARRY SHIFFMAN, CHARLES MOSES, AL HOVEL, ROBERT WOLFF, TRUMAN TALLEY, LEW LEHR, MARTIN QUIGLEY, PAUL GULICK, A. P. WAXMAN, EDWARD RUGOFF, JOE CLEMMONS, JULIUS GORDON and BEN ROSENBERG among those at the Tavern for lunch.

•

HERBERT MCINTYRE, RKO branch manager at Dallas, is here for conferences with JULES LEVY, as is NAT LEVY of the RKO Detroit branch. BARNEY PITKIN, manager at New Haven, was in for a quick visit, too, and returned to his post yesterday.

•

BRONCHO CHARLIE MILLER, a member of the original Buffalo Bill troupe, was the guest of RUTGERS NEILSON at the Music Hall yesterday.

•

MARK OSTRER and ARTHUR LEE and their wives were the guests of HOWARD CULLMAN, trustee, at the Roxy last night.

•

PAT O'BRIEN was a Warner home office visitor yesterday. He will leave for the coast Thursday.

•

SAM ABERMAN had a toothache yesterday morning and an extraction yesterday afternoon.

•

MORT SINGER delayed his arrival from Chicago and is due today.

Molyneaux Chosen In St. Louis Case

(*Continued from page* 1)

Federal Judge George H. Moore's recent disqualification of himself. The Minneapolis judge was born at Bellevue, Ky., on Dec. 12, 1862. He was a student at Miami University at Oxford, O., and graduated from the law school of the University of Cincinnati in 1882. He was admitted to the Minnesota bar two years later and started practicing in Minneapolis.

He was appointed a judge in the district court of Minneapolis in 1913 and served for 12 years. In 1925 he was named to the U. S. District Court for Minneapolis and has served on this bench to the present date.

Heading for $65,000

"A Night at the Opera," on the basis of its first three days, may reach $65,000 in its first week at the Capitol. Saturday's business outdistanced the opening Saturday of the "Mutiny on the Bounty" engagement.

The Marx comedy will remain at the theatre until Christmas Day when "A Tale of Two Cities" opens.

Lasky to East

HOLLYWOOD, Dec. 9.—Jesse Lasky left here tonight for New York, with Harry D'Arrast, director, to sign talent for "One Rainy Afternoon," starring Francis Lederer.

Calls Producers a Bar to Regulation

(*Continued from page* 1)

with a surprisingly uniform response and approval from exhibitors everywhere.

"The industry today stands challenged to regulate and discipline itself in commercial matters. If no such responsibility will be assumed by the producers and distributors, they should not complain of governmental interference if the legislatures and the courts move in and do it for us."

Kuykendall says that as soon as some definite plan for self-regulation is evolved a meeting of the M.P.T.O.A. board will be called. Meanwhile, he urges local exhibitor organizations to strengthen their ranks and protect their interests against unfair legislation which he sees in prospect with the convening of many state legislatures next month.

Commending the industry and the Legion of Decency for the joint efforts which brought about improvement in product during the past year, Kuykendall calls attention to what he sees as the exhibitors' task resulting from the "screen cleanup," namely, "to find an audience and develop a patronage for the finer pictures that we have to show. That's not easy," he concludes, "but it's our job and if it isn't done the whole movement may collapse. A little help along these lines from those who demanded cleaner pictures is now in order."

St. Louis Fox Plan Delay Is Expected

Hearing on reorganization plans for the Fox, St. Louis, will not be held before Jan. 15, Donald Henderson, member of the bondholders' protective committee, stated yesterday. It was expected that details completing the plan would be ready for filing last week.

Delay in sending out the plan and filing with the court was explained by Henderson as due to the many persons involved and the lawyers going over the plan. He said there was no significance in the delay other than for the reasons stated. A date for public hearing will be set 20 days after the plan is filed in the Federal Court, St. Louis.

Fanchon & Marco is operating the house in accordance with an agreement with the trustees, James T. Blair and Edmond Koeln.

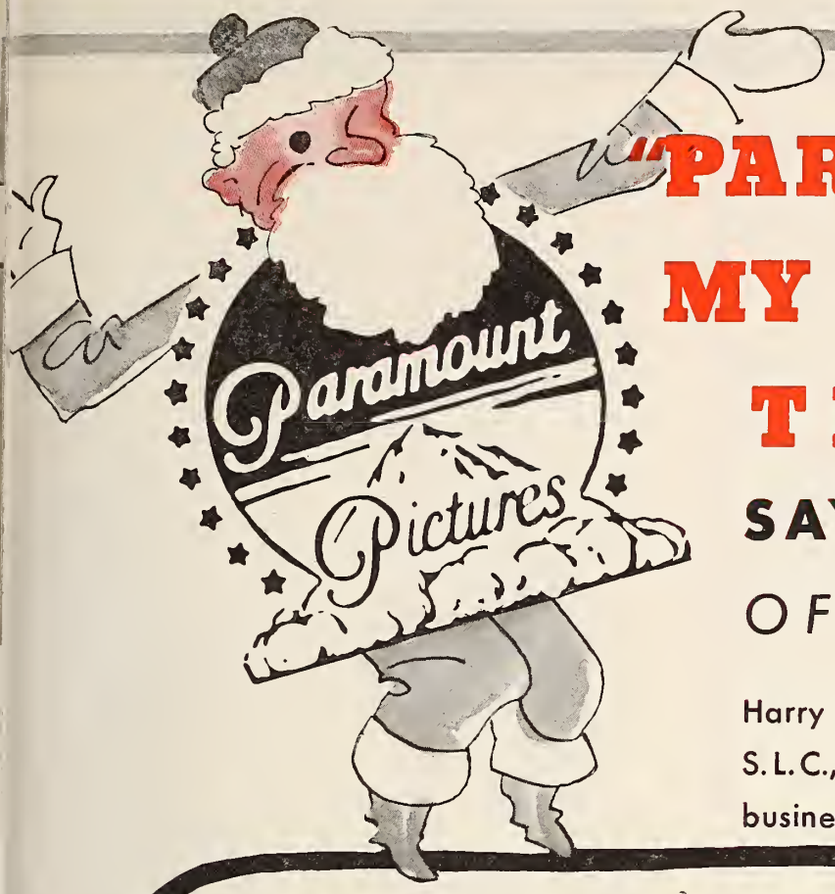
Six Arbitrations on List for Next Week

Although no cases are scheduled this week, six are listed for arbitration at the New York Film Board next week.

The most recent important arbitration proceeding was held last week when RKO won a three-to-one decision in connection with the non-delivery of "Top Hat." Louis Gold of the Rivoli, Newark, was the plaintiff. The complaints next week have to do with distributors' alleged breach of contract claims.

Bush in Hospital

HOLLYWOOD, Dec. 9.—Rodney Bush, manager of the studio advertising and exploitation department at Paramount under Bill Pine, is at the California Hospital where he was rushed for an emergency appendectomy.



"PARAMOUNT IS MY SANTA CLAUS THIS YEAR," SAYS HARRY DAVID, OF SALT LAKE CITY

Harry David, who is the big theatre man out in S. L. C., the big town of Utah, is very emphatic about business around the Christmas holiday season.

"A lot of lads sit by and expect **SANTA CLAUS** to dump some Christmas business into their theatres. Well, **PARAMOUNT** is going to be my **SANTA CLAUS** this year. They've figured out plenty early the kind of pictures I have to have to get the crowds in . . . before Christmas . . . during Christmas week . . . and right after Christmas. And I get 'em.

"THIS YEAR," says **HARRY,** "I've already signed for a couple of naturals. **'SCROOGE,'** which is Charles Dickens' 'A Christmas Carol,' is right in the Christmas spirit and will take care of the family trade for me the week before Christmas. **'COLLEGIATE,'** the Joe Penner-Jack Oakie picture, will drag the kids in--all of them regardless of age and sex--during **CHRISTMAS WEEK."**



As both of Harry's choices for box-office profits the last couple of weeks in this year are Paramount releases, it sort of looks like he knows.

It Pays to Play a Paramount Picture!

ALL-TIME HOLD-OVER RECORD!

'Bounty" Is Washington's $27,000 Wow

WASHINGTON, Nov. 26—Record... no danger for a while last week th 'Mutiny on the Bounty' pack... them in from the start at Loew's ... alaye. The week's take was $27,000, ... er average is $11,000. ... (Be's two other spots got into the ... ...ek-side of the column. ... MUTINY ON THE BOUNTY" (M-G-M) ... Palace (1-2,700; 55-$1.65) ... Gross: $27,000. Average $11,000.

VARIETY 13 (C.B.)

Mutiny' $26,000,

Pittsburgh, Nov. 19. ... it'll be a neck-and-neck race for ... st honors between the Penn and ... andley, former with 'Mutiny On ... e Bounty' at a lower picture ... als and latter with Guy Lom... rdo's band to bolster 'Hends ... ross the Table.' Nothing like ... anty around here in a year, with ... e group certain to hit consider... le above $26,000, sensational. ... ny season it won't hold over le ... t the house has been jammed ... th product, but it moves from ... e to the Warner where it's rea... hable to expect an additional ... t night.

Penn (Loew-UA) (3,300; 26-35-40) ... Motion' (M-G). Biggest thing this ... e has had in years with crowds ... rming the doors and only lobby ... douts all day. Should collect sen... tional $26,000 and only length of ... ture making turnover difficult ... ll keep it from soaring above that ... n jammed on bookings making ... impossible but flicker will move ... the Warner Friday (15), where ... least a fortnight's stay is looked ...

arxes' $8,100 Tied With 'Mutiny,' 2d Wk., For Seatt's Top Biz

Seattle, Nov. 26.

Mutiny' lived up to expectations ... shering in great $18,400 during ... st week at 5th Ave but not being ... ld over at that house, moving for ... ended run to Blue Mouse ... Fact that Marx Bros. tried out ... eir opus at Paramount, in person, ... ma months ago, given added local ... terest, and failed to draw ...

Estimates for This Week

Blue Mouse (Hamrick) (900, 27-42)—'Mutiny' (MG) (24 wks). ... emendous business at $8,000. Last ... eek 'Rendezvous' (MG), third ... eek, good $3,200.

5th Ave. (Evergreen) (2,400; 27-42)—'Night at Opera' (MG); ... arx Bros. ballyhooed plenty, ... ute to good $18,000. Week after ... did stand. Last week 'Mutiny' (MG), ... 6,800, marvelous. This one brought ... folks to town who had due ... ne times, many drifted into other ... wntown spots, so it proved a help ... around.

Salt Lake City Squibs

'Mutiny on the Bounty' has ... oken all records at the Paramount ... d is being held for an extended ... n, according to Manager Clar... ...ode.

Salt Lake City — Construction of ... amusement hall in York, a small ... mmunity in western Box Elder ... unty, Utah, will start shortly ...

C. F. Rose, GB salesman, is mak... his last trip before the holidays ... the Montana region. ...

Victory theater has announced a ... rgain Matinee until 2 P. M. at ... cents.

Gordon Thornberg of Service The... r Supply is touring southern ... ah.

...sday, November 26, 1935

Minneapolis' Top "Bounty" With $14,000

MINNEAPOLIS, Nov. 25—"Mutiny ... the Bounty" was outstanding in a ... ek of mild grosses on both sides ... the river. The M-G-M feature ... s $4,000 to the good on a gross ... $14,000 at the Minnesota ...

Total first run business in Minne... olis was $36,500. Average is $30,... 00. Total first run business in St ... ul was $20,000. Average is $16,000 ... Estimated takings

Week Ending Nov. 22:

"MUTINY ON THE BOUNTY" (M-G-M) ... MINNESOTA—(4,000; 25c-55c; 7 days ... "O'SHAUGHNESSY'S BOY" (M-G-M) ... ORPHEUM—(1,200; 25c-75c; 7 days ... 200. (Average, $7,500) ...

Mutiny" 2nd Week Louisville Leader

LOUISVILLE, Nov. 25—"Mutiny on ... Bounty' at Loew's State took top ... sses for the second week, drawing ... 500 to better par by $4,000. ... Other first runs were well up to ... erage or over, with not one instance ... an under-par gross. The generally ... od business can be attributed to uni... rmerly better product and favorable ... ather.

Total first run business was $30,000, ... verage is $18,500 ...

Estimated takings for the week end... g Nov. 21

"MUTINY ON THE BOUNTY" (M-G-M) ... LOEW'S STATE—13,000; 15c-25c-40c, 7 ... ys, 2nd week. Gross: $8,500. (Average, ... ,700) ...

"MURDER IN THE FLEET" (M-G-M) ... MIAMI—(3,000; 15c-25c; 7 days. Gross: ... ,200. (Average $1,400) ...

Bounty" $12,000 Hit in Milwaukee

Milwaukee, Nov. 25—Bucking a ... ilwaukee and Wisconsin industrial ... position at the Auditorium, "Mutiny ... the Bounty" was the week's top ... Fox's Wisconsin with a $12,000 ... ke, $4,000 above par, for its first ... ven days.

Other houses felt the effect of the ... position which was offering, the ... tills Brothers, Pat Kennedy, the ... forin Sisters, Gale Page, the Pickens ... isters, Ted Weems and seven local ... nds at 25 and 35-cent admissions. ... nly other business above par was at ... ox's Palace where Phil Spitalny ... rossed $5,800 against a $5,000 aver... e, and the Riverside, up $200.

Total first run business was $29,100, ... verage is $24,200.

Estimated takings for the week end... g Nov. 21

'Bounty" Is Dual Hit in Hub Holdover

M P Daily 11/26/35

Boston, Nov. 25—Even the oppo... sition of the automobile show, ... ich drew away a car a day and drew ... emendous crowds, failed to slow ... wn 'Mutiny on the Bounty,' in its ... cond week at Loew's State and ... e former and $19,000 at the latter. ... oth of these grosses are away over ... normal, as compared with the ... ...ual run. ... Only the other downtown house to ... reach normal was the RKO Boston ... here 'To Beat the Band' hit $17,... 000, up by $6,000. ... Total first run business was $91,000. ... Average is $80,500. ...

"MUTINY ON THE BOUNTY" (M-G-M) ... LOEW'S STATE—(3,200; 25-40-55)—2nd ... week. Gross: $19,000. (Average, $14,... 500) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... ORPHEUM—(2,900; 25-40-55)—2nd week. ... Gross: $18,000. (Average, $14,500) ...

"Bounty" at $25,000 Tops Philadelphia

M P Daily 11/26/35

PHILADELPHIA, Nov. 25—Sunday's ... fleet storm knocked all optimistic ex... pectations for the first week-end ... the head, but in view of the ... courageous showing when over ... 260,000 people turned out all over the ... city. The downtown trade was spotty, ... with the cream going to the Stanley ... and the Fox. The former grabbed a ... $25,000 for the second week of ... 'Mutiny on the Bounty,' one of the ... season's biggest hits, now in its ... third week. The Fox got $20,000 for ... its first week of 'Sutter's Gold.' The rest of ... the town are holding ...

"MUTINY ON THE BOUNTY" (M-G-M) ... STANLEY (3,700; 25-40-55)—2nd week. ... Gross: $25,000. (Average, $21,000) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... KEITH'S (2,200; 25-40-55)—2nd week. ... Gross: $20,000. (Average, $18,000) ...

VARIETY

Chi Galloping to Wow Biz on Strong 'Bounty' Smash at $33,000; "Bounty" Hits $12,000 Mark In Cleveland

M P Daily 11/26/35

CLEVELAND, Nov. 25—'Mutiny on the Bounty' in its second week is ... pected to hold the box-office spot ... ll with $12,000 at Loew's Stillman. ... This is three ... advanced prices regular prices. ... times average all-time gross record ... tablished by "MUTINY ON THE BOUNTY" (M-G-M) ... LOEW'S STILLMAN (3,000; 25-40-55)—2nd week. 7 days. Gross: $12,000. ... ($4,000) ... took $11,000, as ... verage. ... e it played its first local ... priced run. ... Transatlantic Tunnel," with stage ... any, dropped by Dave Apollon and ... e to $12,500 at the RKO Pal... "Here's To Romance" survived ... s at the Allen with a ...

Chicago, Nov. 26.

Block of strung items in the loop ... this week are zooming the take ... the high figures again offer a ... ay session with shoucho pictures ... theatres are primpink up for ... Thanksgiving gallop which ... ould show healthy profits all ... own the line ...

Bear above that figure will go ... Mutiny' which is doing here leads ... the United Artists and with an ... pped tariff House tilts its ad... ...lesday to 75c for this picture ... which gives 'Bounty' a chance for ... record figure on the three holi... days this week ...

United Artists (B&K) (1,700; 38-55-75—Mutiny' (MG). With upped tariff rates picture is headed for a mighty gate maybe $32,000 ...

"MUTINY ON THE BOUNTY" (M-G-M) ... WISCONSIN—(3,000; 25c-35c-50c; 7 days ... Gross: $12,000. (Average $8,000)

"Bounty" Tops Seattle with Nice $9,650

M P Daily 11/26/35

SEATTLE, Nov. 25—First honors went to "Mutiny on the Bounty" which grossed $9,650 at the 5th Ave which normally does $7,000. So good was it that the attraction has been transferred to the Blue Mouse for an extended run ...

"Thanks a Million" did all right by itself and the Orpheum, too. It gave that house $7,100 as against a routine $6,000 and was moved over to the Music Box. With "The Last Outpost" and "The Case of the Lucky Legs," the Paramount, with $5,250, rose above its recent average. The theatre ordinarily does $5,000 ...

Total first run grosses were $36,700. Average is $32,500 ...

Estimated takings for the week end... g Nov. 22

"RENDEZVOUS" (M-G-M) ... BLUE MOUSE—(950; 25c-40c-55c; 7 days. (3rd week, extended run from 5th phase). Gross: $3,700. (Average, $4,000) ...

"MUTINY ON BOUNTY" (M-G-M) ... 5TH AVE—(1,250; 25c-40c-55c; 7 days. Gross: $9,650. (Average, $7,000)

Tuesday, November 26, 1935

M P Daily

"Mutiny" Top In Pittsburgh For 2d Week

PITTSBURGH Nov 25—"Mutiny on the Bounty" continued to stand the town on its ear last week, getting $11,000, more than double average business at the Warner, where it was moved following a sensational $28,000 week at the Penn. As a result of this great take, the picture was held over at the Warner, which will give it three weeks downtown ...

The Stanley was the only other house in town to make any sort of showing, due principally to the bolstering influence of Mary Small Molasses 'n' January and Cross and Dunn on the stage. They supported "Rendezvous" for an exceptionally fine $21,000. At the Alvin, "She Couldn't Take It" took it on the chin, getting just about $3,200, while "Barbary Coast" was a disappointment at the Penn, at $10,000 ...

"Metropolitan" held for three extra days beyond the regulation week at the Fulton and caught a fair enough $2,000 ...

Total first run grosses were $47,200 Average is $41,000 ...

Estimated takings for the week end... ng Nov. 21 ...

"RENDEZVOUS" (M-G-M) ... STANLEY—(3,600; 25c-35c-55c; 6 days. Stage: Mary Small, Molasses 'n' January, Cross and Dunn, Rule Davis and his Radio Rubes, Four Steps, Jean Chermak. Gross: $21,000. (Average, $16,500) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... WARNER—(2,000; 25c-40c, 6 days. Moved here at same scale from Penn for second week. Gross: $11,000. (Average, $5,000) ...

Great Lakes (Shea) (3,400; 25-40)—'Mutiny' (MG). Smash. Should sail easily over $12,000. Last week, 'It's in the Air' (MG) and 'Wings ...

Loew's State (3,162; 25-35-55) 'Mutiny' (MG). Surefire $35,000 week, will hold over. Last week 'Thanks a Million' (20th) lagged a bit towards end of run but finished with $15,200 in the sack ...

Wednesday, November 27, 1935

"Mutiny" Gains in Portland Holdover

PORTLAND, Nov. 26—"Mutiny on the Bounty" secured even a larger take in its second week at United Artists than it did the first week, with $8,500 registered, or over par by $3,500.

"In Old Kentucky" in its first week at the Paramount brought in $7,500, or $2,500 over normal, and indications point to a large second week ...

Total first run business was $31,000. Average is $24,700.

Estimated takings for the week ending Nov. 24

"RENDEZVOUS" (M-G-M) ... BROADWAY—(1,912), 25c-35c-40c, 1 days. Gross: $5,000. (Average, $5,000) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... UNITED ARTISTS—(945), 25c-35c-40c, 7 days. 3d week. Gross: $8,500. (Average $5,000)

'MUTINY' $15,000, 'MET' $4,500; DENVER OKAY

Denver, Nov. 12.

'Mutiny on the Bounty' is smashing house records and looks good for $15,000 at the Denver. House is on a steady grind that keeps it open till 3 a. m. Sunday morning and 2 a. m. Monday. Film is set for at least three weeks ...

Broadway (Huffman) (1,600; 25-40)—'Rendezvous' (MG), following week at the Denver. Stood them up over weekend and looks like $2,000. Last week 'Shipmates Forever' (FN), at Denver, broke house record for Sunday and did $2,000, just about double average for this house ...

Denham (Cooper) (1,500; 25-35-40)—'Smilin' Through' (MG). Grat-fying business with $6,000 likely. Last week 'Hands Across Table' (Par) slightly above average at $4,500 ...

Denver (Huffman) (2,500; 25-35-50)—'Mutiny' (MG). Smash $15,000 on first week and looks good for at least three. Last week 'Rendezvous' (MG) finished with fine $7,500 and moved to the Broadway for second run ...

Buffalo on Upbeat, 'Mutiny' Smash Ditto

Buffalo, Nov. 13

(Best Exploitation: Great Lakes)

Grosses are uniformly seeking higher levels this week with at least two outstanding spots. Armistice Day holiday takings and a spell of bad weather over the weekend also boosted the figures ...

'Mutiny' got under the wire to some of the best business seen here in a long time. Stands Across Bridge to Buffalo Jo also doing nicely, while Transatlantic Tunnel, in its third week at the Lafayette is getting a second run play to some of the best holdovers the house has had ...

Bounty' provided a natural for exploitation. Two newspaper contests, series of lay-up items, distribution of thousands of handbills and circulars, radio contests, billboards, and newsreel tie-ups were highlights. Both News and Times (evening) went for kid contests, the former with identification of the names of articles on a full sailing rig topping the prize and the latter with a color contest using pictures of the Bounty. A department store tie-up was good for complete advertising coverage throughout all departments of the store and distribution of heralds and posters to customers every day. Radio copy was strong on two stations. Extra twenty four sheets, window and display cards were used. Trailers of the picture were shown at all seven Shea neighborhood houses two weeks ahead of opening. The historical angles of the picture were stressed in letters to over a thousand teachers. Magazines and library books were plant ed with local editors ...

Thursday, November 21, 1935

"Mutiny" Tops Heavy Pickup In Pittsburgh

PITTSBURGH, Nov. 20—Last week was the biggest downtown Pittsburgh has seen in years, the Army-Pitt football week-end, the Variety Club banquet and the Armistice Day holiday bringing into town thousands of visitors, but on opening A.1. as a result, grosses everywhere skyrocketed and the five first runs doubled average.

At the Penn, "Mutiny on the Bounty" smashed all sorts of records, rolling up a phenomenal $28,000. Because this house has more product than it can use, "Mutiny" wasn't held over here, but was sent to the Warner for a run at the same scale ...

"A NIGHT AT THE OPERA" (M-G-M) ... ORPHEUM—(2,42)n 25c-35c-40c, 7 days. (3rd week). Gross: $5,000. (Average $4,000) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... PARAMOUNT—(3,000; 25c-40c, 7 days, following week at Denver. Gross: $5,000. (Average $5,500)

'Mutiny' H.O., Columbus

Columbus, O., Nov. 19

(Best Exploitation: Broad)

Ropes were up every night for 'Mutiny' at the Ohio, and house record cracked Saturday after opening. Second week holdover should be stronger than expected ...

Weather generally unsettled and Thanksgiving slump being felt already in neighborhood houses.

Ohio (Loew-UA) (3,066; 20-42)—'Mutiny' (MG) (2d wk). Still heavy draw for holdover, with $5,000 expected. Last week's biz broke record with $13,500 for the stretch.

'Mutiny' 5½G, Tacoma

Tacoma, Nov. 26.

'Mutiny' first half of last week, next to an all of present week, clicking big biz.

Roxy's exploitation consisted of special front and increased budget for papers, radio and billboards ...

Roxy (1-yH) (1,300; 16-25)—'Mutiny' (MG) (2d wk), still immense days, expected a $5,000. Last week 'Chan in Shanghai' and 'Murder on the Fleet' (MG) dual, the latter $1,600 ...

Music Box (Fitz) (850; 27-42)—'Thanks a Million' (Fox), good. Local angle of Vic... ...lender being lieut... ...reigne Ida one ... ...ate $3,800, good. L... ...Across Table' (Par) ... Orpheum (Everett) ... 27-42)—'Stella Par... ...erato big, $4,600. La... ...illion' (Fox), goo... Paramount (Eve... 27-37-42)—'King B... 'Bad Boy' (Fox) ...

Mutiny' Strong 2d W $18,000; 'Ky...

In Boston,

Boston, Nov. 19. ... Mutiny on the Bounty,' which ... hammered out a smash ... at the State and Orpheum ... another stanza at both houses for ... week ...

Stormy weather and added ... damp Saturday showed extra cus... ...tomers through the tills, but ... days sheet blizzard crippled b... everywhere. This stormy spell doubtless reflect on income ... sheets at the end of this week ...

Estimates for This Week ...

Boston (Loew) (3,200; 25-40-55)—'Mutiny' (MG). Sturdy ... like $15,000 on six days ... Wednesday night. Good ... very good flip to ... standing. Same for ...

State (Loew) (3,200; ... h. for another three ... Barbary Coast' (UA) and ... Bishop' (MG), dual, okay ...

Stanley (3,100; 40-55)—'Mutiny' (MG), still brightest spot in toy, and with big Sunday trade may ... to $28,000. First week $21,000 ...

"MUTINY ON THE BOUNTY" (M-G-M) ... COLLEGE—(1,499; 25c-35c, 7 days. 2d week. Gross: $5,600. (Average, $2,800) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... STANLEY—(3,000; 25c-35c-50c; 6 days. Gross: $24,000. (Average, $12,000)

Friday, November 29, 1935

"Bounty" 2d Week New Haven Leader

NEW HAVEN, Nov. 28.—"Mutiny on the Bounty" was almost as much of a sensation in its second week at the College as it was the first when it cracked a few records. The holdover take was $5,000, double average ...

Total first run business was $21,600. Average is $19,300 ...

Estimated takings for the week ending Nov. 22 ...

MUTINY' LEADS NEWARK, $21,000

Newark, Nov. 25

(Best Exploitation: Loew's State)

Business centers around 'Mutiny On the Bounty' at Loew's State this week, and nothing will come near touching it. Will probably take all the house can under its present scale, judging from the mob-jamming, the opening. With the holiday should run over a terrific $21,000, maybe over, of course ...

Loew's State is doing a lot of publicity for 'Mutiny.' Ship model contest has been carried in the Ledger for nine days with two-column art and daily stories. Also started and displayed in three big department stores, with stores also taking co-operative ads. Several stores used windows ...

Loew's State (2,780; 20-30-... 35)—Bounty' (MG). Presumably biggest draw of year and best since 'Copperfield.' Should beat swell $21,000. Last week 'Couldn't Take It' (Col) and 'In the Air' (MG) did not hold after week-end, but okay at over $14,000.

ST. L. WINTER CHILLS B. O., 'MUTINY' 25G

St. Louis, Nov. 26.

(Best Exploitation: Loew's State)

First real cold weather sent natives hibernating. As weather moderated, business perked up and is on the boom again ...

For third successive week Loew's State is maintaining single feature program, augmented by shorts, and is on its way to another banner week with 'Mutiny' ...

'MUTINY' 16G IN MPLS.

Minneapolis, Nov. 19

(Best Exploitation: Orpheum)

They're training their heavy entertainment guns on the loop currently and many boxoffice bullseye hits are being chalked up. It has been a long time since downtown has held so much strong ammunition for grosses, the big shells including 'Mutiny on the Bounty,' ...

First honors to 'Mutiny,' which is giving the Minnesota its best trade nicely, while Transatlantic Tunnel, in its third week at the Lafayette is getting a second run play to some of the best holdovers the house has had ...

Estimates for This Week

Minnesota (Publix) (4,200; 25-35-55)—'Mutiny on Bounty' (MG). Leaped sheer downtime and big turnover but nevertheless plenty of kale, about $16,000. Last week 'Live My Life' (MG), $12,000 good but below expectations ...

Lyric (Publix) (1,300; 20-25)—'O'Shaughnessy' (MG). May reach very big $2,000, best grosser in months. Last week, 'Welcome Home' (Par) $1,200 light.

MUTINY'S' RECORD $12,000 DRAINS PORT.

Portland, Ore. Nov 19

(Best Exploitation: United Artists)

'Mutiny' draining the town and headed for record $12,000 ...

Legit production by Portland Civic theatre, local amateur group, only opposish for some time and has a fair play. No real effect on box takings ...

Estimates for This Week

United Artists (Parker) (1,100; 25-40)—'Mutiny' (MG). Answering to strong exploitation campaign is smashing $12,000, a record, and will hold maybe till Xmas. Last week 'Live My Life' (MG), 10 days for good total of $5,900 ...

'S ALL 'MUTINY' IN KANSAS CITY

Kansas City, Nov. 12

(Best Exploitation: Midland)

When a picture theatre turns customers away, nowadays, its news, and that's just what Loew's Midland is doing this week with 'Mutiny on the Bounty.' Lines started to form early on the opening and the ticket sellers could not break them at times ...

Because of the length of the feature, house is opening at ten in the morning and show is not over until 12:30 midnight. Sure looks like ... sold times ...

Style ... was effective used the Midland newspaper ads on the ... ...ty." Tie-up exploitation. Campaign started two weeks in advance with special ... ...ff and was followed with ... display ads ...

Estimates for This Week

Midland (Loew) (4,000; 25-40)—'Mutiny on the Bounty' (MG). One of the best openings house has had in years on this one, with the take $.5 000, great. Last week 'Metropolitan' (20th-Fox), $8,900, pretty good but less than anticipated.

"Mutiny" $12,000 Houston Sensation

Houston, Nov. 21.—"Mutiny" on the Bounty" was a sensation last week. It came out front to garner $12,000 at Loew's State, $5,000 over the line ...

"MUTINY ON THE BOUNTY" (M-G-M) ... LOEW'S STATE — (2,760), 25c-40c, 7 ...

Total first run business was $30,600. Average is $25,000 ...

Estimated takings for the week ending Nov. 15 ...

Business was $33,800 ...

B'way's Biz Fine;

(Best Exploitation: Capitol)

With the Broadway track fast and everything else in their favor, including weather and a holiday (Armistice Day), six new pictures went to the post this week. Line up with an outstanding odds-on choice in 'Mutiny on the Bounty,' which will cash in to the tune of $16,000 on its first week at the Capitol, stay a second, and quit certainly a third. Hit new attendance record of over 21,000 on Saturday (9), and final four days played to 85,900 people ...

First comer to the first holdover picture ... the Astor since the hur... ...ved ...

'MUTINY' $12,300 IN N.H.

New Haven, Nov. 12.

(Best Exploitation: Poli)

Some nice grossing in spots this week, 'Mutiny' (MG) is piling up some heavy sugar ...

Poli put on heaviest local campaign in months for 'Mutiny.' Distributed secret Tahitian love charm flowers, special milk bottle tops, personal message cards inserted in Liberty's 24-sheets four weeks ahead, library displays and books, records & store window displays on side model contest, half hour broadcast, posters on 'Bounty' on 35 buses, a shoeshine parlor built in theatre lobby, pennies in cards labelled 'A small portion of the millions spent to bring Bounty' to you, for 1st item given Clark Gable races to first 100 females, cigar store Indian with French Canuck smoking a pipe, special marquee sides painted ...

'BOUNTY' MAY BE RECORD $24,000 IN CLEVELAND

Cleveland Nov 12

'Mutiny on Bounty is the top money this week at Loew's State squatting up for a possible record house figure of $24,000. Gene grosses can be ... about ...

Keys of critics for Bounty' was wisely followed up by Charlie Boyd dorff and Milt Harris with a campaign of phenomenal initiative. Department store and newspaper went big for an exhibition of Gable-Costello replica of ship recently given to Roosevelt and a model shipbuilding contest. Basic binding link-up with interstate for use another double tie-up. 52 24-sheets plastered the town in addition to about 40,000 heralds, using various forms on phones, magazines of store purchases ...

Estimates for This Week

State (Loew's) (3,270; 30-5...40) 'Mutiny on Bounty (MG). Tie-up with everything and getting every advantage that's in it, it will undoubtedly pull up to a sensation $24,000. Last week 'Metropolitan' (20th-Fox) fair $10,000 for four days ...

Stillman (Loew's) (1,372; 25-35) 'In the Air' (MG). Headed for $6,500 as result of tune plugs. Annapolis Farewell made it $3,200, below expectations, last week ...

PLENTY OF B.O PEP IN PROV., 'BOUNTY' 20G

Providence Nov 16

Plenty of action in town this week. No alibis being heard except how two rival Armistice Day openings generally okay. Strand and Fays only two spots with weak programs ...

Cyclonic action at Loew's where Mutiny on the Bounty is the attraction. Added to ideal weather midnight show Armistice Eve and Armistice Day holiday degal this year for the first time in Rhode Island the pace looks like a record-breaker. House is safe on banking a $20,000 gross, and more if things break right ...

The publicity staff at Loew's certainly worked overtime to kill how Mutiny Keen rivalry between Loew's and the Albee, but Chris Wilbert of Loew staff pilfered the town Ordinarily, Albee's campaign would loom large. Olsen and Johnson worked plenty hard to keep in with the publicity department, and grabbed off some rare publicity, but the Loew's drive was of a spectacular nature and detracted attention from anything else in town ...

Estimates for This Week

Loew's State (3,200; 15-25-40)—'Mutiny on Bounty' (MG). Turnaways daily, and pace indicates a $20,000 week. Last week 'Rendezvous' (MG) and 'Guard That Girl' (Col) the only bright spot in town at $12,500 ...

'Mutiny' $45,000 In 2 Hub Spots;

Boston, Nov. 12.

(Best Exploitation: M&P)

Eye are on three film attractions this week in this town: 'Mutiny on the Bounty,' at the State and Orpheum ...

Tremendous weekend response makes 'Mutiny' look like a sock grower at the two houses to tune of $45,000—maybe breaking a house record (unless this season's straight film policy) at the Orpheum ...

Estimates for This Week

State (Loew) (3,200; 25-35-40-50) 'Mutiny on Bounty' (MG). Single day and date with Orpheum salting in $22,000 breeze. Hefty advance holly rolled up the ticket buyers long before it hit the screen. Last week satisfactory $16,000 with 'Barbary Coast' (UA) and Bishop Misbehaves (MG), dual.

Orpheum (3,000; 25-35-40-50)—'Mutiny' (MG). Shapes up as most important attraction here since the house went straight sound this season. Will hit a gorgeous $23,000 and may break the attendance record. Will almost certainly hold over here, and possibly at both houses. $14,500 last week on 'Barbary' (UA) and 'Bishop' (MG), dual, okay ...

Stanley (3,100; 40-55)—'Mutiny' (MG), still brightest spot in toy, and with big Sunday trade may ... to $28,000. First week $21,000 ...

"MUTINY ON THE BOUNTY" (M-G-M) ... COLLEGE—(1,499; 25c-35c, 7 days. 2d week. Gross: $5,600. (Average, $2,800) ...

"MUTINY ON THE BOUNTY" (M-G-M) ... STANLEY—(3,000; 25c-35c-50c; 6 days. Gross: $24,000. (Average, $12,000)

Clippings from M. P. Daily Variety and Film Daily

IT'S MUTINY AT THE BOX-OFFICE!

"Bounty" at $59,000 Again B'way Leader

"Mutiny on the Bounty" continues to set the pace on Broadway. After chalking up a $76,000 gross for the first week, the M-G-M special garnered $59,000 during its second stanza at the Capitol

"Mutiny" Again Held

PITTSBURGH, Nov. 22—"Mutiny on the Bounty" will be held over at the Warner again, its second week here, but its third downtown. The picture opened at the Penn where it did a sensational $28,000, then was moved to the smaller Warner at the same scale and turned in $10,000, more than double average, during its first week there.

The only reason the Penn didn't keep it was because of a product jam there, something that also fazes the Warner now. If many more holdovers develop in the near future, it's likely that Warners will be forced to reopen either the Davis or the Aldine to straighten out the picture situation.

Held in Atlanta

ATLANTA, Nov. 22—"Mutiny on the Bounty" was held over for an additional six-day run at Loew's Grand.

Metro and the Capitol strongly touted 'Mutiny,' spending $75,000 in the campaign and well advertising the event. Of the ad budget around $15,000 went for newspapers.

Estimates for This Week

Astor (1,012; 25-55-83)—"It's the Air" (MG). Proving best entry Joe Plunkett has run here, first week $11,000 ending tonight (Wed.) and stays second week. "Lucky Lee" (WB), in ahead, fairly good $7,000.

Capitol (4,620; 25-35-75-85-$1.25)—"Mutiny" (MG). Away from the barrier like a bolt and has long lead on competitors for a first week of $70,000 or better. All that Loew's picture from going further is the fond it's carrying in the form of long running time. Second week of "Rendezvous" (MG) hoped to under $20,000.

Monday, November 18, 1935

"Mutiny" Sets Philadelphia Pace, $24,000

PHILADELPHIA, Nov. 17—"Mutiny on the Bounty" registered big at the Stanley this week, doubling the average take with a splendid $24,000. The film is set for two and probably three weeks.

Total first run business was $81,900. Average is 71,000.

Estimated takings for the week ending Nov. 14

"Bounty" Is Heavy In Cincy, $16,500

CINCINNATI, Nov. 17—The outstanding gross of the week was registered by "Mutiny on the Bounty," which topped average by $4,500 on $16,500 take at the RKO Albee. It was shifted to the Capitol for a second stanza.

Total first run business was $57,600. Average is $60,200.

Estimated takings

Week Ending Nov. 14:

"MUTINY ON THE BOUNTY" (M-G-M) RKO ALBEE—(3,300; 35c-42c; 7 days). Gross: $16,500. (Average: $12,000.) Moves to RKO Capitol.

Top with "Bounty"

OMAHA, Nov. 17—"Mutiny on the Bounty" kept a steady stream of customers flowing into the Omaha this week, with the result that the $8,100 take was a walloping profit.

The other two first runs stood up well under the competition. "Rendezvous" and "The Virginia Judge" were over normal on an $8,400 take at the Orpheum, and "The Case of the Lucky Legs" hit a par $4,000 at the Brandeis.

Total first run business was $20,500. Average is $17,000.

Estimated takings

Week Ending Nov. 13

"MUTINY ON THE BOUNTY" (M-G-M

"Mutiny" Broadway Smash at $76,300

M P Daily 11/18/35

"Mutiny on the Bounty" was the outstanding attraction on Broadway last week, garnering a handsome $76,300 at the Capitol during its first stanza.

Tuesday, November 19, 1935

"Mutiny" Is Denver Smash With $15,000

DENVER, Nov. 18—"Mutiny on the Bounty" was a sensation at the Denver. The $15,000 take tripled the normal gross of the house.

per cent above par at $4,500

Total first run business was $40,300. Average is $22,500.

Estimated takings for the week ending Nov. 14

"RENDEZVOUS" (M-G-M) BROADWAY—(1,500; 25c-40c; 7 days). Following week at Denver. Gross: $2,000. (Average: $1,000)

"SMILIN' THRU" (M-G-M) DENHAM—(1,500; 25c-35c-40c; 7 days). Gross: $6,000. (Average: $4,000)

"MUTINY ON THE BOUNTY" (M-G-M) DENVER—(2,500; 25c-35c-50c; 7 days). Gross: $15,000. (Average: $5,000)

M P Daily 11/22/35

From the ledgers of the Capital Theatre

"I Live My Life," week ending October 17—$31,100

Same picture, second week ending October 24—$21,500

"Rendezvous," week ending October 31—$36,400.

Same picture, second week ending November 7—$26,500.

"Mutiny on the Bounty," week ending November 14—*$76,300.*

Offered for your reflection without comment because none is necessary, the story which the figures tell being complete and compelling enough.

Wednesday, November 20

"Bounty" At $27,500 Mark In Cleveland

CLEVELAND, Nov. 19—"Mutiny on the Bounty" broke all attendance records in its opening week at Loew's State, and also established a new high gross at prevailing admission prices of $27,500. More than 100,000 people saw the picture during its first seven days. The engagement is being continued at the Stillman.

"It's in the Air" went 50 per cent over average at Loew's Stillman to $6,000, where $4,000 is par.

$15,000 average

Total first run business was $56,000. Average is $40,000.

Estimated takings for the week ending Nov. 15:

"MUTINY ON THE BOUNTY" (M-G-M) LOEW'S STATE—(3,400; 35c-42c; 7 days). Gross: $27,500. (Average: $20,000)

"IT'S IN THE AIR" (M-G-M) LOEW'S STILLMAN—(1,900; 25c-35c; 7 days). Gross: $6,000. (Average, $4,000)

"Mutiny" Hits $49,500 in 2 Boston Spots

BOSTON, Nov. 19—Thus city saw grosses last week that recalled the good old days. "Mutiny on the Bounty," playing day and date at Loew's Orpheum and Loew's State more than doubled par with $25,000 at the former and did equally as well at $24,500 in the latter.

Total first run business was $116,000. Average is $80,500.

Estimated takings for the week ending Nov. 15

"MUTINY ON THE BOUNTY" (M-G-M) LOEW'S ORPHEUM—(2,900; 25c-55c; 7 days). Gross: $25,000. (Average: $12,000)

"MUTINY ON THE BOUNTY" (M-G-M) LOEW'S STATE—(3,367; 25c-55c; 7 days). Gross: $24,500. (Average: $12,000)

Thursday, November 21, 1935

"Mutiny" Is $21,000 Wow, Kansas City

KANSAS CITY, Nov. 20—"Mutiny on the Bounty" at Loew's Midland grossed $21,000, $9,500 over normal. Band was held. Manager John Allen Manus backed the show with heavy promotion, including the largest cooperative space the theatre ever has used—1,000 lines with Jones Store on Phileo radios.

$100 under the line.

Total first run business was $46,200. Average is $36,000.

Estimated takings

Week Ending Nov. 14.

"MUTINY ON THE BOUNTY" (M-G-M) MIDLAND—(3,000; 25c-40c; 7 days). Gross: $21,000. (Average, $11,500)

"Bounty" a $10,000 Wow in Louisville

M P Daily 11/21/35

LOUISVILLE, Nov. 20—"Mutiny on the Bounty" at Loew's State was a smash hit and grabbed top honors to the tune of $10,000, which is over board by $5,500.

The only other house to make much of an impression was the National, which had the best week of its history, with the unit presented by Weaver Bros. & Elvitry being responsible for the draw. The gross was $7,800, which is over par by $4,800.

Other houses didn't eat much fire, and had to be satisfied to get just about average business.

Total first run business was $30,900. Average is $18,500

Estimated takings for the week ending Nov. 14

"MUTINY ON THE BOUNTY" (M-G-M) LOEW'S STATE—(3,000; 15c-25c-40c; 7 days). Gross: $10,000. (Average, $4,500)

"Mutiny" Grosses $8,000, Portland

M P Daily 11/21/35

PORTLAND, Nov. 20—"Mutiny on the Bounty" was the outstanding attraction of the week. It piled up $8,000, over normal by $3,000 and other box-offices also took on new life.

Total first run business was $30,000. Average is $24,700

Estimated takings for the week ending Nov. 17

"MUTINY ON THE BOUNTY" (M-G-M) UNITED ARTISTS—(945; 25c-35c-40c; 7 days). Gross: $8,000. (Average, $5,000)

"Mutiny" $14,100 Hit in New Haven

M P Daily 11/22/35

NEW HAVEN, Nov. 21—"Mutiny on the Bounty" topped everything in a record-smashing $14,100 week at the Poli. Lines of standees waited hours during the first four days of the run. The picture was held for a second week at the College. The gross was more than twice the $6,500 average.

Total first run business was $28,800. Average is $18,500.

Estimated takings for the week ending Nov. 15:

Seattle Sidelights

Seattle — Lucille Nydegger, cashier of the Moore theater, has married Dwight Arenkill Hansen, air pilot, and is retiring from the box office. Mrs. Cecilia Schultz is manager of the theater.

Kent Thomson, manager of the Metropolitan theater, reported a loss of $350 from his theater, burglars breaking open a desk and cabinet in the office.

Paul Muni and Max Siegel, M-G-M executive, are in Seattle this week looking over Chinese talent for types to play with Muni in "The Good Earth."

Dark for months, the Star theater, newly renovated, staged a gala re-opening Saturday with a dual bill.

House staff of the Fifth Ave. has been augmented with a number of beautiful and smart young ladies.

Pittsburgh Briefs

Pittsburgh — Sunday movies not only helped theater receipts but also have reopened a number of leading restaurants and drug stores that were closed on the Sabbath. Downtown parking lots were jammed.

The Davis theater, reopening Thursday, will operate with double features while the Warner will swing to single bills and play all holdovers from the Stanley and Loew's Penn.

John Finley is back at the Alvin as assistant manager.

Albert Cuthbert is temporary manager of the Ritz, with a permanent man to be named this week to succeed Ed Segal, who was transferred to the Davis.

Mrs. Florence Fisher Parry, "Press" film reviewer, started a weekly radio program over KDKA on Sundays.

Ken Hohl is again at the Harris-Alvin handling publicity during George Tyson's absence.

The Harris-Family switched

"Mutiny" Holdover $12,000, Buffalo

M P Daily 11/26/35

BUFFALO, Nov. 25—"Mutiny on the Bounty" is turning up the best grosses of the year here. Drawing $12,000 in its second week, its pull has been worth $34,000 to the Great Lakes, where $7,300 is par. It will be held over until Thanksgiving, at least.

Total first run business was $42,000. Average is $38,400.

Estimated takings for the week ending Nov. 25

"MUTINY ON THE BOUNTY" (M-G-M) GREAT LAKES—(3,000; 25c-40c; 7 days). Gross: $12,000. (Average, $7,300)

Cleveland Clips

Cleveland — A delegation of 25 exhibitors and those allied with the industry from Cleveland attended the I.T.O. convention in Columbus last week. Every distributor with the exception of RKO and United Artists was represented at the gathering. The convention was unique in that there were no problem discussions, no arguments and no resolutions. "Billy" James put on the best act of the banquet entertainment with his capacity of toastmaster.

Frank Gross, veteran Cleveland exhibitor and a director of the Exhibitors Ass'n, received word from Poland this week of the death of his

Mrs. Lena Stillwell, owner of the Bedford Theater, Bedford, was the only woman delegate at the exhibitor convention in Columbus.

"Mutiny" a $4,200 Leader at Lincoln

M P Daily 11/20/35

LINCOLN, Neb., Nov. 19—"Mutiny on the Bounty" at the Stuart, without much heralding, but even with the handicap took $4,200, a very strong $1,100 over average.

Total first run business was $14,000. Average is $9,850

Estimated takings

Week Ending Nov. 12.

"MUSIC IS MAGIC" (Fox) "IT'S IN THE AIR" (M-G-M) ORPHEUM—(1,200; 10c-15c-20c-25c; 6 days. First three days with "Cellblock Scandals" on stage, last 3 days, "Transcontinental Revue" headlining Roy Atwell). Gross: $5,100. (Average: $1,700).

Week Ending Nov. 15:

"MUTINY ON THE BOUNTY" (M-G-M) STUART—(2,000; 10c-25c-40c; 7 days). Gross: $4,200. (Average, $1,100)

Indianapolis Tips

"Mutiny" $12,000 Leader

M P Daily 11/20/35

INDIANAPOLIS, Nov. 19—In a week of low grosses in another first run, "Mutiny on the Bounty" was a sensation at Loew's. It almost tripled average with a take of $12,000.

Only one other house succeeded in making average.

Total first run business was $30,500. Average is $26,500.

Estimated takings for the week ending Nov. 16

"MUTINY ON THE BOUNTY" (M-G-M) LOEW'S—(3,000; 25c-40c; 7 days. Gross: $12,000. (Average, $4,300).

"Mutiny" Boston Duo Draws 90,000 in

M P Daily 11/

Playing simultaneously first-run houses in Boston "Mutiny on the Bounty" drew 90,000 admissions in seven days, according to Joe Field, circuit executive.

The circuit is holding the picture for a second week at the first instance of it Loew group.

Atlantic Ci

Atlantic City—D installing special ment.

Manager I. Pe left this week f Managers rep Day week-end another of a "Mutiny on Biggest draw Apollo, accor

Every first-run in the money Han" is treat first week Transatlant is doing wo the heavy

Eatin

Aladdin Sa $6,500 for this hou the Co for wo the pro

"Mutiny" Cracks Record

COLUMBUS, O., Nov. 15—Although box-office figures are immediately available, "Mutiny on the Bounty" broke the Sunday house record for straight films at Loew's Ohio. Previous record was held by "Chu Sea" Sunday, also, marked the biggest attendance since engagement of Jean Harlow in person in February, 1932.

M P Daily 11/16/35

Catch Portland Showing

PORTLAND, Nov. 15—B. M. Saunders, western sales manager, and Ed Hickey, west coast district manager of M-G-M, caught the premiere of "Mutiny on the Bounty" while here.

Another "Bounty" Record

CLEVELAND, Nov. 15—"Mutiny on the Bounty" broke the all-time week-end attendance at Loew's State. The picture played to 41,000 people on Friday, Saturday and Sunday.

Bridgeport Holds Over

BRIDGEPORT, Nov. 15—"Mutiny on the Bounty" has been held over another week at Poli's Palace. The picture is the third holdover at the house in five weeks.

"Mutiny" Triples Normal in Buffalo

M P Daily 11/25/35

BUFFALO, Nov. 18—"Mutiny on the Bounty" took this town by storm, drawing $22,000 in its first week at the Great Lakes. Par for the house is $7,000.

This top-heavy drawing card failed to slice other grosses below normal.

Total first run business was $53,600. Average is $38,400.

Estimated takings for the week ending Nov. 18

"MUTINY ON THE BOUNTY" (M-G-M) GREAT LAKES—(3,000; 25c-40c; 7 days). Gross: $22,000. (Average, $7,300)

Buffalo Bits

Buffalo—"Mutiny on the Bounty" broke all opening day records at the Great Lakes and is in for a second week. "Transatlantic Tunnel" would up two good weeks at the Lafayette, first British talker ever to play an overtime stay here.

With 'Mutiny's Jr.

SUNSHINE IN THE DAY'S NEWS

"Mutiny on the Bounty" breaking record everywhere

"Mutiny" Going 3rd Week At Capitol on Broadway

M-G-M's "Mutiny on the Bounty" will go into a third week at the Capitol starting Friday. In its second week the picture set an all-time house record by playing to more than 200,000 admissions and turning away about $6,000. Second week running at about the same rate.

M P Daily 11/30/35

Cleveland Clips

Cleveland — "Mutiny On The Bounty" broke all attendance and gross records based on present admission scales last week at Loew State.

Sam Barck who owns and operates the Market Square theater, reached over into Indiana with a vacation of the

'Mutiny' 2d Beats 1st

Philadelphia, November 18

'Mutiny' at the Stanley is still getting most of the spotlight here with prospects of upping its first

BOSTON, Nov. Edition of th

'Bounty' Con... In Denver; "Bounty" at $25,000 To... Philadel...

DENVER, Nov. 25—"Mutiny on the Bounty" continued to break house records at Huffman and the Paramount in the first three days of run, after having turned the trick at the Denver the week previous. The picture transferred from the Denver to the Paramount was light, but business boomed at night and kept going.

PHILADELPHIA, N... elect storm knocke... pectations for the... in the head, ... weather, break...

Mutiny' Socks Philly for $2...

Philadelphia, Nov. 12.

(Best Exploitation: Stanley)

Everything points to a first-rate week of business in the downtown first houses here with 'Mutiny on the Bounty' easily outstanding. This picture got off to a terrific start at the Stanley Friday) and held up and ... Saturday and twice ... to hold up ... $22,000 and ... get $22,000 ... weather ... opened pure to that ... Sales ... bigger than ... The Stanley ... Fairmount by the ... 200,000 people turned out all over ...

— trade was spotty ... Stanley ...

Tuesday, November 26, 1935

"Mutiny" Top In Pittsburgh For 2d Week

PITTSBURGH, Nov. 25.—"Mutiny on the Bounty" continued to stand the town on its ear last week, getting $11,000, more than double average business, at the Warner, where it was moved following a sensational $28,000 week at the Penn. As a result of this great take, the picture was held over at the Warner, which will give it three weeks downtown.

The Stanley was the only other house in town to make any sort of showing, due principally to the box-stirring "influence of Mary Small, Molasses 'n' January and Cross and Dunn on the stage. They supported "Rendezvous" for an exceptional fins $21,000.

Total first run grosses were $47,200. Average is $41,000.

Estimated takings for the week ending Nov. 21:

"RENDEZVOUS" (M-G-M) STANLEY—(3,600; 25c-35c; 6 days). Stage: Mary Small, Molasses 'n' January, Cross and Dunn, Rule Davis and his Radio Rubes, Four Steps, Jean Chorynda. Gross: $21,000. (Average, $16,500)

"MUTINY ON THE BOUNTY" (M-G-M) WARNER—(2,000; 25c-40c; 6 days). Moved here at same scale from Penn for second week. Gross: $11,000. (Average $5,000)

Tuesday, November 26, 1935

Minneapolis' Top "Bounty" With $14,000

MINNEAPOLIS, Nov. 25.—"Mutiny on the Bounty" was outstanding in a week of mild grosses on both sides of the river. The M-G-M feature was $4,000 to the good on a gross of $14,000 at the Minnesota.

Total first run business in Minneapolis was $36,500. Average is $30,000. Total first run business in St. Paul was $20,000. Average is $16,000.

Estimated takings:

"O'SHAUGHNESSY'S BOY" (M-G-M) LYRIC—(1,038; 25c-35c; 7 days. Gross: $1,700. (Average: $1,500)

Week Ending Nov. 22:

"MUTINY ON THE BOUNTY" (M-G-M) MINNESOTA—(4,000; 25c-55c; 7 days). Gross: $14,000. (Average, $10,000)

"Bounty" Tops Seattle with Nice $9,650

SEATTLE, Nov. 25.—First honors went to "Mutiny on the Bounty" which grossed $9,650 at the 5th Ave., which normally does $7,000. So good was it that the attraction has been transferred to the Blue Mouse for an extended run.

Total first run grosses were $36,700. Average is $32,500.

Estimated takings for the week ending Nov. 22:

EXTRA TIME! EXTRA MONEY!

In Big Cities—Small Towns—it's the Sensation of the Nation!

AGAIN UNIVERSAL

No. 842 Straight-from-th
President of the Un

You'll never be quite the same in your outlook on life after yo

Neither will your customers.

A moving picture will move your whole picture of life. And

It will obsess you.

You will never forget it as long as you live.

Just as you never have forgotten, and never will forget, "All G Obsession" out of your mind.

Just as you have never forgotten, and never can forget, Univ just so can you never live the rest of your life without thinkin

Just as you have never forgotten, and never can forget, the s "One More River"—just so will you never forget the story b

Once in a while a perfectly grand and glorious story turns up other picture company.

I could name hundreds of them—all produced by Universal. Universal has a record of achievement second to none when

Universal's greatest pictures have moved the world—and al

You have something fine in your soul. So have I. So has ever gangster, a rabbi, a murderer, a white man, a black man or a all of us.

Now and then such a story comes along, and generally Unive One of these rare stories is "Magnificent Obsession." Of co

It will make you feel so much nicer than you think you are th

EATS THE WORLD!

der Talk by Carl Laemmle,
Pictures Corporation

once seen John Stahl's production of "Magnificent Obsession."

oving picture will be "Magnificent Obsession."

the Western Front"—just so can you never drive "Magnificent

presentation of Victor Hugo's "Hunchback of Notre Dame,"—
lagnificent Obsession."

npression made on you by Universal's picture of Galsworthy's
as called "Magnificent Obsession."

rsal has bought more of these everlasting stories than has any

es to swaying the billion minds of the world.

a decent way.

living being, whether he is a minister, a gunman, a priest, a
man. A fine moving picture can appeal to the good that is in

ts it.

became a Universal property—and of course you will get it.

will be proud to sponsor it!

Carl Laemmle

IATSE Wins 'Closed Shop' Studio Status

(*Continued from page* 1)

studios is being left to arbitration between the I. A. and the I. B. E. W. Each will appoint a neutral arbitrator and the two will decide which of the unions is entitled to jurisdiction over the sound men within the next 60 days. It is estimated that approximately 1,000 sound men are affected. The cameramen, laboratory workers and grips are estimated at another 4,000, but these will not represent a clear numerical gain for the I. A. as many of them now hold I. A. cards, in addition, however, to I. B. E. W. cards.

Vote May be Needed

Present indications are that under the agreement the I. A. will be given the right to organize these groups and may have the exclusive jurisdiction if its efforts are successful. This may involve a vote of the members affected to obtain a majority expression on which of the two unions they prefer to remain with. The I. A. comes back under the basic studio labor agreement from which it withdrew at the inception of the inter-union jurisdictional dispute at the time of the advent of sound, as its part in obtaining these privileges.

The two-day conferences at the Hays office began on Saturday and ended late Sunday night. Attending from film companies were Leo Spitz, president of RKO; Herbert B. Swope, chairman of K-A-O; Nicholas M. Schenck, president of Loew's and M-G-M; Sidney R. Kent, president of Twentieth Century-Fox; John E. Otterson, president of Paramount; Austin Keough, Paramount secretary; R. H. Cochrane, vice-president of Universal, and Harry M. Warner, president of Warners. United Artists and Columbia were not represented.

Browne to Coast

Union men attending included George Browne, president of the I. A.; Harland Holmden and John P. Nick, I. A. vice-presidents; Steve Newman, I. A. coast representative; Dan Tracy, president of the I. B. E. W.; William L. Hutchinson, president of the carpenters' union; Dan Tobin, president of the teamsters' union; Joseph Weber, president of the musicians' union. The last four named are members of the executive council of the A. F. of L. Pat Casey, labor representative for the major studios, also played an important part in the conferences. Sol A. Rosenblatt, I. A. legal aide, is also reported to have participated.

Newman left for Hollywood yesterday and Browne leaves for the coast today. They will work on supplementary details involved in the agreement and will arrange for the formal return of the I. A. to the studios' basic agreement.

Browne, Casey and Otterson, in statements issued yesterday, described the settlement as "satisfactory to all parties concerned."

The I. B. E. W. holds a nine-year contract with the studios and an agreement revising this to care for any changes which may result from the jurisdictional agreements reached this week end is expected to be undertaken on the coast at once. Details of the jurisdictional agreement are to be worked out entirely by the two unions involved.

Casey said yesterday that the studios were indifferent as to which union exercised the jurisdiction, but sought an amicable labor situation.

K. C. Conference Delayed

KANSAS CITY, Dec. 9.—Negotiations between Harland Holmden, third vice-president of the I. A. T. S. E., who is in charge of local operators for the time being, and the Kansas City Theatre Owners' Emergency Council, have been postponed from Dec. 7 till after Dec. 10.

The Emergency Council, composed of L. J. McCarthy for Fox Midwest, E. Rolsky and Jay Means (chairman) for the independents, Ed Dubinsky for Dubinsky Brothers, and C. A. Schultz for Commonwealth, is asking for a reduction of around 25 per cent in wage scales, according to labor officials, while Holmden wants a 10 per cent increase and a contract with subsequent run houses. For two or three years subsequent runs have hired on an individual oral basis.

Negotiations between operators and downtown houses await the outcome of those with suburbans. The local asked a 10 per cent increase when the contract expired recently. In the meantime all theatres are working with operators on the same basis as the past season. Any deal reached probably will be retroactive.

Following the national move of I. A. T. S. E., locally an I. A. T. S. E., man has replaced the I. B. E. W. man at Loew's Midland, according to labor officials here.

Big Industry Meet Breaks Up in Row

(*Continued from page* 1)

industry were present, they had not made their affiliation known when entering the meeting, according to officials of Berry's office. About 50 per cent of those attending had failed to make known the industry or organization which they represented.

Sol A. Rosenblatt, former chief of the film code, was present, but he said he was merely an observer and was more interested in the cloak and suit industry, for which he is impartial arbitrator, than in pictures.

The opening session of the conference consisted solely of a speech by Berry. Its adjournment immediately upon conclusion of his talk precipitated a near riot as efforts were made to give John W. O'Leary, former president of the U. S. Chamber of Commerce, an opportunity to speak.

A session of the labor organizations this afternoon proceeded with but little less friction as representatives of the American Federation of Labor refused flatly to sit in any conferences with unions not connected with their organization. The organizations scheduled to gather for a consideration of the problems of the amusement industries included the Associated Actors & Artists of America, A. F. of L., I.B.E.W., Brotherhood of Electrical Workers of America, International Union of Operating Engineers, American Federation of Musicians, and Stage Employes and Moving Picture Machine Operators of the U. S. and Canada.

Warner Profit Of Million in 3 Months Seen

(*Continued from page* 1)

were: Harry M. Warner, Albert Warner, Jack L. Warner, Waddill Catchings, Henry A. Rudkin and Thomas. It is expected H. M. Warner will be reelected president at the annual meeting of directors Dec. 17 in New York.

Ivan Culbertson, Wilmington attorney, presided. About 150 attended.

Stanleigh P. Friedman, a director, read a statement explaining the action of the board in compromising an employment agreement with the Warners. During the discussion which followed Henry L. Canby, appearing in behalf of certain stockholders, objected to ratification. After the vote had been announced Milton Rosenberg, New York attorney, moved that the vote of the proxy committee be canceled. His motion was seconded by Milton Poulson, another New York attorney, but this was ruled out of order by Culbertson.

In discussing the prospective profit, Thomas said: "I speak in the absence of Harry M. Warner, whose presence was necessary today at a conference of the representatives of the leading motion picture companies and the officials of the I.A.T.S.E.

"The financial outlook, in the absence of any unexpected labor disturbances, is bright. Your company in the fiscal year ending Aug. 31, after all charges, earned a net profit of $674,158.96.

"The comptroller informs me that the profits for the first quarter of the current fiscal year are estimated to be slightly in excess of $1,000,000, after all charges. This, you will note, represents a larger profit than earned in all of the last fiscal year.

"There has been a continued increase in theatre attendance, and we have reason to believe this increase will continue. It is sincerely hoped that this year will be the best since 1930."

May Meet in K. C.

Warners' southern and western branch managers will hold a mid-winter sales meeting next week, probably in Kansas City, with Gradwell L. Sears, vice-president in charge of these divisions, presiding. Dates and hotel will be set later in the week. A. W. Smith, vice-president in charge of eastern and Canadian sales, completed a two-day meet last week.

Film Examiners and Shippers Organize

(*Continued from page* 1)

securing an A. F. of L. charter and it will hold meetings every second Tuesday at the New Yorker.

Efforts are under way to have all exchanges represented 100 per cent. A standard wage scale and working hours are now being drafted.

Cooperation from Local 306 is being sought. It is planned to get the operators to accept a plan not to admit film in a booth unless each reel has a union label on it. A mass meeting to bring in new members is expected to be held today or next Tuesday.

MPTOA Head Demands Cuts In Ascap Tax

(*Continued from page* 1)

assume the licensing right to thei music after Jan. 1.

A Warner spokesman declined t comment on Kuykendall's remarks i this connection other than to say tha the company's policies in licensing ex hibitors for the public performanc of Warner music are "now bein worked out but might not be com pleted for some time yet."

It has been unofficially indicated a Ascap that the music society is nc contemplating a reduction of its licens ing rates to exhibitors, a representa tive of the organization having state recently that Ascap believes its cata logue, "with or without the Warne music," to be worth all that the so ciety is getting for it now.

Writers "Well Paid"

Declaring that the writers and pul lishers of music used in films ar "well paid" for this use by the pro ducers who, in turn, collect it from th exhibitors in film rentals, Kuykenda also asks that film companies in addi tion to Warners which have musi publishing subsidiaries also shoul refuse to levy a music tax on ex hibitors.

"Warners have a fine opportunity t repudiate and show up the unfair, ol noxious and monopolistic methods c Ascap with the motion picture the atres," Kuykendall declares in h bulletin. "Let Warners frankly an nounce they will levy no added tax o the exhibitor who buys their picture putting it squarely up to other motio picture companies with music pul lishing subsidiaries now members c Ascap or non-members to match thei fairness to the exhibitor."

Asks Sustained Offensive

The M.P.T.O.A. head conclude that "to curb and restrain the musi tax extortion a sustained offensiv must be carried on by exhibitors, wh pay out millions for this music tax. He urges exhibitors to give the Gov ernment "every possible cooperatio and encouragement" in its pendin anti-trust litigation against Ascap, an to "actively support" the new Duff Copyright law "through your ow representative in Congress."

"No producer can record music i his picture without paying adequa compensation to the composer for th songs and music actually used, whic he recovers from you in the fil rentals you pay," Kuykendall advise the exhibitors. "An additional musi tax on motion picture theatres is a inexcusable extortion which the Gov ernment and the courts should nc tolerate any longer."

Claim Perfect Printing

HOLLYWOOD, Dec. 9.—Perfect soun reproduction and completely automati printing is claimed by Bell & Howe for new printing machines contracte for by M-G-M, Paramount an Columbia. Under the new arrange ment, it is claimed, both the pictur and sound track are printed simul taneously and the printers run a higher speeds.

Review Denied In Minnesota Contract Case

(*Continued from page* 1)

ota exhibitor, who refused to play or pay for films sent him under contract.

This was the second time the case has been dismissed by the Supreme Court, the first instance having been nearly a year ago when it developed that the suit had been appealed before final judgment had been entered.

In its opinion today, rendered by Justice Sutherland, the court held that Federal and non-Federal questions had been so mixed in the suit as to take it out of its hands.

The action was brought by Fox to recover damages for an alleged breach of two contracts by which Muller was licensed to exhibit certain films. Muller contended that the contracts were vitiated by inclusion thereof of the arbitration clause held to be invalid in the Paramount-Famous Lasky case.

First Decision Affirmed

The court of first instance held that the contract violated the Sherman anti-trust act and dismissed the action, holding that the arbitration plan so connected with the remainder of the contract that the entire contract was tainted, and, second, that the contract violated the anti-trust law. This decision was affirmed by the state supreme court, following which Fox appealed to Washington. In bringing the case before the U. S. Supreme Court, Fox contended that the question of severability of the various provisions of the contract alone had been decided and that no Federal question as determined.

"We do not attempt to settle the dispute," Justice Sutherland said in his opinion, "but, assuming for present purposes only that the petitioners' view is the correct one, the case is controlled by the settled rule that where the judgment of a state court rests upon two grounds, one of which is Federal and the other non-Federal in character, our jurisdiction fails if the non-Federal ground is independent of the Federal ground and adequate to support the judgment.

Concedes Clause Invalidity

"Whether the provisions of a contract are non-severable, so that if one is held invalid the others must fall with it, is clearly a question of general and not of Federal law. The validity of the arbitration clause which the present contracts embody is conceded. It was held invalid by the Federal District Court in the Paramount case, and its judgment was affirmed here. The question, therefore, was foreclosed, and was not the subject of controversy in the state courts. In that situation, the primary question to be determined by the court below was whether the concededly invalid clause was separable from the other provisions of the contract. The ruling of the state supreme court that it was not, is sufficient to concluded the case without regard to the determination, if, in fact, any was made, in respect of the Federal question. It follows that the non-Federal ground is adequate to sustain the judgment. "The case, in effect, was disposed of before the Federal question said to be involved was reached," the court concluded. "A decision of that question then became unnecessary; and whether it was decided or not, our want of jurisdiction is clear."

Looking 'em Over

"Wolves of the Underworld"

(Regal)

A Julius Hagen production, all-English, this adaptation of a stage play combines murder, a touch of romance and the not too subtle deductions of a detective story writer and amateur crime sleuth. The result is a fairly lively yarn.

Featured in the cast are Godfrey Tearle, Elsa Bevan, Fred Groves and Russell Thorndike. With the exception of Tearle, the names of the players will not be familiar to the regular run of American audiences.

A group of gangsters set out to "get" a supposedly respectable doctor, who has a niece, Miss Bevan. The tables are turned and the doctor kills the gunman, planting his body beside an accidentally handy train wreck. At the same time the leader of another, related gang of counterfeiters escape from Dartmoor, witnesses the murder and forces the doctor to hide him. Miss Bevan, frightened, comes to Tearle for assistance, and he suspects the "friend" of the doctor is the escaped convict.

When he goes to make sure, he is trapped by the convict and taken to the hideout of the counterfeiters, who threaten harm to the girl. At the expected right moment, the police, headed by the writer's brother, a Scotland Yard officer, break in and capture the gang. The anticipated romance, which had been rather subordinated, concludes the picture. George A. Cooper directed.

Production Code Seal No. 0656. Running time, 57 minutes. "G."

West Indians Form New Theatre Group

WASHINGTON, Dec. 9.—A new company, known as the Globe Cinemas of the West Indies and South America, Ltd., is being formed in Trinidad with an initial capital of $300,000, according to a report to the U. S. Department of Commerce from Vice Consul Wallace E. Moessner in Trinidad. The promoter is Ramcharan Gokool, who has the backing of six other shareholders.

The object is to erect new theatres, two in Trinidad, two in British Guiana, and one in the Barbadoes, all to be equipped with the latest sound apparatus.

The new company also will take over control of the existing Globe in Port of Spain and the Globe in San Juan, Trinidad, in addition to all the independent theatres at present in British Guiana, Netherland Guiana (Surinam), St. Vincent, Grenada, and Barbadoes.

Charter Two Film Firms

DOVER, Del., Dec. 9.—Hollywood Roto-Tank, Ltd., has been incorporated here to deal in film and photographing equipment by J. Vernon Pimm, Albert G. Bauer and R. L. Spurgeon.

International Filmbook Corp. has been formed to deal in reading machines, film books and film book projectors by A. G. Mehling, C. Rickert and William Taggart.

Morris on Job 25 Years

BOSTON, Dec. 9.—Victor J. Morris has just observed his 25th anniversary as manager of Loew's Orpheum. He came here in 1910, the first manager to be assigned outside of New York by Marcus Loew.

Maplewood Open Sunday

MAPLEWOOD, N. J., Dec. 9.—The first Sunday show in this town was held yesterday. M. G. Felder, president of the Maple Theatre Corp. personally conducted a campaign in the recent referendum which resulted in Sunday shows. The Maple theatre has been dark for eight years on Sundays.

Para. Amateurs Organize

HOLLYWOOD, Dec. 9.—The Paramount studio club has organized an amateur photographers' division and it will meet Thursday. Ray Claflin of Eastman Kodak will speak on "An Outline of Photography."

Fred MacMurray, Bing Crosby, Gary Cooper and other camera addicts are slated to attend.

Wall Street

Stocks Show Substantial Gains

	High	Low	Close	Net Change
Columbia	72⅝	70⅛	72⅝	+3⅝
Consolidated	6	5⅞	6	.....
Consolidated, pfd.	19	18⅝	18¾	+ ¼
Eastman Kodak.	162	161	162	.....
Loew's, Inc.	54⅞	53⅝	54½	+ ⅝
Loew's, Inc., pfd.	107¼	107¼	107¼	+ ⅝
Paramount	10⅜	9¼	10⅛	+ ⅞
Paramount 1 pfd.	81	77	81	+4
Paramount 2 pfd.	12⅛	11	12⅛	+1⅛
Pathe Film	7¼	7	7⅛	+ ⅛
RKO	5½	5⅛	5⅜	+ ⅛
20th Century-Fox	23⅝	23	23½	+ ½
20th Century, pfd	30⅝	30⅛	30⅛	— ¼
Warner Bros.	10¼	9⅝	10¼	+ ¾
Warner, pfd	52	50	52	+3½

Little Curb Activity

	High	Low	Close	Net Change
Sentry Safety	½	½	½	— ⅛
Sonotone	2⅝	2⅜	2⅜	— ⅛
Technicolor	19¼	19	19⅛	.....
Trans-Lux	4⅛	4	4⅛	.....

Keith Bonds Gain 1¾ Points

	High	Low	Close	Net Change
General Theatre 6s '40	19	18½	18½	— ½
Keith B. F. 6s '46	95½	95	95½	+1¾
Paramount B'way 3s '55	57½	56⅞	56⅞	— ⅛
Paramount Pict. 6s '55	92⅞	92	92⅞	+ ⅞
RKO 6s '41 pp.	76	76	76	—2
Warner Bros. 6s '39 wd	88¼	87	88	+ ½

(Quotations at close of Dec. 9)

Miss Geraghty Hurt

HOLLYWOOD, Dec. 9.—Carmelita Geraghty, wife of Carey Wilson, scenario writer, is suffering from a cut forehead as a result of a fall in the bathroom of their Bel Air home. She was found unconscious by her husband who called the police under the impression that she had been attacked by intruders.

Upon regaining consciousness she said that she had fallen.

Form Railroad Theatre

ALBANY, Dec. 9.—Coast to Coast Railroad Theatre Corp. has been formed here by Oscar Rubin, Goldie Stahl and Mollie Schnee.



"Bounty" Is Seattle Top In 3rd Week

SEATTLE, Dec. 9.—"Mutiny on the Bounty" was still outstanding in the third week of its extended run from the Fifth Avenue at the Blue Mouse and was held for another week. It took $5,100, above a first week par of $4,000 by $1,100.

"In Old Kentucky" was good for $7,750, up by $750, at the Fifth Avenue. It was moved to the Music Box.

Strong competition was furnished by the automobile show featuring a Major Bowes' unit. The weather was very foggy.

Total first run business was $33,250. Average is $32,500.

Estimated takings for the week ending Dec. 5:

"MUTINY ON THE BOUNTY" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Fifth Avenue. **Gross:** $5,100. (Average, $4,000)

"IN OLD KENTUCKY" (20th-Fox)
FIFTH AVENUE — (2,500), 25c-40c-55c, 7 days. **Gross:** $7,750. (Average, $7,000)

"CRIME AND PUNISHMENT" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $4,250. (Average, $4,000)

"PETER IBBETSON" (Para.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,450. (Average, $4,000)

"FRISCO KID" (W. B.)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $5,700. (Average, $6,000)

"IT'S IN THE AIR" (M-G-M)
"POWDER SMOKE RANGE" (Radio)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

"CAPPY RICKS RETURNS" (Republic)
REX—(1,500), 15c-25c, 7 days. Vaudeville and stage band. **Gross:** $2,200. (Average, $2,500)

"Night at Opera" Providence Smash

PROVIDENCE, Dec. 9.—"A Night at the Opera" boosted the Loew's State gross to $17,000, which is $5,000 over par and by far the best business of the week.

The Strand, with "Peter Ibbetson," collected $1,500 over the normal take of $6,500 and the RKO Albee was $500 over average with "Annie Oakley," which caught $7,500. Fay's, showing "Stormy" and a stage revue, caught a par $7,000.

"The Man Who Broke the Bank at Monte Carlo" did only $6,500 at the Majestic, which is $500 below par.

Total first run business was $47,200. Average is $40,500.

Estimated takings for the week ending Dec. 5:

"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S STATE — (3,800), 15c-40c, 7 days. **Gross:** $17,000. (Average, $12,000)

"STORMY" (Univ.)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Spices of 1936." **Gross:** $7,000. (Average, $7,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"ANNIE OAKLEY" (Radio)
"THREE KIDS AND A QUEEN" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $7,500. (Average, $7,000)

"PETER IBBETSON" (Para.)
"LITTLE AMERICA" (Para.)
STRAND — (2,300), 15c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"OF HUMAN BONDAGE" (Radio)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

Out Hollywood Way

HOLLYWOOD, Dec. 9.—PAUL KELLY is building a new home . . . JANE WITHERS has a Java monkey . . . EDDIE ACUFF buys 20-acre ranch in San Fernando Valley . . . LESLIE HOWARD and MRS. HOWARD are at Arrowhead . . . BILLIE BURKE an interested spectator on set of "The Great Ziegfeld."

DOLORES COSTELLO entertains fan magazine writers at lunch . . . B. F. ZEIDMAN set to start "The Right to Kill" . . . Superior Judge PARKER WOOD approves Twentieth Century-Fox contracts for HELEN WOOD, 18; DIXIE DUNBAR, 17, and MAZINE REINER, 18 . . . Warners ahead of schedule with eight in work and 14 scripts ready to shoot.

EDWARD HALPERIN leaves Dec. 16 for New York for opening of "I Conquer the Sea," Academy . . . MARGOT GRAHAME, TONY MARTIN and BETTY GRABLE, Radio contract players, on vacation . . . DAVE GOULD working before cameras in PETE SMITH short.

CLAUDETTE COLBERT acting as interpreter and guide for OLYMPE BRADNA, child French player here for role in "Alma Mammy," Paramount . . . NORMAN FOSTER signed by Republic for "The Leavenworth Case" . . . He replaces WILLIAM GARGAN, who is busy at Warners . . . HAL ROACH, JR., named captain of the football team at Culver Military Academy.

HARRY CHANDLEE, story editor for SOL LESSER, in Phoenix for vacation. . . . Four to be started by Twentieth Century-Fox during December.

+

Casting—ELSA BUCHANAN added to DAVID O. SELZNICK'S "Little Lord Fauntleroy" . . . WARREN HYMER and DONALD MEEK signed for "Everybody's Old Man," Twentieth Century-Fox . . . GEORGE RAFT to be starred in Paramount's "Proud Rider" . . . WHEELER OAKMAN and EDDIE COBB in Republic's "In Darkest Africa" . . . CRAIG REYNOLDS, CARLYLE MOORE, JR., and JIM THORPE in Warners' "Treachery Rides the Trail" . . . EDMUND GWENN borrowed from M-G-M by Warners for KARLOFF picture, "The Waking Death."

ROLLO LLOYD, who played Napoleon in ARTHUR CAESAR'S "Napoleon's Barber," to play the emperor in Warners' "Anthony Adverse" . . . JOAN MARSH here to start in Republic's "Dancing Feet" . . . ANN RUTHERFORD opposite JOHN WAYNE in "The Oregon Trail."

BINNIE BARNES cancels London trip to play opposite EDWARD ARNOLD in "Sutter's Gold," Universal. . . . DELMAR WATSON in Radio's "The Wild West" . . . WILLIAM COLLIER, SR., in "Don't Bet on Love," same studio . . . DUDLEY DIGGES in "Three Live Ghosts" and JOSEPH CAWTHORNE in "The Great Ziegfeld," M-G-M . . . MARGARET SULLAVAN in "Strangers at the Feast," Universal.

+

Directors—ROBERT MCGOWAN to direct Paramount's "Too Many Parents" . . . GENE LEWIS, Warner dialogue director, working with WILLIAM DIETERLE on "The Man With the Black Hat," signed to a new one-year contract.

+

Writers—JAMES EDWARD GRANT doing "Volcano" script at Radio . . . PAUL SCHOFIELD on story of Hopalong Cassidy picture for HARRY SHERMAN . . . TOM LENNON assigned to "Fugitive Gold" at Radio . . . MORDAUNT SHAIRP doing screen play for "Wuthering Heights" for WALTER WANGER . . . SHERIDAN GIBNEY doing screen play for "Panama Girl," Warners.

+

Title Change—Radio changes "It Happened in Hollywood" to "Another Face" . . . Academy switches "Thrill of the Century" to "I Conquer the Sea."

+

Music—ERICK WOLFGANG KORNGOLD signed to write the score for Warners' "Captain Blood."

Phelps Given Farewell

BRIDGEPORT, Dec. 9.—John Pehlps, assistant at the Poli, was tendered a send-off banquet by 150 of his associates and friends at the Lyric ballroom, on the eve of his departure for his new managerial post at the Vendome, Nashville. Phelps has been at the Poli three years.

To Handle Italian Films

BOSTON, Dec. 9.—International Film Co. has been formed here for the New England distribution of Italian pictures. S. DiGennaro of New York is interested in the project.

H. G. Weinberg Resigns

BALTIMORE, Dec. 9.—Herman G. Weinberg, who has been managing director of the Little here for the past six years, has sent in his resignation to take effect Jan. 1.

Spence on the Way

HOLLYWOOD, Dec. 9.—Ralph Spence is en route to New York. He sails Dec. 14 for London, where he holds a writing contract with G. B.

Hanson Names Nolan

TORONTO, Dec. 9.—Oscar R. Hanson, president of Hanson Theatres, Ltd., has named P. A. Nolan as manager of the Granada, St. Thomas, Ont. Nolan had formerly managed the Avalon, Rexy and Columbia Theatres at Ottawa, owned by his father, Mayor P. J. Nolan of that city.

The Granada is the former Tivoli which was rebuilt after having been acquired by Hanson for his new circuit of 12 theatres throughout Ontario.

Form Three Companies

ALBANY, Dec. 9.—Three new incorporations here are: Mangood Operation Corp., Brooklyn, by Anne Swick, Victor R. Kaufman and Abraham W. Sereysky; Cinemas Francais, Inc., New York, by Andre Dumonceau, Robert Hurel and Israel Kaplan; Stone Film Library, Inc., New York, by Dorothy T. Stone, Albert S. Oshrin and Harry H. Oshrin.

"Kentucky" Strong In 3rd Cincy Week

CINCINNATI, Dec. 9.—"In Old Kentucky" was still the outstanding draw here in its third downtown week and it was held for a fourth. The take at the RKO Grand was $3,800, over par by $1,050.

"Frisco Kid" went slightly over par on a $7,000 take at Keith's and was held. "Dance Band" was $800 to the good with a gross of $2,300 at the Strand. "Ah, Wilderness" reached $11,000 at the RKO Palace and was moved to the RKO Capital for a second week.

Business elsewhere was either dull or just average.

Total first run business was $60,000. Average is $60,200.

Estimated takings:

Week Ending Dec. 3:

"DANCE BAND" (F.D.)
STRAND—(1,300), 15c-25c, 7 days. **Gross:** $2,300. (Average, $1,500)

Week Ending Dec. 5:

"PETER IBBETSON" (Para.)
RKO ALBEE—(3,300), 35c-42c, 6 days **Gross:** $9,500. (Average, 7 days, $12,000)

"AH, WILDERNESS!" (M-G-M)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $11,000. (Average, $10,000) Moved to RKO Capital.

"THIS IS THE LIFE" (20th-Fox)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Weaver Bros. & Elviry. **Gross:** $12,000. (Average, $12,000)

"THANKS A MILLION" (20th-Fox)
RKO CAPITAL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $6,500. (Average, $6,500)

"MARY BURNS, FUGITIVE" (Para.)
RKO LYRIC—(1,400), 25c-40c, 7 days. **Gross:** $5,800. (Average, $6,500)

"IN OLD KENTUCKY" (20th-Fox)
RKO GRAND—(1,200), 25c-40c, 7 days, 3rd downtown week. Gross: $3,800. (Average, $2,750.) Held over.

"THE EAGLE'S BROOD" (Para.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,200. (Average, $1,250)

"MUSIC IS MAGIC" (20th-Fox)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average, $1,200)

"FRISCO KID" (W.B.)
KEITH'S — (1,500), 30c-40c, 7 days. **Gross:** $7,000. (Average, $6,500) Held over.

"Frisco Kid" Gets $12,200, Cleveland

CLEVELAND, Dec. 9.—"Frisco Kid" was the big noise of the week with a $12,200 take at Warners' Hippodrome. This is $4,200 over normal.

"Thanks a Million" was in the money in a big way with a take of $15,500 at Loew's State. This tops par by $3,500. "Mutiny on the Bounty" held up to $5,500, up by $1,500, in its fourth week at Loew's Stillman.

Total first run business was $48,000. Average is $42,000.

Estimated takings for the week ending Dec. 6:

"IN OLD KENTUCKY" (20th-Fox)
ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $3,800. (Average, $3,000)

"THANKS A MILLION" (20th-Fox)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $15,500. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 4th week. **Gross:** $5,500. (Average, $4,000)

"STARS OVER BROADWAY" (W.B.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Jack Hylton and His Continental Revue. **Gross:** $11,000. (Average, $15,000)

"FRISCO KID" (W.B.)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $12,200. (Average, $8,000)

"Opera" Gets $35,000 in 2 Boston Houses

BOSTON, Dec. 9.—"A Night at the Opera" bowled 'em over at Loew's Orpheum and Loew's State. At the former the $18,000 gross was over normal by $6,000 and at the latter the $17,000 take was up by $5,000, a total of $35,000 for the two houses.

At the same time "Mary Burns, Fugitive" and "$1,000 a Minute," dualing at the Fenway and Paramount, took $8,000, to the good by $3,500 at the Fenway and $13,000 at the Paramount. The latter gross was $6,000 over the line. "His Night Out" at the RKO Boston was sensational at $24,000, just 100 per cent over normal.

Total first run business was $107,000. Average is $68,500.

Estimated takings for the week ending Dec. 6:

"MARY BURNS, FUGITIVE" (Para.)
"$1,000 A MINUTE" (Republic)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $8,000. (Average, $4,500)
"ANNIE OAKLEY" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, days. **Gross:** $7,000. (Average, $12,000)
"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $18,000. (Average, $12,000)
"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $17,000. (Average, $12,000)
"FRISCO KID" (F.N.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: "Neptune's Daughters," featuring Lottie Mayer and her Disappearing Water Ballet, Elida Ballet, Fabien Seitzky. **Gross:** $20,000. (Average, $22,000)
"MARY BURNS, FUGITIVE" (Para.)
"$1,000 A MINUTE" (Republic)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $13,000. (Average, $7,000)
"HIS NIGHT OUT" (Radio)
RKO BOSTON—(3,246), 35c-65c, 7 days. Stage: Ben Bernie and All the Lads, Edward Rosenwald. **Gross:** $24,000. (Average, $12,000)

Heads Rogers Fund

BALTIMORE, Dec. 9.—The Maryland Committee of the Will Rogers Memorial Commission has as its chairman S. Howard Bland, president of the U. S. Fidelity & Guaranty Co. Others on the committee are: Mayor Howard W. Jackson, Howard Bruce, A. B. Chivers, Frank R. Kent, Charles M. Cohn, Archbishop Michael J. Curley, Bishop Edward T. Helfenstein, Dr. Dean Lewis, E. Asbury Davis, A. E. Duncan, Glenn H. Martin, Sillman Evans, Herbert R. O'Coner, Mrs. Calvin Gabriel, E. Everett Gibbs, Morton C. Prentis, Albert D. Hutzler, former Governor Albert C. Ritchie, George C. Shriver and Fred J. Irish. Gov. Harry W. Nice is honorary chairman.

Plan Frisco Rogers Show

SAN FRANCISCO, Dec. 9.—Will Rogers Memorial Fund benefit performance is being planned here by the committee in charge of northern California contributions. Local theatremen will cooperate. No date for the performance has been set.

Operate on Eli Shire

LINCOLN, Neb., Dec. 9.—Eli Shire, former theatre head here, went to Chicago this week to undergo a minor operation. He has been in ill health for some time. Jerry Zigmong, Lincoln Theatre Corp. city manager, went along.

Variety Club Chatter

Cincinnati

CINCINNATI, Dec. 9.—The local membership roster has been increased by the addition of DON BECKER, assistant manager radio station WLW; WILLIAM S. HECKERMAN, bowling; JOE BAUER, of Arrowhead Inn, night club, and SYLVESTER BRAMKAMP, show printing.

HARRY J. ("POP") WESSEL is candidate for chief barker on the White Ticket, with no opposition. COL. ARTHUR FRUDENFELD is running for first vice-president on both the White and Gold Tickets. JOE KOLLING and RALPH KINSLER are up for reelection for secretary and treasurer, respectively, and are not being opposed. IKE LIBSON and ALLAN S. MORITZ are candidates for trustees on both the White and Gold Tickets. Otherwise, the candidates are as follows, with election scheduled for Dec. 16: White Ticket: second vice-president, FRANK W. HUSS; trustees, MERRELL SCHWARTZ, JIM GRADY, CHARLES WEIGEL and MAURICE WHITE. The Gold Ticket lineup consists of second vice-president, JIM GRADY; trustees, EDDIE BOOTH, JOE OULAHAN, BILL ONIE and BILLY BEIN. The following independent nominations for trustees have been made from the floor: HAROLD BERNSTEIN, PAUL KRIEGER, ELMER SHARD, WILLIAM HASTINGS, LARRY BENTON, JAMES MCDONALD and HARRY DUDELSON.

The committee named to supervise and count the ballots consists of MANNY SHURE, chairman; JOHN S. ALLAN, JAKE GELIMAN, NAT KAPLAN and NOAH SCHECTER.

Columbus

COLUMBUS, Dec. 9.—Variety Club sponsored a special train and together with members and their friends attended the Michigan-Ohio State game at Ann Arbor. One hundred and four members and guests enjoyed the trip. The private cars of the Ohio State team were attached to the Variety special on the return to Columbus.

Barkers P. J. WOOD, secretary of the I. T. O., and MAX STEARN, owner of the Southern, have been doing a fine job on the Monday luncheons.

Barker JAMES V. PEPPE, a charter member of the club, has just accepted the position of head booker for the CBS band department. A farewell luncheon was tendered him before he left.

Barker BILL PULLIN, owner of the New Linden, has just gone into the chicken raising business on a huge scale, and reports 1,000 pullets galloping around.

Barker CARLTON DARGUSCH, head of the Ohio Tax Commission, was a guest at the last monthly business meeting.

Plans are all set for the Fifth Annual Children's Xmas Party, which will be held at the Deshler-Wallick Hotel Dec. 22. Four hundred children will be guests of the club, and will be served a dinner at 1 P. M. Eight children and two barkers will occupy each table, with the barkettes serving the meal. A ring in the center, clowns and plenty of sawdust, and full circus show will comprise the entertainment. Barker ROSS ANDERSON, sheriff of Franklin County, will again act as Santa Claus.

Barker LOUIS LAZAR, district manager of Schine Theatres in Ohio, and a former member of the Albany Tent, is transferring to the Columbus tent as a non-resident member.

Children of unemployed members of the various stage craft unions are being extended a cordial invitation to the Christmas party.

Barker JOHN HARDGROVE has accepted the position of assistant manager at Loew's Midland in Kansas City. He was presented a traveling bag before leaving.

The *Columbus Citizen* devoted a half page recently to the history of the Columbus Variety Club, and the contribution it had made to the civic life of Columbus—a great compliment to show business.

Philadelphia

PHILADELPHIA, Dec. 9.—An attendance of more than 1,000 is predicted for the first annual dinner-installation of Variety Club at the Bellevue-Stratford Jan. 12.

JAY EMANUEL is general chairman. Guests of honor will be leaders in lines of activity not connected with films as well as industry figures. Subcommittee chairmen and vice-chairmen include ELLIS SHIPMAN, DAVID BARRIST, I. D. LEVY, JACK BERESIN, LOU KROUSE, HARRY BLUMBERG, DAVID WESHNER, BEN AMSTERDAM, AL BLOFSON, HARRY GOLDBERG, LEONARD SCHLESINGER, EDDIE SHERMAN, CHARLES GOODWIN, LOU DAVIDOFF and WILLIAM CLARK.

Omaha

OMAHA, Dec. 9.—Variety Club has voted to make double donations of $25 each to the *World-Herald* "Good Fellow" fund, and the *Bee-News* "Shoe Fund." Besides the vote on the charity question, the club discussed routine matters and ate lunch.

Washington

WASHINGTON, Dec. 9.—J. LOUIS ROME, head of the Associated Theatres of Baltimore, will be the chief barker of Tent No. 11 for 1936. He will succeed RUDOLPH BERGER.

Other officers will be: CARTER T. BARRON, first assistant chief barker; A. JULIAN BRYLAWSKI, second assistant; SAM A. GALANTY, treasurer; HARRY HUNTER, secretary.

Members of the board of governors, elected for a two-year term were: JOHN J. PAYETTE, GALANTY, BARRON, BRYLAWSKI, JOSEPH P. MORGAN and BERGER.

Governors elected for one-year terms were: WILLIAM E. S. WILCOX, ROME, HUNTER, HARRY S. BROWN and SAM N. WHEELER.

Simmons Quits Theatres

AKRON, Dec. 9.—With control of the Allen passing into the hands of Warners, Allen T. Simmons, for 30 years active in Akron theatre operations, withdraws entirely from exhibition. Simmons plans to devote all his time to his WADC radio properties.

"Rendezvous," "Hostess" Get Frisco's Lead

SAN FRANCISCO, Dec. 9.—A combination of "Rendezvous" and "Broadway Hostess" grabbed the best money of the week with $15,000 at the Paramount. This is above normal by $3,500.

"Frisco Kid" reached $23,500, up by $2,500 at the Warfield. "A Night at the Opera" was good for $7,200 at the St. Francis. "Annie Oakley" was strong at $14,800 in the Golden Gate.

Other first runs found the going rough, in spite of fair weather.

Total first run business was $90,000. Average is $80,400.

Estimated takings:

Week Ending Dec. 1:
"MIDSUMMER NIGHT'S DREAM" (W. B.) (Roadshow)
GEARY — (1,400), 55c-85c-$1.10-$1.65, 7 days, 2nd week. **Gross:** $8,000.

Week Ending Dec. 3:
"TWO SINNERS" (Republic)
"$1,000 A MINUTE" (Republic)
EMBASSY—(1,400), 15c-25c-35c, 4 days. **Gross:** $2,000. (Average, $3,600)
"ANNIE OAKLEY" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 days. Stage, band. **Gross:** $14,800. (Average, $14,500)

Week Ending Dec. 4:
"CRIME AND PUNISHMENT" (Col.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $7,500. (Average, $6,800)
"RENDEZVOUS" (M-G-M)
"BROADWAY HOSTESS" (W. B.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $15,000. (Average, $11,500)
"METROPOLITAN" (20th-Fox)
UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $5,000. (Average, $9,000)

Week Ending Dec. 5:
"LITTLE AMERICA" (Para.)
"IF I HAD A MILLION" (Para.) (Reissue)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $6,000. (Average, $6,000)
"A NIGHT AT THE OPERA" (M-G-M)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)
"FRISCO KID" (W. B.)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $23,500. (Average, $21,000)

Week Ending Dec. 6:
"IT HAPPENED IN COPENHAGEN" (Palladium) 4 days
"FATHER KNOWS BEST" (Vienna Films) 3 days
CLAY—(400), 25c-35c, 7 days. **Gross:** $1,000. (Average, $1,000)

Berman Signs Moore

HOLLYWOOD, Dec. 9.—Pandro S. Berman signed Victor Moore to a term contract for Radio during his recent visit to New York. Moore has heretofore refused all film offers. He will report as soon as he finishes his current tour with "Anything Goes," which will be around May 1.

TERRITORIAL SUPPLY DEALERS WANTED

Want to hear from territorial supply dealers who are not affiliated with any other group to represent product of leading independent manufacturers! State everything in full in your reply as to present product representation and number of accounts being serviced.

BOX BT
MOTION PICTURE DAILY

"Mr. Hobo" Is $4,800 Draw In Washington

WASHINGTON, Dec. 9. — "Mr. Hobo" at the Belasco piled up $4,800, to top average by $1,800. It went into a second week.

Biggest money draw, however, was "So Red the Rose," which, with Benny Davis' "Star Dust" revue on the stage, brought $21,500 to the Earle, $3,100 over par.

In a run three screenings over a week, "The Rainmakers" took $5,700 at the Metropolitan, which is $1,400 above a week's average.

Other first runs slumped.

The weather was, for the most part, fair and seasonably cool. Opposition: "Anything Goes" at the National and burlesque at the Gayety.

Total first run business was $73,000. Average is $76,700.

Estimated takings, exclusive of tax:

Week Ending Dec. 3:

"MR. HOBO" (G. B.)
BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $4,800. (Average, $3,000)

Eight Days Ending Dec. 4:

"THE RAINMAKERS" (Radio)
METROPOLITAN—(1,591), 25c-40c, 7½ days. **Gross:** $5,700. (Average, seven days, $4,300)

Week Ending Dec. 5:

"SO RED THE ROSE" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: "Star Dust Revue of 1935," with Benny Davis, m. c.; Petey, Tommy Rafferty, Winstead Trio, Tony Angelo, Barr & Estes. **Gross:** $21,500. (Average, $18,400)

"TWO FISTED" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,400. (Average, $3,600)

"THE MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Joe Morrison, Ross & Edwards, Helen Compton & Her Bryn Mawr Orchestra, Carr Brothers & Betty. **Gross:** $18,100. (Average, $20,900)

"THE CRUSADES" (Para.)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $11,500. (Average, $15,900)

Eight Days Ending Dec. 5:

"ANNIE OAKLEY" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 8 days. **Gross:** $9,000. (Average, seven days, $10,600)

Set ITO Open House

KANSAS CITY, Dec. 9.—Open house will be held by the I. T. O. every other Wednesday for exhibitors, film executives, supply men and salesmen, beginning Dec. 11.

A permanent committee, composed of Frank Mountjoy of the Circle, Mrs. Baier of the Lindbergh and Mrs. Maloney of the Paseo, has been appointed by President E. Rolsky to handle the affairs, which will consist in a buffet lunch, beer and conversation. Film exchanges and supply men will help defray expenses.

The first open house held by the association to celebrate opening of its headquarters in the Zoglin building was a huge success.

Kridels Give Up House

Kridel Bros. have given up the Strand, East Orange. The exhibitors have pending an alleged conspiracy suit against major distributors under the name of Ledrik Amusement Co.

Fred Faulkner, who operated the house at one time, may resume management in about two months.

"Kentucky" Is Minneapolis' $12,000 Lead

MINNEAPOLIS, Dec. 9.—In spite of foggy weather, an automobile show and Christmas shopping, "In Old Kentucky" reached $12,000, up by $2,000, at the Minnesota.

Top in St. Paul went to $6,500, up by $1,000, at the Paramount.

"Mr. Hobo" made a profit with $3,500 at the World and "Metropolitan" pulled $4,200 at the Century. "Annie Oakley" was better than fair on both sides of the river. It was $1,000 up on a $5,000 take at the St. Paul Orpheum and $500 on a $6,000 take at the Orpheum here.

Total first run business in Minneapolis was $34,200. Average is $30,000. Total first run business in St. Paul was $19,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Dec. 4:

"MR. HOBO" (G. B.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,500. (Average, $3,000)

Week Ending Dec. 5:

"METROPOLITAN" (20th-Fox)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,000)

"TWO FISTED" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Dec. 6:

"IN OLD KENTUCKY" (Fox)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $12,000. (Average, $10,000)

"ANNIE OAKLEY" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"PETER IBBETSON" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"$1,000 A MINUTE" (Republic)
TIME—(300), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

St. Paul:

Week Ending Dec. 6:

"MUTINY ON THE BOUNTY" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"MARY BURNS, FUGITIVE" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"BAD BOY" (20th-Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"ANNIE OAKLEY" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"LOVES OF A DICTATOR" (G. B.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,500)

Pacific National Cuts

WILMINGTON, Dec. 9.—Pacific National Theatres, Inc., of Los Angeles, has reduced its capital by $100,000 from $146,578.62 to $46,578.62. A resolution calling for the reduction in capital was adopted by the board of directors and the holders of record of a majority of the outstanding shares of stock having voting power. Russell Rogers, president, and C. W. Crandell, secretary, signed the certificate of reduction.

Sign New Contracts

HOLLYWOOD, Dec. 9.—Republic has placed Jean Rouveral under a five-year contract.

Warners have signed Kay Hughes to a new ticket. She has been doing shorts for Hal Roach and Educational.

Paramount has picked up its option on Jane Rhodes, 14-year-old songstress now assigned to "Three Cheers for Love."

"Thanks," $16,000, Pittsburgh's Top

PITTSBURGH, Dec. 9.—The second open Sunday here was not much help. It snowed. In spite of this, however, "Thanks a Million" went $4,000 over par for a take of $16,000 at the Penn.

At the same time "In Old Kentucky" hit a fine $9,000, up by $4,000, at the Alvin.

The Davis opened as a double feature house with "The Payoff" and "To Beat the Band," but took only $3,000. It cut into the Fulton, which reopened after a 10-day shutdown to take it on the chin with "Three Kids and a Queen" and "Remember Last Night" at $3,200. Dave Apollon's revue and "I Found Stella Parish" in eight days gave the Stanley an ordinary $19,000, while the Warner, returning to single features after two years of doubles, dropped to $3,400 with "It's in the Air."

Total first-run grosses were $53,600. Average is $48,000.

Estimated takings for the week ending Dec. 5:

"IN OLD KENTUCKY" (20th-Fox)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $9,000. (Average, $5,500.)

"TO BEAT THE BAND" (Radio)
"THE PAYOFF" (W. B.)
DAVIS—(1,750), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,500.)

"REMEMBER LAST NIGHT" (Univ.)
"THREE KIDS AND A QUEEN" (Univ.)
FULTON—(1,700), 15c-40c, 7 days. **Gross:** $3,200. (Average, $4,500.)

"THANKS A MILLION" (20th-Fox)
PENN—(3,300), 25c-50c, 7 days. **Gross:** $16,000. (Average, $12,000.)

"I FOUND STELLA PARISH" (F. N.)
STANLEY—(3,600), 25c-55c, 8 days. Stage: Dave Apollon's revue. **Gross:** $19,000. (Average, for 7 days, $18,500.)

"IT'S IN THE AIR" (M-G-M)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $3,400. (Average, $4,000.)

"Thanks" a $4,500 Leader in Lincoln

LINCOLN, Neb., Dec. 9.—"Thanks a Million" which ran for eight days at the Lincoln, shot the house up into new business realms, $4,500 at 25 cents top. That is $2,300 above the average seven-day gross.

"In Old Kentucky," although far behind "Steamboat," got away with $3,800, $700 up on the week.

The Orpheum with a strong stage show and the help of the Thanksgiving holiday did a boom business, cornering $4,200 on the week, well over the average mark of $1,700.

Total first run business was $16,500. Average is $9,850.

Estimated takings:

Week Ending Dec. 4:

"BONNIE SCOTLAND" (M-G-M)
"FIGHTING BLOOD" (Ambassador)
"SKYBOUND" (Monogram)
COLONIAL—(750), 10c-15c, 8 days. **Gross:** $1,400. (Average for 7 days, $850)

Week Ending Dec. 5:

"THANKS A MILLION" (20th-Fox)
LINCOLN—(1,600), 10c-20c-25c, 8 days. **Gross:** $4,500. (Average, 7 days, $2,200)

"ONE WAY TICKET" (Col.)
"MR. HOBO" (G. B.)
VARSITY—(1,100), 10c-15c-20c-25c-35c, 7 days. **Gross:** $2,600. (Average, $1,700). Stage: WLS Barn Dance, first half.

"CASE OF THE LUCKY LEGS" (W. B.)
"$1,000 A MINUTE" (Republic)
"HERE'S TO ROMANCE" (20th-Fox)
ORPHEUM—(1,200), 10c-15c-20c-25c, 8 days, four days with three unit stage show. **Gross:** $4,200. (Average, 7 days, $1,700)

Week Ending Dec. 6:

"IN OLD KENTUCKY" (20th-Fox)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,100)

"Mutiny" at $24,000 2nd Chicago Week

CHICAGO, Dec. 9.—"Mutiny on th Bounty" was still a sensation in it second week at the United Artists The $24,000 was $7,000 over the aver age mark.

"Charlie Chan in Shanghai," with stage show called "Blue Venus" revue ran up $3,500 over par for a take o $18,500. "In Person," with Benn Rubin and Everett Marshall headin a stage show, pulled $2,000 at the Pal ace. This is $3,000 up. "Thanks Million" passed normal by $2,200 on $13,200 gross in a 10-day holdover.

"A Midsummer Night's Dream pulled well in its second week at th Apollo, getting $9,700, and "His Nigh Out," helped by "Miss America" and revue, garnered $14,200 at the State Lake.

Total first run business was $135 800. Average is $117,000.

Estimated takings:

Week Ending Dec. 5:

"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
ORIENTAL—(3,490), 25c-40c, 8 day Stage: "Blue Venus Revue." **Gross:** $18 500. (Average, $15,000.)

"IN PERSON" (Radio)
PALACE—(2,509), 25c-35c-50c, 8 day Stage: Benny Rubin, Everett Marsha Grace Hayes and Revue. **Gross:** $22,0 (Average, $19,000.)

"MARY BURNS, FUGITIVE" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 day Stage: Phil Spitalny and Revue. **Gros** $27,500. (Average, $32,000.)

"IT'S IN THE AIR" (M-G-M)
GARRICK—(900), 25c-35c-50c, 7 da **Gross:** $6,700. (Average, $5,500.)

Week Ending Dec. 6:

"THANKS A MILLION" (20th-Fox)
ROOSEVELT—(1,591), 30c-40c-60c, days, 2nd week. **Gross:** $13,200. (Averag $11,000.)

"MUTINY ON THE BOUNTY" (M-G-M
UNITED ARTISTS—(1,700), 35c-50c-6 7 days, 2nd week. **Gross:** $24,000. Averag $17,000.)

"MIDSUMMER NIGHT'S DREAM" (W. B.)
APOLLO—(1,400), 50c-$1.50, 7 days, 2 week. Two shows daily. **Gross:** $9,7 (Average, $4,500.)

"HIS NIGHT OUT" (Univ.)
STATE-LAKE—(2,776), 20c-30c-35c, days. Stage: "Miss America," with Revu **Gross:** $14,200. (Average, $13,000.)

Barnoltz, Levy to Wed

PITTSBURGH, Dec. 9.—Dave Barn oltz, city salesman for Universal, w be married Dec. 22 to Lottie Schwar Shapiro of this city. The Film Ro crowd tossed a stag party for Barn oltz last week at the Roosevelt a presented him a portable bar.

Another bachelor party is bei planned locally by Variety Club f its chief barker, Art Levy, who w wed Bess Lefkowitz shortly after t first of the year. Miss Lefkowitz, wh is connected with the Warner office, a niece of Joe Schnitzer, one-time pr ducer.

Books Keystone Comed

SAN FRANCISCO, Dec. 9.—Cli Work, RKO manager here, has book a re-edited Keystone comedy as extra attraction for the Golden Ga RKO first run.

Ben Turpin, Marie Prevost, Che ter Conklin, Hank Mann and oth silent film favorites of more than decade ago are seen. "Annie Oa ley" is the feature.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 138 NEW YORK, THURSDAY, DECEMBER 12, 1935 TEN CENTS

Exhibitors of Country Found For Long Reel

M. P. Herald States 76% Favor the Change

Exhibitor sentiment is 76 2/3 per nt in favor of adoption of 2,000-foot els, with 16 2/3 per cent opposed d six and two-thirds non-committal, cording to a survey conducted by *otion Picture Herald.*

After weeks of polling the *Herald* ums to have learned that the great ajority of exhibitors agree that ıoother changeovers and a reduction their number will improve pro- ams for their patrons by enabling ojectionists to devote more time to ıtching the film and getting best re- lts from the sound.

Operators of smaller houses agreed at they probably would get their ints in better condition, because less licing will be done by previous users ıo now make it a practice to com- ıe 1,000-foot reels in 2,000-foot ıgths.

This has been the contention of the esearch Council of the Academy of . P. Arts and Sciences since start-

(Continued on page 6)

Preparations Start for Academy Awards

HOLLYWOOD, Dec. 11.—Arrange- ents for the eighth annual awards of erit by the Academy will be started morrow night at a meeting of the vards committee named yesterday by ank Capra, president.

The committee includes representa- ves of the five branches of the cademy as follows:

Actors—Lionel Atwill, Lionel Bar- more, Reginald Denny, Clark Gable, orge Irving, DeWitt C. Jennings, Farrell Macdonald, Mary Pickford, ay Robson and Frederick Santley.

Directors—Clarence Brown, George ıkor, C. B. DeMille, E. H. Griffith,

(Continued on page 8)

Pledge $44,500 to Jewish Fund Drive

Leading performers of films, stage d radio yesterday pledged $44,500 the 1935 campaign of the Federa- ın for the Support of Jewish Phil- thropic Societies at a Hotel Astor ıcheon.

The luncheon was called by the tists' Division, a sub-division of the otion Picture and Theatrical Com- ttee of the Federation which, under

(Continued on page 8)

Capitol Pulls $638,400 on 17 Weeks of Straight Film

In the 17 weeks since it dropped stage shows the Capitol has presented only eight pictures, all except one of which have been holdover hits, and the total gross has reached $638,400. New attendance records are claimed during this period.

For the current week of "A Night at the Opera" a take of $65,000 is anticipated.

"China Seas" started the straight film policy. It was held for three weeks. "Anna Karenina" stayed three, "Broadway Melody of 1935," two; "O'Shaughnessy's Boy," one; "I Live My Life," two; "Rendezvous," two; "Mutiny on the Bounty," four. "A Night at the Opera" is expected to

(Continued on page 8)

'Thanks' at Center $76,500 in Month

The Center yesterday thanked Twentieth Century-Fox for the $76,500 gross "Thanks A Million" tallied at the theatre during its four-week run. The picture enjoyed the longest run since the house reopened recently on a straight film policy. For the fourth and last week, ending Tuesday night, the picture garnered about $12,000.

The first week's take totaled $28,500; the second stanza, $20,000; the third, $16,000.

"Show Them No Mercy" took in about $23,000 for the first five days at the Rivoli. "Navy Wife," another Twentieth Century-Fox film, opens at the Globe Dec. 20. "Your Uncle Dudley" is currently at the Center.

Cosmopolitan to Do Six and Davies Two

Cosmopolitan will make six and Marion Davies two next year, Edgar B. Hatrick, general manager of Hearst's film interests, stated yesterday. Two of next season's Cosmopolitans are finished, namely, "Ceiling Zero," which will be released in January, and "The Story of Louis Pasteur," a February release.

Miss Davies, who returned to the coast last week, on Jan. 6 will start on "Belle of Baltimore," tentatively titled. This is one of the current season's pictures. Several stories already have been purchased from which the star will choose her next two vehicles.

Hearst arrives on the coast today. Hatrick leaves for Hollywood the first week in January and will return about the middle of April.

Laffoon Retires

Frankfort, Ky., Dec. 11.—Escorted by a regiment of mounted troops, some of whom were privates, Gov. Ruby Laffoon retired from office yesterday and was succeeded by Albert Benjamin (Happy) Chandler.

The new governor hoped all bitterness engendered by the primaries would subside, but made no statement about his attitude on building up a small, exclusive staff of colonels similar to his predecessor's.

Any film colonel who wants to find his former commander-in-chief can do so at Madisonville, where Laffoon will practice law.

Cummings' Regrets Go to Rosenblatt

Attorney General Homer S. Cummings yesterday cleared Sol A. Rosenblatt, former film code chief, of any "improper action" in connection with a conference on a proposed settlement of the St. Louis anti-trust suit which took place in Washington last May 17.

The conference was the subject of testimony in the St. Louis trial of the criminal indictments against Warners, RKO and Paramount executives and subjected Rosenblatt to the criticism, at that time, of both the attorneys for the defendants and for the Government. The defense contended that they were invited to the conference by Rosenblatt, a Government officer

(Continued on page 8)

Exchange Union to Hold Mass Meeting

All local film exchange employes have been invited to attend a mass meeting of the Film Exchange Employes' Union Dec. 17 at the Times Square Hotel. A drive is under way to have all shippers and examiners become members. Some exchanges have been lined up 100 per cent, it is said.

Bob Murray of RKO is president. The organization has succeeded in securing an A. F. of L. charter and is known as Local 20,043. The session next Tuesday will start at 8 P.M. A number of labor leaders will address the assembly.

Grosses Hit New High in 30 Key Spots

Total Is $1,766,910 For Thirty Cities

Grosses hit a new high for the current season last week when the total for the 30 cities reporting to MOTION PICTURE DAILY touched $1,766,910, a jump of $173,050 over the previous week.

The new mark is $44,605 above the $1,722,305 mark reached for the week ending Nov. 14-15.

Total grosses for the 30 cities reporting have held consistently above the million and a half mark since the last week in September, with the exception of the week ending Oct. 10-11, when the total fell off to $1,452,499.

Details of grosses by cities and comparative tables week by week are given on page 8.

Warner Music Ban Surprise to Starr

Herman Starr, Warner vice-president in charge of music and real estate, yesterday described as news to him reports that local broadcasting stations were planing to discontinue the use of Warner music on all programs as a result of differences over crediting the pictures from which songs originate.

Although denying Warners had issued orders insisting on credits, Starr said:

"We don't get anything for the use of our music, but the least they could do is give us the publicity we are entitled to."

Advised that Musicians' Local 802 was said to have described announcements of picture titles as advertising that should be paid for, Starr responded "that's a brand new idea,"

(Continued on page 6)

Rosenberg in Deal For Three in Bronx

Moe Rosenberg, affiliated with Rapf & Rudin, is negotiating with Jack Steinberg for the Metro, Daly and Congress theatres in the Bronx. The two exhibitors conferred yesterday and will probably wind up details of the deal today.

Rosenberg is a brother-in-law of Albert Warner.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 12, 1935 No. 138

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Elter Joins Toeplitz

LONDON, Dec. 11.—Marco Elter has been placed in charge of production for Toeplitz Prod. He has had seven years' experience in Hollywood and made a picture titled "Scartel al Sole" in Italy.

"The Beloved Vagabond," starring Maurice Chevalier, starts at Ealing Dec. 30. Kurt Bernhardt will direct.

Kalman Flaks Passes

BALTIMORE, Dec. 11.—Kalman Flaks, 69, father of Morris and Ben Flaks, who operate the Royal, Roosevelt and Lincoln, died at his home here. Flaks had been an exhibitor for many years and was interested in operating the houses with his sons.

RKO Issues More Stock

RKO reported an increase of 28,468 shares of common stock to the Stock Exchange yesterday, bringing the total issued and outstanding to 1,299,233 shares. The RKO common closed yesterday at 5⅜.

May Meet in Chicago

Chicago will most likely be the place of the annual meeting for the National Film Poster Protective Ass'n. The Windy City is being considered. Directors will meet the end of the month to decide on the city and dates.

J. W. Mangham Dead

ATLANTA, Dec. 11.—J. W. Mangham, Sr., 68, father of John W. Mangham, Jr., distribution executive, died at his home here.

Purely Personal

M. H. AYLESWORTH arrives from the coast today. LEO SPITZ will remain here today and possibly Friday for conference with AYLESWORTH before returning to Hollywood to resume his studio survey which was interrupted late last week when he was called here to attend the I. A. T. S. E.-I. B. E. W. labor parley.

•

CHARLES KOERNER, RKO division manager in Boston, was scheduled to leave for his headquarters last night after three days of meetings at the home office.

Quip of the Day

Al Finestone, reporter on Motion Picture Herald, *walked up to a newsstand at Broadway and 51st St. yesterday.* "New Theatre?," *he asked.*

"I'm not sure, but I think it is around the corner on 51st St.," was the rejoinder.

LOU GRESS, orchestra leader, will put EDDIE CANTOR'S songs in "Strike Me Pink" on the air for the first time over WABC Sunday night.

•

WILL H. HAYS arrived from the coast yesterday and called a staff meeting at once which lasted throughout the morning.

•

JESSE J. GOLDBURG flew west last night. He is handling sales of the Derr-Sullivan series in the independent market.

•

JACK GOLDSTEIN of Rex Premiums is en route to the coast, making stopovers at a number of key cities.

•

JOHN E. OTTERSON and ADOLPH ZUKOR visited the Warner home office yesterday afternoon.

Rubin a Vice-President

J. Robert Rubin yesterday was elected vice-president of Loew's, Inc., to fill the vacancy created recently by the resignation of David L. Loew.

Other officers from Nicholas M. Schenck, president, down the line were reelected at a meeting which was described as routine.

Feist, Lichtman Tour

CLEVELAND, Dec. 11.—Felix Feist, M-G-M general sales manager, and Al Lichtman are expected to spend Thursday in Cleveland with local M-G-M Branch Manager Frank Drew, Eastern Sales Manager W. F. Rodgers and District Manager J. E. Flynn.

Bader Quits "U"

LONDON, Dec. 11.—David Bader, long personal representative here for Carl Laemmle, sailed for New York on the *Georgic* today. He has resigned his post, has nothing to say about his future plans and is traveling to America to spend the holidays with his family.

Denies Akron Deal

CLEVELAND, Dec. 11.—Nat Wolf, Ohio district manager for Warner theatres, today denied the circuit has taken over the Allen, Akron, or is dickering for it.

PERT KELTON, MARGO, VIRGINIA REED, JACK DEMPSEY and LOUIS CALHERN are among the prominent film, radio and stage personalities who have promised to appear at the annual Film Salesmen's Ball at the Plaza New Year's Eve.

•

DANNY THOMAS, until last Wednesday with the N. E. A. in Hollywood and the next morning studio press representative for Walter Wanger Prod., returns to the coast tomorrow by air. He will stop over at Chicago for one day.

•

JOE MOSKOWITZ returned from Hollywood and Canada at 7:50 last night to be met, of course, by BOB GOLDSTEIN who has been missing his little JOE these last four weeks or more.

•

HAL HORNE, BILL GERMAN, LOWELL CALVERT, HARRY LAWRENSON, LEW LEHR, ABE WAXMAN, DAVE LOEW, and LOU BRECHER among those lunching at The Tavern yesterday.

•

FREDDY MACK, Roxy master of ceremonies, leaves tonight for a one-week vacation after having been on the job for 52 weeks.

•

RAYMOND MASSEY, star of ALEXANDER KORDA'S "Things to Come," will arrive tomorrow on the *Aquitania.* He will appear in a Broadway play.

•

JOHN BEAL, now rehearsing for the stage play, "Russet Mantle," is scheduled to return to the Radio studios in the spring.

•

HARRY H. BUXBAUM sails for a month's vacation on Jan. 1 at Nassau and Havana aboard the *California.*

•

ALBERT WARNER is plotting a short holiday beginning in about 10 days. Ditto for DAVID BERNSTEIN.

•

JULES LEVY is scanning steamship schedules. A trip to Honolulu is in the offing and as close as next month.

•

HARRY BUXBAUM, Jr. has been named captain of the Dartmouth freshman football team.

•

SHERMAN S. KRELLBERG leaves for four weeks in Miami today.

•

BERT ENNIS hurrying east on 49th Street.

Hall, Chicago Union Agent, Found Guilty

CHICAGO, Dec. 11.—George Hall 32, business agent for the Independent M. P. Operators' Union, Local 101 was found guilty of conspiracy to bomb by a jury in the Criminal Court of Judge Joseph Burke.

Hall was immediately sentenced to serve one to five years in the penitentiary.

Hall was alleged to be the ring leader in a plot to bomb the operators' school run by the I. A. T. S. E. union here. Two other men held in connection with the conspiracy go on trial this month. They are: Pete Cunniff and Eugene Atkinson. Thomas Kohler, fourth man indicted in the plot turned state's evidence. He will be tried separately, after testifying against Cunniff and Atkinson.

Schumann-Heink Yearly

HOLLYWOOD, Dec. 11.—Pickford-Lasky Prod. plan to make one film a year with Ernestine Schumann-Heink, noted diva.

Wall Street

Board Revives With Short Gains

	High	Low	Close	Net Change
Columbia	46¼	46¼	46¼	— ¾
Consolidated	6	5⅞	6	— ⅛
Consolidated, pfd.	18½	18½	18½	— ½
Eastman Kodak	159	157	159	+2
Eastman, pfd.	156	155¾	156	+ ⅜
K.-A.-O., pfd	80	80	80	....
Loew's, Inc.	54½	54	54¼	+ ⅜
Paramount	10¼	10	10¾	+ ⅜
Paramount 1 pfd.	81	80	80¾	+ ⅜
Paramount 2 pfd.	12	12¼	12⅛	+ ⅛
Pathe Film	7⅛	7⅛	7⅛	+ ⅛
RKO	5⅜	5¼	5⅜	+ ⅛
20th Century-Fox	23	22¾	23	....
20th Century, pfd	30¾	30	30⅝	+ ⅜
Warner Bros.	10¼	9⅞	10¼	+ ⅜

Slight Losses on Curb

	High	Low	Close	Net Change
Sonotone	2¼	2¼	2¼	— ⅛
Technicolor	18½	18¼	18½	— ⅛
Trans-Lux	4	4	4	— ⅛

Keith Bonds Off 1¼ Points

	High	Low	Close	Net Change
General Theatre 6s '40	18¾	18½	18¾	+ ⅛
General Theatre 6s '40 ctf	19	18¾	18¾	....
Keith B. F. 6s '46	94½	94½	94½	—1⅛
Loew's 6s '41 ww deb rights	104	104	104	+ ⅛
Paramount B'way 3s '55	58	58	58	+ ⅛
Paramount Pict. 6s '55	92½	91¾	92	....
Warner Bros. 6s '39 wd	89½	88⅞	89½	+ ⅝

(Quotations at close of Dec. 11)

"SO RED THE ROSE"
turns in a week's gross
30% above average
for the
SAENGER THEATRE, NEW ORLEANS, LA.

It Pays to Play a Paramount Picture!



The golden-thatched gimme girls, **JOAN BLONDELL** and **GLENDA FARRELL**, chalk up another comedy success for Warner Bros. with their **"MISS PACIFIC FLEET."** Swinging the U. S. Fleet into action to help them win a beauty contest, the gals run into hilarious difficulties, thanks to the helpful hinderings of Hugh Herbert, Allen Jenkins, Warren Hull, Eddie Acuff, Marie Wilson, Minna Gombell, and the 'dextrous direction' of Ray Enright. Released December 14th.



SHORT NOTICE!
They've got to be good Shorts to play at the N. Y. Capitol—Chic Sale as Abe Lincoln in "The Perfect Tribute" and "Alias Saint Nick" the Happy Harmonies Xmas Color Cartoon.

LET'S PLAY CATCH!

They're reaching for those marvelous "Mutiny" Records!

BEATS "MUTINY"!!!

on opening Saturday at the big Capitol, N. Y.

"NIGHT AT THE OPERA"

terrific Broadway week-end and whole town's talking!

"BEST MARX PICTURE

ever made" says N. Y. News—also Journal!



"HOWLING HIT"

says N. Y. American, Herald Tribune, Mirror, Times, Sun, etc., etc.

NATIONWIDE TOO!

it's clicking everywhere and are we happy!

LET'S PLAY TAG!

Marx Boys are chasing "Mutiny On The Bounty" and now see what follows the Marx Boys! Sure it's

"TALE OF TWO CITIES"

Read all about the next M-G-M Sensation on

Exhibitors of Country Found For Long Reel

(*Continued from page* 1)

ing the proposal some months ago and pushing the preliminary work leading up to adoption of the new plan by M.P.P.D.A. members.

Labor opposition so far, the *Herald* finds, has been confined to the New England states where the I.A.T.S.E. unions have threatened to fine any member using the longer reels and have recently reaffirmed their stand at the annual convention.

Individual projectionists and other locals are said to be opposed to the change.

Exhibitor opponents of the change believe the larger reels will be a strain on their projection machines, and they are opposed to expenditures for alterations or replacements. They also contend that practically all the equipment in smaller towns was made for 1,000-foot reels. They feel their magazines and motors will not function properly. One middle western exhibitor declared that he had "plenty of trouble with the small reels" because they were bent and one-sided. Larger reels would increase this, he contended.

Some indicated they would favor the plan if assured the larger reels would fit a Powers 6-B projector, pointing out there were hundreds of small town houses using these.

Those who were non-committal were curious as to whether the old Simplex projectors would have to be altered or replaced. They have found, they said, that the takeup reel pull breaks the film with 2,000-foot reels.

Short Subjects

"Alias St. Nick"

(*M-G-M*)

An excellent holiday release produced by Harmon-Ising in color. The story idea is not especially new, but the entertainment values, which are considerable, accrue from the cleverness of the treatment. There are mother mouse and her brood of little ones preparing for the arrival of Santa Claus and one little fellow who thinks it is all the bunk. The menace, in the form of the cat, dresses himself as St. Nick, gains entry into the family circle and is discovered when his costume is punctured. The assault on his person in the form of cartoon ammunition and guns follows. Production Code Seal, No. 1,793. Running time, 10 mins. "G."

"Amateur Theatre of the Air No. 5"

(*Biograph-Radio*)

Major Bowes has brought together a good assortment of amateurs in this effort as in the past. With that same high skill in assembling, cutting, editing and musical interspersing, the subject includes a torch singer, a classroom scene with talented pupils, a colored quartet and tap dancing among others. A good short. Production Code Seal, No. 0737. Running time, 18 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Hitch Hike Lady"

(*Republic*)

San Diego, Dec. 11.—This picture has plenty of box-office lure. It scored a hit with a preview audience at the Fox California. It has fast-moving comedy that starts with a rush and ends with a laugh.

Alison Skipworth shows she is as good in emotional roles as she is with comedy. Exhibitors should stress her name, comedy angles and general appeal.

Miss Skipworth appears as Mrs. Amelia Blake, whose son is in San Quentin Prison, although the boy tells her he has Rancho San Quentin, an orange ranch. Left £100, Miss Skipworth arrives in New York and meets Judy Martin, convincingly played by Mae Clarke. The two start by auto for California, but are left stranded when their guide, Dell Henderson, skips with their cash, so they hitch hike to California.

James Ellison, an auto trailer bungalow salesman, gives them a lift. Later on the trip they pick up two light-fingered gentlemen played by Arthur Treacher as a phony English duke, and Warren Hymer, his tough stooge. The rest of the plot revolves around attempts to keep Mrs. Blake from knowing her son's plight. The story ends as the Governor is persuaded by Ellison to pardon young Blake.

Treacher and Hymer turn sentimental and pull a fast orange contest to buy a ranch, so that Mrs. Blake finds her son on a real Rancho San Quentin. Others who handle their parts creditably include Beryl Mercer, Lionel Belmore, Harold Waldridge, Christian Rub and George Hays. Aubrey Scott directed. Previewed without production code seal. Running time, 90 minutes. "G."

Warner Music Ban Surprise to Starr

(*Continued from page* 1)

adding that the musicians were becoming salesmen for the radio stations.

Asked if Warners would insist on the mentioning of films from which the music is played, Starr answered: "We don't know what we will do."

Warners' withdrawal from Ascap becomes effective Jan. 1.

IBEW Men Return to Coast Theatre Jobs

Hollywood, Dec. 11.—With the new I.A.T.S.E. agreement signed, all I.B.E.W. men who last week were discharged in local theatres have returned to their jobs, it was learned today.

Efforts to work out an agreement between the I.A.T.S.E. and the A.S.C. will be started as soon as George Browne, I.A.T.S.E. head, arrives here later in the week. Steve Newman, I.A.T.S.E. studio representative, is due in tomorrow.

I. A. Meets Jan. 15.

The board of the I. A. T. S. E. will hold its semi-annual meeting in Miami Jan. 15. It will be a five-day session and will run concurrently with the meeting there of the executive council of the American Federation of Labor.

Won't Book Chaplin

The Warner circuit will not play the new Chaplin feature, "Modern Times," a company official stated yesterday. Disagreement over terms is responsible.

Barnstyn Forms New Company in England

Jack Barnstyn, head of British & Continental Trading Co., has formed Franco-London Films, Ltd., which will produce three pictures at A.T.P. Studios, Ealing, England. He arrived Monday night on the *Britannic* from a six-months' visit to Holland and England.

Associated British Film Distributors will handle the trio in England, while Barnstyn will distribute in this country. The first picture, "Symphony of Love," is in production with Guita Alpar as the star. The music rights to "Rigoletto" have been secured for the picture, Barnstyn said, and Brodsky, famous composer, will arrange additional numbers. Richard Pottier is directing.

Franco-London Films will spend about $300,000 on the initial picture and it is possible four more will be made upon completion of the first three.

British & Continental will make eight next year in Holland. Four will be made in English, in addition to Dutch, with American and English stars, Barnstyn stated.

Producers in England will make about 200 features next year, the B. & C. head asserted. Business in England is booming. On the Continent, especially in France, it is poor because of a scarcity of funds, Barnstyn said. The French studios are mostly empty, he added.

Barnstyn leaves for Hollywood with his wife about the middle of next month to look over production.

"Gulliver" Booked

"The New Gulliver," Soviet version of the Jonathan Swift classic, has been booked Christmas Week in Newark, Philadelphia, Baltimore and San Francisco. It will also play the Acme, New York.

"Splendor" Is $6,600 Leader In Hollywood

Los Angeles, Dec. 11.—The surprise of the week here was the showing of "Splendor" at the Pantages where it more than doubled par on a take of $6,600. At the Hillstreet it failed to make a showing, dropping $2,500 under normal to $5,500.

"Millions in the Air" reached $22,400, over average by $4,400 at the Paramount, with a stage show headed by Jack Benny. "Mutiny on the Bounty" held up to $15,000 in its second week at Loew's State, and "The Man Who Broke the Bank at Monte Carlo" pulled an excellent $4,600 at the 4-Star.

Total first run business was $90,550. Average is $89,650.

Estimated takings for the week ending Dec. 11:

"MUTINY ON THE BOUNTY" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days, 2nd week. **Gross:** $12,000. (Average, $12,500)

"MAN WHO BROKE THE BANK AT "MONTE CARLO" (20th-Fox)
4 STAR—(900), 30c-55c, 5 days. **Gross:** $4,600. (Average, $3,250)

"CRIME AND PUNISHMENT" (Foreign)
GRAND INTERNATIONAL — (750), 35c-40c, 7 days. **Gross:** $2,200. (Average, $1,200)

"SPLENDOR" (U. A.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $5,500. (Average, $8,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days, 2nd week. **Gross:** $15,000. (Average, $14,000)

"SPLENDOR" (U. A.)
PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $6,600. (Average, $3,200)

"MILLIONS IN THE AIR" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Jack Benny and his orchestra, F. & M. revue. **Gross:** $22,400. (Average, $18,000)

"PERFECT GENTLEMAN" (M-G-M)
"CHARLIE CHAN'S SECRET" (20th-Fox)
UNITED ARTISTS—(2,100), 25c-40c, 7 days. **Gross:** $2,750. (Average, $3,500)

"FRISCO KID" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $14,000)

"FRISCO KID" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $10,700. (Average, $12,000)

Eugene Zukor Heads Paramount Pep Club

Eugene J. Zukor yesterday was elected president of Paramount Pep Club. Joseph J. Doughney was made vice-president; Homer Traw, treasurer, and Doris Meyers, secretary.

Henry Anderson and Jack Roper were added to the board of governors, of which E. A. Brown is chairman. Others are Joseph A. Walsh, Montague F. Gowthorpe, Charles Gartner, Aldyth Reichenbach, Helen Winston, Ida Wolff, Lillian Stevens and John McDermott.

The officers will be installed at a dance slated for the Hotel Astor Dec. 20.

A. T. & T. Income Gains

Gross revenue for A. T. & T. for October totalled $8,476,754, an increase of $926,915 over the same month last year. Net was $1,644,608, an increase of $503,583 over last year, according to reports submitted to the Federal Communications Commission.

For the 10 months ending Oct. 31 net operating income was $12,812,938. For the same period last year it was $11,761,863.

"EXTRAORDINARY!... MAGNIFICENT!..."

RADIOGRAM

Mackay Radio

THE INTERNATIONAL SYSTEM

Commercial Cable — All America Cables — Telegraph

15 WORDS FOR THE USUAL PRICE OF 10

DOMESTIC SERVICES

RECEIVED AT

STANDARD TIME INDICATED ON THIS MESSAGE

DCC-4

1935 DEC 9 PM 10 47

1AK 196 HBBR 52 NL

PUF UNIVERSALCITY 9

J R GRAINGER UNIVERSAL PICTURES

1250 SIXTH AVE NEWYORK

MAGNIFICENT OBSESSION IN THEME DIRECTION AND PERFORMANCE IS BOUND TO IMPRESS ITS AUDIENCES ESPECIALLY WOMEN YOUNG AND OLD AS AN EXTRAORDINARY OR RATHER MAGNIFICENT CONTRIBUTION TO THE CURRENT LIST OF FINER PICTURES IT IS THE SORT OF PICTURE WHICH STRENGTHENS THE PUBLICS RESPECT FOR OUR INDUSTRY AND BRINGS THEM TO THE THEATRE UNIVERSAL

W G VAN SCHMUS

MANAGING DIRECTOR RADIO CITY MUSIC HALL

"MAGNIFICENT OBSESSION"

Cummings' Regrets Go to Rosenblatt

(Continued from page 1)

at the time, and charged that Russell Hardy, a special assistant to the attorney general, was endeavoring to use the conversations which ensued as evidence against the defendants in the trial. Hardy, denying the defense charge, referred to Rosenblatt as an "officious interloper" and a stranger to the Department of Justice. Cummings' letter to Rosenblatt clearing him of impropriety in the happening included an apology for Hardy's use of the term "officious."

Following is the Cummings letter to Rosenblatt:

"I have your letters of Nov. 5 and Nov. 12, and of course you will recall our conversation on Oct. 31.

"With respect to the recent anti-trust proceeding in St. Louis, any statements which may have been made at the trial indicating that you had acted in an 'officious' manner are to be regretted; and I assure you that no discourtesy or affront was intended. I did not regard any action on your part that was brought to my attention as improper in any respect, and I trust that your relations with the Department of Justice will continue in the future as in the past to be pleasant—which, of course, is our wish with respect to all who come in contact with the Department."

Pledge $44,500 to Jewish Fund Drive

(Continued from page 1)

the chairmanship of David Bernstein and Major Albert Warner, has undertaken to raise a quota of $150,000 this year.

A telegram from Eddie Cantor in Hollywood pledging the support of the film colony was read by Louis K. Sidney, chairman of the Artists' Division. It stated that Cantor, Sophie Tucker, Boris Morros and Abe Lastfogel had called a meeting for Dec. 16 at the Hillcrest Club to enroll support for the Federation. According to Cantor, the meeting was being called because of the insistence of former New Yorkers to continue their Federation work.

The plight in which the Federation finds itself this year was described by Louis Nizer. "Unless the deficit of $2,636,000 is raised, the work of the 91 charitable institutions affiliated with Federation faces serious curtailment. Costs have risen while, at the same time, annual income has fallen, leaving Federation with the greatest deficit in its history.

"The theatrical profession has long been noted for its generosity. It must live up to that reputation in the critical situation in which Federation finds itself now, so that thousands of homeless, ill and helpless will be given some assurance of care."

Others who spoke at yesterday's luncheon were Phil Baker, Ben Bernie, Samuel D. Leidesdorf, president of Federation, Major Warner and Bernstein.

Among those present were Irving Caesar, Max Gordon, Eddie Garr, Emil Coleman, Belle Baker, Sam Morris, Marvin Schenck, Harry Rose, "Cooky" Bewers and Edwin H. Morris.

Key City Grosses Hit New Fall High of $1,766,910

	Week Ending Dec. 5-6		Week Ending Nov. 28-29	
	No. Theatres	Gross.	No. Theatres	Gross
Boston	7	$107,000	7	$82,000
Buffalo	5	49,700	5	36,660
Charlotte	3	13,000	3	11,000
Chicago	8	135,800	8	151,500
Cincinnati	9	60,000	9	66,750
Cleveland	5	48,000	5	55,300
Denver	6	26,600	6	21,400
Detroit	6	75,300	7	82,600
Houston	4	31,000	4	24,000
Indianapolis	5	36,500	5	26,750
Kansas City	5	52,400	5	39,100
Lincoln	5	16,500	5	12,900
Los Angeles	10	110,600	10	82,400
Louisville	7	31,400	7	27,000
Milwaukee	6	30,510	6	29,800
Minneapolis	7	34,200	7	34,500
Montreal	5	47,000	5	45,000
New Haven	4	23,700	4	22,300
New York	9	279,000	9	224,800
Oklahoma City	4	14,900	4	17,500
Omaha	3	27,100	3	16,700
Philadelphia	9	115,900	9	83,300
Pittsburgh	6	53,600	4	49,100
Portland	5	31,700	5	35,200
Providence	6	47,200	6	46,300
San Francisco	10	90,000	9	85,200
St. Louis	5	53,050	5	54,950
St. Paul	5	19,000	5	17,000
Seattle	7	33,250	7	34,150
Washington	7	73,000	7	78,700
	183	$1,766,910	181	$1,593,860

Comparative grosses for the last available periods:

	No. Theatres	Gross
Sept. 26-27	164	$1,655,050
Oct. 3-4	178	1,572,310
Oct. 10-11	178	1,452,499
Oct. 17-18	178	1,563,750
Oct. 24-25	180	1,534,575
Oct. 31-Nov. 1	186	1,544,724
Nov. 7-8	185	1,545,710
Nov. 14-15	183	1,722,305
Nov. 21-22	181	1,578,550
Nov. 28-29	181	1,593,860
Dec. 5-6	183	1,766,910

(Copyright, 1935, Quigley Publications.)

Capitol Takes in $638,400, 17 Wks.

(Continued from page 1)

stay four, to be followed by "A Tale of Two Cities" Christmas week, and then 'Riffraff," a Jean Harlow film.

Detailed takings for the 17-week period follow:

Week Ending	Gross
China Seas, Aug. 15, 1935	$49,000
China Seas, Aug. 22, 1935	33,000
China Seas, Aug. 29, 1935	27,000
Anna Karenina, Sept. 5, 1935	57,000
Anna Karenina, Sept, 12, 1935	34,000
Anna Karenina, Sept.19, 1935, 6 days	18,000
Broadway Melody of 1936, Sept. 36, 1935, 8 days	50,400
Broadway Melody of 1936, Oct. 3, 1935	28,500
O'Shaughnessy's Boy, Oct. 10, 1935	16,500
I Live My Life, Oct. 17, 1935	31,100
I Live My Life, Oct. 24, 1935	21,500
Rendezvous, Oct. 31, 1935	36,400
Rendezvous, Nov. 7, 1935	26,500
Mutiny on Bounty, Nov. 14, 1935	76,300
Mutiny on Bounty, Nov. 21, 1935	59,000
Mutiny on Bounty, Nov. 28, 1935	42,200
Mutiny on Bounty, Dec. 5, 1935	32,000

Ampa's Xmas Party Is Oversubscribed

The Ampa Christmas party has been oversubscribed, Gordon White says, despite the fact that it is still a week away.

Entertainment will be plentiful, according to Paul Benjamin and Barvin Kirsch, committee in charge. Ralph Stone and his orchestra, just back from a concert tour, will furnish music without charge as contribution to *The Film Daily* Relief Fund, and stage, screen and radio talent is being lined up.

No meeting will be held today.

No FWC Papers Served

HOLLYWOOD, Dec. 11.—Charles Buckley, counsel for F.W.C., says papers have not yet been served on F.W.C. officials in the suit by T. L. Talley, to have the bankruptcy reorganization set aside. Buckley said there would be no statement until papers have been served.

Preparations Start For Academy Awards

(Continued from page 1)

Howard Hawks, Harry Lachman, Mervyn LeRoy, Frank Lloyd, Rouben Mamoulian, Victor Schertzinger, King Vidor and William Wyler.

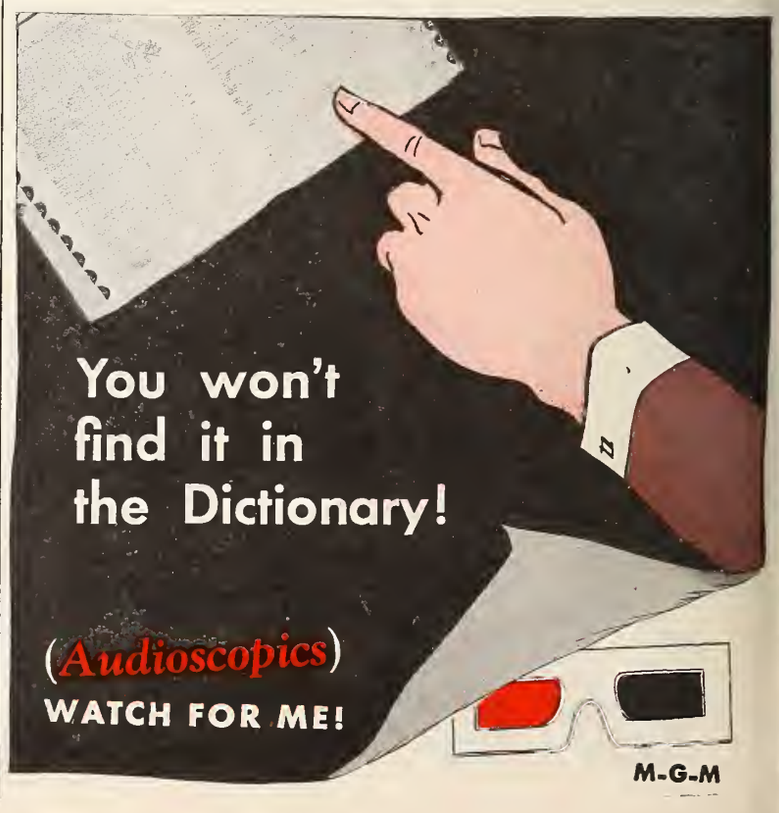
Assistant Directors—Clem Beauchamp, Sid Bowen, Gordon Hollingshead and William Wyler.

Producers—Harry Cohn, Henry Ginsberg, Henry Herzbrun, B. B. Kahane, Nat Levine, Charles R. Rogers, David O. Selznick, Hunt Stromberg, J. L. Warner and Darryl F. Zanuck.

Technicians—Martin G. Cohn, Carl Dreher, Arthur Edeson, Bernard Herzbrun, John Hughes, Louis F. Kolb, William A. Mueller, J. M. Nickolaus, Max Parker and S. J. Twining.

Writers—Howard Estabrook, Howard J. Green, Grover Jones, Joseph Moncure March, John Meehan, Jane Murfin, Robert Riskin, Paul Gerard Smith, Carey Wilson and Waldemar Young.

Preliminary decisions will be made on the rules. Nominating ballots will be cast in January with final balloting in February.



The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 139 NEW YORK, FRIDAY, DECEMBER 13, 1935 TEN CENTS

Quick Action Being Sought In St. Louis

Government Presses for An Early Hearing

St. Louis, Dec. 12.—The Government is making every effort to have Federal Judge Joseph West Molyneaux of Minneapolis, appointed early this week by Presiding Justice Kimbrough Stone of the U. S. Circuit Court of Appeals, set an early date in January for the hearing of its equity suit for a temporary injunction against Warners, Paramount and RKO, it is reported here. The suit alleges the defendants refuse to deal with Fanchon & Marco for the Ambassador, Missouri and New Grand Central.

Russell Hardy, prosecuting attorney, is understood opposing the re-

(*Continued on page 4*)

Appeal Is Allowed On Paramount Fees

Root, Clark, Buckner & Ballantine, attorneys for the Paramount trustees, yesterday were granted leave by Federal Judge Henry W. Goddard to appeal from a Federal court order which limited the law firm's fees for services in the Paramount rehabilitation to $450,000. The firm had requested an additional $300,000 for its services, which was denied by Federal Judge Alfred C. Coxe.

Other law firms identified with the Paramount reorganization whose applications for fees either were appreciably reduced or disallowed entirely by Judge Coxe are expected to follow the Root, Clark firm's lead in taking their appeals of his decision to the

(*Continued on page 4*)

Slight Error

When an actor purchases a Renoir a press agent is liable to make a mistake. In fact, he is almost certain to.

That's how it happened that U. A. sent out a story that Charles Laughton had acquired a Renoir, "Judgment of Paris," from the Barnes Foundation.

Some of the U. A. boys thought it was a new coupe.

Now it develops that the Bignou gallery did it.

U. A.-Schaefer Deal Considered—Lasky

Chicago, Dec. 12.—Jesse L. Lasky, partner of Pickford-Lasky Prod., which is distributing through U. A., today told Motion Picture Daily George J. Schaefer, who recently resigned as vice-president, director and general manager of Paramount, undoubtedly is being "seriously considered" by United Artists as sales chief.

However, nothing will be set until Schaefer confers with U. A. directors on the coast, Lasky added.

Accompanied by Harry D'Abbadie D'Arrast, Lasky is en route to New York to look over plays and story material.

Pons Film Grosses $145,000, 14 Days

With $52,000 chalked up for the second week, ending Wednesday night, "I Dream Too Much" tallied $145,000 during its 14-day run at the Music Hall. The first week's gross was $93,000.

"Miss Pacific Fleet" was a disappointment at the Roxy, getting $25,000 for the week. "So Red the Rose," in five days of a second week at the Paramount, garnered about $10,000. Bob Weitman, managing director, has booked Casa Loma and his Orchestra for Christmas and New Year's. The stage show will supplement "The Bride Comes Home" during the two weeks.

All Broadway houses are figuring on advancing admissions for special shows on New Year's Eve.

Paul Ash and his orchestra open at the Roxy on Christmas Day for nine days.

Roach May Increase Feature List—Loew

Plans are being mulled over by Hal Roach to increase feature production from six to eight or 10 next season, according to David Loew, vice-president. There also is a possibility of increasing the short subject schedule, currently 24 two-reelers, for 1936-37.

Because it has been decided four-reelers are not the right length, Roach's intentions to make four 4,000-foot comedies with Laurel and Hardy

(*Continued on page 11*)

Bank Nights Found Inside Alabama Law

Montgomery, Ala., Dec. 12.—Bank Nights and "jack pots" are legal in Alabama theatres, according to a ruling of Attorney General Carmichale, who said there was nothing in the statutes to prohibit a man sharing his property by lot or chance. He quoted

(*Continued on page 11*)



Sydney S. Cohen, former exhibitor association leader, who died suddenly in New York yesterday.

Ohio Lower House Reenacts 3% Levy

Columbus, Dec. 12.—The lower house of the state legislature today approved the extension of the three per cent sales tax for another year by a vote of 106 to 6. No opposition to the extension has been evidenced in the senate, which will act on the extension in the near future.

The house's action is regarded as definitely eliminating prospects of a reinstatement of the 10 per cent admission tax in Ohio, as the three per cent sales tax is held applicable to admissions.

Six Para. Features Planned for France

A production schedule of six features was set for the Paramount studio at Joinville, France, by John W. Hicks, Paramount foreign manager, who returned yesterday on the *Washington* from a five-weeks' trip abroad. No changes in production policy for the French unit are involved in the new season plans, Hicks said.

While in France the Paramount foreign manager also completed the consolidation of all Paramount activities there, with the exception of the Joinville studio, under a new central company known as Films Paramount. Fred W. Lange, in charge of all Paramount operations on the Continent, heads the new company.

Increases Assured, Basson Tells 306

Provision for a mandatory increase in operators' wages after the first two years is included in the Local 306-RKO-Loew contract, according to Joseph D. Basson, president of Local 306, who has just issued a 10-page report

(*Continued on page 11*)

Sydney Cohen Succumbs to Heart Attack

Former MPTOA Head Is Stricken on Street

Sydney S. Cohen, former nationally known exhibitor association leader and theatre owner, died suddenly yesterday morning in front of the building at 25 W. 43d St. in which his offices are located. Death was believed to have been caused by heart failure.

Cohen was president of the M.P.T.O.A. from 1920 to 1924 and chairman of the organization's board of directors in 1925 and 1926. He was a former theatre operator here and at the time of his death owned an interest in several houses at Middletown, N.Y., in addition to his owner-

(*Continued on page 4*)

3 Weeks' Trial of Trust Action Seen

Pittsburgh, Dec. 12.—Denying they violated the anti-trust laws, act, eight distributors are defendants in a $600,000 damage suit before Judge Nelson McVicar in United States district court here which began this week and is expected to go at least two weeks more before the case will go to the jury. The plaintiff is Samuel Friedman, a former exhibitor of Sharon. He is asking for $150,000 for business injury and three-fold damages prescribed in the national statute regulating monopolies in restraint of trade.

The defendant concerns are M-G-M,

(*Continued on page 4*)

By Hecht!

Chicago, Dec. 12. — Ben Hecht, unshaven, sardonic, sarcastic, ironic, picked Long Island for his next picture titled "The Monster," with Charles Boyer and Brian Ahearne, he says, because — "The smartest people ain't in charge" in Hollywood.

And: "Everybody in Hollywood is nuts and drunk."

"What?" asked Una Merkel, traveling east on the same train, when told of this. "My friends aren't; I don't travel in the same circles as Mr. Hecht."

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 13, 1935 No. 139

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Detroit Suit on Film

DETROIT, Dec. 12.—Alleging that Universal had an agreement to supply service at the Capitol, Schreiber, Smilay & London have filed a complaint against the exchange charging it took the product away from them and gave it to Ben and Lou Cohen for the new Rio recently opened as competition to the Capitol. Universal claims that it has a contract with the Cohens, but has none with S-S-L for the Capitol. The complaint will be heard soon in circuit court.

Billy Joy Buried

HOLLYWOOD, Dec. 12.—Billy Joy, 43 year old agent is dead of a heart attack. Burial was held Wednesday at Forest Lawn Memorial Park. Joy, whose real name was John Crimen Zeidler, leaves his sister, Leatrice Joy and his mother, Mrs. E. J. Zeidler.

WANTED

Freelance

Sound Service Men

Must be capable of servicing independent manufacturers' sound equipment. Liberal commissions paid for any sales closed from leads furnished by manufacturers. Send complete details in first letter including territory covered.

BOX BT

MOTION PICTURE DAILY

Insiders' Outlook

By RED KANN

THE unexpected death of Sydney S. Cohen yesterday brought with it occasion to reopen the memory floodgates of the stirring events of an early and significant era in this industry. Cohen was a militant exhibitor association leader, probably the outstanding one in the entire history of such organizations. While business circumstances, fashioned by the seat they then were occupying, found important factors often at odds with the platform he pursued in those hectic days of '20 to '24 when he was president of the M.P.T.O.A. and in '25 and '26 when he was kicked upstairs to the chairmanship of its board Cohen's reputation as a man who believed in and practiced fair play was untouched as of that time and thereafter. . . .

▼

Cohen was a central figure in the drama. Events which had crystallized before his day of importance cleared the way for the unfurling of the independent exhibitors' standard. Not of his conception, Cohen made them part of his unflagging devotion to the organization which he headed so long and so well. There appears little reason to doubt that he would have gone a considerable distance as a theatre operator in the development of his own interests had he not concentrated so wholeheartedly on the cause which he felt was so just. . . .

▼

His fight was against producer entry into exhibition and his traditional adversary was Adolph Zukor. Famous Players-Lasky, forerunner of Paramount Publix, had gone places by 1921. Zukor, his star rising ever higher in the industry's scheme of things, had covered considerable territory since his initial investment of $3,000 in a penny arcade on 14th Street brought him from Chicago and the fur trade to check into the status of that loan. It was thus he had entered the amusement business. In '18 and '19 and '20, however, important exhibitors, aroused over the terms sought by Famous and its affiliate, Artcraft, had been sold an idea. That idea, drummed up by J. D. Williams, up from the Antipodes, and T. L. Tally, Los Angeles theatre operator, had blazed its way across the country. In less than three years, Zukor had reason to know competition was traveling fast in his wake and that something had to be done about it. . . .

▼

First National had signed Charlie Chaplin to make eight two-reelers for $1,000,000. It had taken Mary Pickford from Artcraft, gotten Anita Stewart through a former Boston exhibitor named Louis B. Mayer who had turned producer. Norma Talmadge and D. W. Griffith joined the ranks in '19. Hiram Abrams in that same year, talking from Hollywood, divulged the formation of United Artists with William G. McAdoo as advisor and Oscar A. Price as president. Marcus Loew had arranged for $100,000,000 through the Morgans. Bill Fox was bestirring himself. Lewis J. Selznick, a constant thorn in Zukor's side, had walked out on his agreement and put his son, Myron, in the production business. . . .

▼

There came the day when Zukor said, in paid space:

"If exhibitors establish or rent studios for the production of pictures, the producers will have to build theatres not in order to rebuke the exhibitors, but for the simple reason that that will be the only means open to them to protect their producing investments."

And shortly thereafter, Williams with this:

"No exhibitor will object to a service contract giving him exhibition rights to a series featuring a star of known box-office value. But it is now an old and taken-for-granted trick to compel him to pay out his dollars for unprofitable pictures to get the big fellows just because a concern wants everything in sight and has to 'make the strong carry the weak' to stifle and offset a theoretical competition."

First National was screaming Wall Street domination and yelling its head off over producer penetration into theatres. . . .

▼

On May 18, 1918, "interests friendly" to Famous announced the purchase of the Rialto and Rivoli in New York. By July of that year, the industry accepted as fact, although concrete proof was lacking, that Zukor's theatre invasion already had lined up two hundred theatres. Deals with the Alfred S. Black circuit in New England and with Steve Lynch's Southern Enterprises in the southern states had been closed or were about to be. Nobody seemed to know exactly. Attacking First National by indirect methods, Zukor caused Lynch to purchase the Hulsey theatres and the First National franchise in the Southwest. Things were popping on all fronts. . . .

▼

Then came Cleveland. Frank J. Rembusch had formed the Independent Exhibitors of America. Cohen had formed the M. P. T. O. A., largely a skeleton association. They merged. Black, president of a third group known as the Motion Picture Exhibitors of America, withdrew, charging the Cleveland meeting had been railroaded. The Committee of 17, ostensibly an independent group with Willard C. Patterson, then of Atlanta, as chairman but in reality a First National agent, was organized. Metro, Pathe, Vitagraph, Select, Robertson-Cole, United Artists and Universal went on record as opposed to producer-owned theatres. Cohen, in an open letter, characterized Zukor as "our most dangerous enemy." . . .

▼

Cleveland, he said, had instructed him "to seek a remedy against your policy of destruction." To which Zukor answered: "Our position has always been open and above board. I am in my office every day. The door is always open." Cohen and a committee of nine took the hint and visited Zukor to probe alleged acts of oppression predicated on the former's "understanding" both Black and Lynch would conform. Only they did not and much excitement ensued. Then came Henry Salsbury, speaking for Zukor, with a promise that Famous would use "carbolic acid" to clean up, particularly in New England. It seemed peculiar that a couple of weeks later the Federal Trade Commission reported it had launched an investigation of Famous Players for possible violation of the Clayton Act. Shortly thereafter, Loew announced the purchase of Metro to insure Loew theatres of "an adequate supply of film." . . .

▼

By 1921, James J. Walker, then a New York state senator with visions, perhaps, of the mayoralty of New York, was counsel for the M. P. T. O. A. and sidekick to Cohen. Walker was hammering hard at Famous and trustification. He charged Zukor by this time had control of five of First National's eight directors. Then came Minneapolis. Zukor was there. Perhaps a mistake, but there anyway. He was submitted to a severe grilling, informed his promises meant nothing and subsequently entered upon an agreement to make his company's tactics less susceptible of criticism. Zukor went further. He met Cohen and a committee in New York, opened his books, divulged private corporate affairs and only stopped when Elek John Ludvigh drew the line where terms in contracts were concerned. . . .

▼

Zukor promised redress and calm seemed assured. Then, on August 31, 1921 the Federal Trade Commission filed its formal complaint against Famous, five other companies as well as Zukor, Jesse L. Lasky, Jules E. Mastbaum, Alfred S. Black, S. A. Lynch and E. V. Richards, Jr. Cohen was in a spot and he knew it. He assured Zukor the M. P. T. O. A. had nothing to do with the Government's action. Because of it, however, the conferences on adjustments were put off. So Cohen turned his guns, formidable ones in those days, on First National. Complaints over F. N.'s sub-franchises were rampant and exhibitors were yelling loud and long over the clause which made them play or pay for pictures purchased under their terms. First National held out. So did the M. P. T. O. A. Came another attack by Walker, a regional meeting of F. N. in Chicago which, under the clever manipulation of Earl J. Hudson, was broken up into nine sectional meetings for easier handling of disgruntled members.

The riot squad was avoided. First National adjusted its exhibition values-downward — and disturbed waters turned calm. . . .

▼

The why of the famous and mysterious luncheon held at the Claridge when Charles C. Pettijohn brought Will H. Hays and the industry's leaders together came into the open along about December, '21 and culminated in a formal agreement on January 16, 1922. On the fourth of March, Hays began his job. As a matter of fact, he was on the job at eight o'clock that morning; the film fraternity didn't

(*Continued on page 4*)

THE PUBLIC BE JAMMED!



With
Margaret Lindsay
Ricardo Cortez
Lili Damita
Directed by Lloyd Bacon

Sorry—but it's the only way to make room for the record crowds who insist on seeing this great hit before it makes way for "Captain Blood"!

JAMES CAGNEY



FRISCO KID

Variety **rates it "great in Newark, hotcha in Cincy, nifty in New Haven"—not to mention the HOLDOVERS IN FRISCO, CLEVELAND, SAN DIEGO, ST. LOUIS, LOS ANGELES, AND THREE WEEKS IN NEW YORK!**

. . . WARNER BROS.' BIGGEST HIT SINCE 'G-MEN'!

Sydney Cohen Succumbs to Heart Attack

(*Continued from page* 1)

ship of the 125th St. Apollo and the Empire in the Bronx, which he leased to RKO for a 10-year period in 1932. He was a partner in Artco Corp., which holds a management contract for the Roxy, and had been technical advisor to the Roxy bondholders' committee since 1932. With Howard S. Cullman, trustee of the Roxy, he was mentioned recently as a bidder for the house under a plan of reorganization being advanced by them.

Cohen was also technical advisor to the bondholders' committee of the Beacon, at Broadway and 75th St., and operated the Fox Brooklyn for the bondholders for about one year just before operation of the house was turned over to Si Fabian. He owned retail stores in Stamford, Conn., and Trenton, N. J., also. In recent years he had been interested in educational and philanthropic activities and had been identified with the Educational Alliance.

Cohen, who was 50 years old, resided at the Hotel Ansonia with his daughter, Dorothy Louise, and son, Richard Sydney, who survive him. Mrs. Cohen died in 1918.

Funeral services will be held Sunday at 11 A. M., at Central Synagogue, 55th St. and Lexington Ave., of which Cohen was a trustee. The remains will be at Riverside Memorial Chapel, 76th St. & Broadway, until then.

Quick Action Being Sought in St. Louis

(*Continued from page* 1)

quest by defense counsel for setting the trial late in January or early February. The special assistant to the attorney general will not arrive here from Washington until a day before the hearing. He is said to have his case all prepared, but defense counsel is insisting on the extra time to allow for preparations on the necessary data.

Harry C. Arthur, Jr., vice-president of F. & M., arrived from New York by plane last night to be on hand for the inauguration of stage presentations at the Ambassador tomorrow. He plans to remain here a few days and return to New York with his son, Tom, who is attending a local school, for the Christmas holidays.

With a number of stage shows lined up for the Ambassador, F. & M. will eliminate duals during the life of this type of entertainment. The new policy, it is said, was brought about to offset a reported film shortage. No hike in admissions is anticipated.

Add to Stock Listings

Changes in stock listings on the New York Stock Exchange have increased Paramount Pictures, Inc., common, $1 par, by 207 shares, making the total 1,576,682.

Paramount Broadway Corp. has added 16,000, making the total 8,345,500, and 7,800 have been added to Paramount Pictures, Inc., 6 per cent, 1935, making the total 21,595,100.

Insiders' Outlook

(*Continued from page* 2)

begin to show until several hours later. The General made himself very busy. He saw all comers, maintained open house at his office. In California, Joe Schenck said Hays would be "the official umpire of the film industry." The umpiring shortly thereafter brought Hays to a Theatre Owners Chamber of Commerce luncheon. Walker was there and the occasion was pleasant on all sides. Hays outlined how he proposed to bring harmony into the business, eliminate unfair practices. Walker remarked the future now looked rosy. . . .

▼

However, Cohen apparently refused to be convinced. Hammering away on many fronts and attacking all and sundry, he threw ice water in generous doses on the Hays movement. When convention time for the M. P. T. O. A. came along—it was Washington that year—Hays was smart enough to attend. Cohen, in a spot and sounding off on his program of cooperation, agreed to do just that. Hays pledged his and everything looked overwhelmingly harmonious. But politics, that perennial disturber, was grinding away. At the T. O. C. C. luncheon earlier, Walker had remarked he was willing to sit at the feet of Hays. Cohen, it seemed, didn't like the posture. His disapproval eventuated in a virulent attack on Walker, his dismissal as M. P. T. O. A. counsel with the added charge that he had sold out to the producers. . . .

▼

Walker was flabbergasted. Also stunned. His friends felt the same way about it. Invectives flashed back and forth and resulted in the unfolding of a sorry mess of dirty linen to breezes already sullied. The T. O. C. C. voted a resolution of "undying love" to Walker. It failed to appease him and, although the Washington convention voted him a vote of confidence as it also did with Cohen, Walker refused to be mollified, declared himself through with the business. This, thirteen years ago, was a pledge not since broken. . . .

▼

Cohen's sphere of influence began to shrivel following the break with Walker. It took time for the signs to point up what was happening, but happen it did. Committed to his unalterable policy of opposing Hays, Cohen saw to it that the M. P. T. O. A. voted against the adoption of the uniform exhibition contract negotiations which were launched early in Hays' second year in office. This was in February, '33. Too much Cohen, at this juncture, had permeated the M.P.T.O.A. It led to obvious dissatisfaction, a cleavage in the ranks which, in turn, led to the formation of individual territorial units and the coalition of the insurgents in Allied States Association. Michigan, Minnesota, Kansas, Indiana, Texas, Illinois, North Carolina, Virginia and the Dakotas cast the die at a meeting in Chicago. As Cohen refused to work with Hays, Allied, as of that time, did. Perhaps the step was more designed as a poke at Cohen than any desire to cooperate with Hays. At any rate, it was launched. It hurt Cohen and it hurt the M. P. T. O. A. As a parallel factor came the disintegration of the Theatre Owners Distributing Corp., formed by the M. P. T. O. A. months earlier. That organization took a year to get going and then with one picture and ended in bankruptcy. It was an inglorious end for dreams of exhibitor participation in production and distribution. . . .

▼

Efforts on Cohen's part to heal the breach in exhibitor organization ranks developed their next phase in Boston, scene of the 1924 convention. His casual remark that he "missed the midwest crowd" swung loose the hinge on the door and led to an effort at harmony when Cohen determined to end his one-man domination by agreeing to the election of twenty-one directors. M. J. O'Toole stepped up to the presidency and Cohen down to the board chairmanship. Minneapolis was far behind by this time. Ample Wall Street money dazzled the major companies. Zukor no longer was apologizing for theatre activity, but, in interviews, was declaring boldly Paramount was "in the theatre business because there is money in it." Division in exhibitor association ranks mitigated against a united front; producers were expanding as they liked and that's all there seemed to it. . . .

▼

When Cohen, his voice less fortissimo by this time, again blasted the merry cry of producer domination nothing came of it. A concession to Allied predicated on a representation for it of ten directors on the M. P. T. O. A. board was effected, but failed to remain effective. By '27, rantings against producer ownership of theatres had simmered to faint warblings. In Columbus, producer-distributor circuits were voted M. P. T. O. A. membership. Publix, Loew's and others did their stuff by the association treasury and Charles C. Pettijohn was persuaded to make a speech, high-sounding and fancy:

"You (exhibitors) wrote the Magna Charta of the business by your action. You have laid the foundation whereby all branches may face common troubles with a united front. Your constructive step makes producers and distributors even happier than you." . . .

▼

Nobody has ever doubted the Nirvana producers and distributors have found since that "Magna Charta" was drawn. Since then, however, there has been and is, Allied; Cohen went into the department store business, a mild foray in exhibition which he so long championed, the Roxy theatre in New York and the Fox in Brooklyn while from afar and with what reactions probably will never be known now watched the parade pass before him until yesterday so abruptly slammed the book closed.

Stepin in Court

Perry Lincoln, usually known as Stepin Fetchit, appeared in Harlem Court yesterday morning to answer to a charge of felonious assault on Philip Krauckers. He answered "not guilty" and was released in $1,000 bond for hearing next Tuesday.

According to Krauckers, he served a legal paper on Monsieur Lincoln backstage at the Apollo and what Lincoln did to him was ——. Anyway, he had a black eye and bruises.

3 Weeks' Trial of Trust Action Seen

(*Continued from page* 1)

Columbia, Vitagraph, Universal, Fox, Educational, United Artists and RKO. The defense is represented by J. H. Beale, Jr., of the law firm of Reed, Smith, Shaw & McClay, of which former U. S. Senator David A. Reed is the senior partner. Leonard H. Krieger is prosecutor.

Friedman claims, in his statement of claim, that he was forced out of the theatre business in Sharon and Farrel, where he had operated houses until 1928. It is asserted by Friedman that his troubles were caused by the alleged conspiracy action of the defendants, who were members of what was then known as the Pittsburgh Film Board of Trade. He declares that business differences between him and distributing firms were given for settlement to a board of arbitration appointed by the Film Board. Friedman claims that when he refused to abide by the awards against him as made by the arbitration board the eight distributing firms withdrew film service for which he had contracted. The refusal of the distributors to supply him with films, Friedman declared, resulted in forcing him out.

Friedman also asserts the action of the members of the Film Board constitutes a conspiracy and that it violates the provisions of the Federal anti-trust act aimed at monopolistic action. He also declares that the withdrawal of service completely prevented him obtaining films.

The large damages asked for, the points of law involved and the fact that the trial here is one of the few thus far aired in Federal court are attracting great interest in the trade.

The suit was filed by Friedman several years ago. At that time he had two partners associated with him. These partners are not now associated with him. He thus has become the sole plaintiff.

Appeal Is Allowed On Paramount Fees

(*Continued from page* 1)

Circuit Court of Appeals. These include Cook, Nathan & Lehman, Samuel Zirn and Archibald Palmer.

Root, Clark based their appeal on the size and complexity of the Paramount estate, the volume of services required, the quality of such services, the result accomplished and the setup of a fund for adequate compensation to petitioners, all of which, their application for leave to appeal stated, entitled them to additional allowances.

Purely Personal

ARTHUR W. KELLY, PAUL LAZARUS, CLAUDE EZELL, HARRY SHIFFMAN, JACK PARTINGTON, IRVING LESSER, MORRIS KINZLER, FRED BAEHLER, HARVEY NEWINS, HARRY H. THOMAS, HAL HORNE, DAVID LOEW, HERMAN GLICKMAN, EDWARD SCHNITZER, LEO ABRAMS, SIG WITTMAN, EMIL JENSEN, ARNOLD VAN LEER, BOB GILLHAM, JACK BARNSTYN and the GOLDSTEIN brothers at the Tavern yesterday for a mid-day snack.

•

JIMMY CUNNINGHAM, *Motion Picture Herald,* and JACK (Phil M. Daly) HARROWER are rounding up old friends of DAVE BADER to parade to the North River pier of the *Georgic* next week, there to welcome him from England.

•

HENRY WILLSON, business advisor to Hollywood players, arrived yesterday for the dual purpose of arranging stage, radio and personal appearances for his clients and to spend a vacation with his parents.

•

MARY ELLIS, Paramount player, who has been abroad for several months will return today on the *Aquitania.* She will go to the coast to appear in WALTER WANGER's next, tentatively titled "Brazen."

•

CHARLES K. STERN of M-G-M had a birthday Wednesday. So did SAM SHURMAN, Metro branch manager in Milwaukee, and RUTH SIPE who is attached to Leo's office in Indianapolis.

•

ABE BLUMSTEIN, WILLIAM SCHUSTER, MOE KURTZ and DICK GLEDHILL leave tomorrow for Miami for two weeks. All are local Fox salesmen.

•

ARCH SELWYN leaves for Hollywood today. Plans to produce "French Dressing" (stage) go over until next season.

•

LOUIS PHILLIPS sailed yesterday on the *Pastores* for Kingston, Jamaica, and will return Jan. 6. Vacation stuff.

•

CLAUDE EZELL spent most of yesterday morning visiting Loew and Paramount headquarters.

•

PAT O'BRIEN left for Washington yesterday to make personal appearances at the Earle.

•

NEIL F. AGNEW and J. J. UNGER returned from a one-day trip to Boston yesterday.

•

AL FRIEDLANDER is on a three-day diet, during which he does away with mid-day meals completely.

•

HERBERT J. YATES is due back in town from Hollywood Monday.

•

W. RAY JOHNSTON is due back from Hollywood early next week.

•

CONRAD NAGEL is aboard the *Europa,* due to dock today.

•

ROBERT FAIRBANKS is due in from London today.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Bohemian Girl"

(Roach-M-G-M)

HOLLYWOOD, Dec. 12.—The familiar operetta provides no more than average appeal as a background for Laurel and Hardy antics. Stress the famous music and the comedians as gypsies for the best exploitation angle.

Gypsy Hardy lives in terror of his scolding wife, Mae Busch. He is put in a tough spot when Laurel discovers her billing and cooing in the best comedy vein with a gypsy sheik, Antonio Moreno. Moreno is whipped at the post for thieving by Count William Carleton. In revenge Miss Busch steals the Count's baby daughter and explains the child's presence in the camp by telling Hardy that he is the father. Hardy is overcome with pride at the unexpected possession of a three-year-old offspring and rears the child after his wife and Moreno elope. A locket and crest branded on the shoulder restore her to the Count after she is grown and has sung a couple of songs.

Laurel is responsible for the only big laugh sequence when he bottles a barrel of wine and progresses from jingled gaiety to solemn soddenness. Mae Busch gives an energetic performance as the shrewish wife. Thelma Todd is extravagantly pretty in a small part as the gypsy queen. Darla Hood handles the child part well and Jacqueline Wells is a standout as the Count's daughter, grown up. James Finlayson plays a routine comedy officer. Songs include "I Dreamt I Dwelt," "When Other Lips," "The Heart Bowed Down" and the new "Heart of a Gypsy" by Nathaniel Shilkret and Robert Shayon.

Staff writers changed the original libretto considerably. James Horne and Charles Rogers directed and undoubtedly will cut for greater speed before the film is released. An unexpected twist at the end shows the comedians distorted beyond belief after a session in a torture chamber.

Production Code Seal No. 1725. Running time, 94 minutes. "G."

"Your Uncle Dudley," Wednesday's opener at the Center, was previewed by wire from Hollywood on Nov. 11.

"Millions in the Air," reviewed by wire from Hollywood on Nov. 22, was previewed at the Paramount Tuesday night.

"In Person," which opened yesterday morning at the Radio City Music Hall, was reviewed from Hollywood by wire on Oct. 30.

"The Great Impersonation," reviewed on Nov. 27, was previewed last night at the Roxy.

Wall Street

20th-Fox Issues Gain

	High	Low	Close	Net Change
Columbia	47¾	46½	47⅜	+1⅛
Consolidated	6	5⅞	5⅞	— ⅛
Consolidated, pfd.	18⅝	18½	18½	.....
Eastman	159¾	159	159	.....
Loew's, Inc.	53½	52¾	53	— ¼
Loew's, Inc., pfd.	107½	107⅛	107⅛	— ⅛
Paramount	10¼	9¾	10	— ⅛
Paramount 1 pfd	80¼	78¾	78¾	—1⅝
Paramount 2 pfd.	12⅛	11¾	11⅞	— ¼
Pathe Film	7¼	7	7	— ⅛
RKO	5⅜	5¼	5⅜	.....
20th Century-Fox	24	23¼	23⅞	+ ⅞
20th Century, pfd	32½	30½	32⅛	+1½
Universal, pfd	60	59½	60	.....
Warner Bros.	10¼	9¾	9⅞	— ⅜
Warner, pfd	52	52	52	+1

Little Curb Activity

	High	Low	Close	Net Change
Sonotone	2¼	2¼	2¼	.....
Technicolor	18⅝	18⅛	18⅝	— ¼
Trans-Lux	4	4	4	.....

Warner Bonds Off ⅝

	High	Low	Close	Net Change
General Theatre 6s '40	19⅛	18⅞	18¼	.....
General Theatre 6s '40 ctf	18¾	18½	18¾	+ ¼
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	— ⅛
Paramount Pict. 6s '55	92¾	92	92	— ¼
Warner Bros. 6s '39 wd	89¼	88	88	— ⅝

(Quotations at close of Dec. 12)

Fulton Open and Shut

PITTSBURGH, Dec. 12.—Mort Shea's Fulton is becoming one of the most active open-and-shut houses in the country. A month ago, it closed, with the management announcing that it would remodel the stage for presentations. Ten days later, or about two weeks back, it reopened with only pictures again.

Now, after another fortnight, it closed Wednesday for another two weeks, reopening Christmas Day with the Shirley Temple picture, "The Littlest Rebel."

"Spancs" Plotting Details

HOLLYWOOD, Dec. 12.—The "Spancs," new association of press agents and newspaper correspondents, held their third meeting at the Beverly Hills Athletic Club when about 40 attended and a committee of six appointed to work out organization detail. The next meeting will be held in the Cafe de Paris on the 20th Century-Fox lot Friday.

"Divide" Remake Planned

HOLLYWOOD, Dec. 12.—Warners are planning to remake "The Great Divide." As a silent, Alice Terry and Conway Tearle were the leads. Robert Neville is working on the script from the William Vaughn Moody play now.

Theatre Remodeling Active in Northwest

PORTLAND, Dec. 12.—Sound installations and theatre renovations have gained so rapidly in this territory in recent months that Western Sound Equipment Co. reports a 50 per cent increase in business.

The Mayfair at Redmond, Ore., has been redecorated and given new sound treatment in addition to a new reproducer. The Baker at Baker, Ore., has new projection lights and rectifiers. John Cameron of the Keylor-Grand at Walla Walla has installed 800 new seats.

Pearl Brothers of Prosser, Wash., have let a contract for redecorating the Princess.

Sells to Harry Balaban

CHICAGO, Dec. 12.—Ben Cooney has sold his interest in the Echo, Des Plaines to Harry Balaban. Cooney is planning to redecorate the Dante at Taylor and Halsted Sts., here and open it sometime around the first of the year. This 600-seat house has been dark for several months.

Another Chicago house to be reopened soon after a complete renovating is the Lyric, 47th St. and Emerald Ave. The Lyric has been dark for several years.

Elliott at State, Detroit

DETROIT, Dec. 12.—William Elliott, lately associated with the Republic exchange at Indianapolis and prior to that holding many posts for the last 15 years in Detroit film circles, has returned to become manager of the State, United Detroit Theatres Corp. first run.

Arthurs Open March 1

LOS ANGELES, Dec. 12.—Milton and Harry Arthur's Studio in San Bernardino will be a subsequent run house and will open March 1.

Fox West Coast will reopen the Orpheum in San Diego Dec. 20. The house has been dark some months.

Seeks New Orleans Site

NEW ORLEANS, Dec. 12.—Permission of the City Zoning Commission is being sought by Henry Lazarus to build a theatre in the uptown section of the city. He plans to spend about $25,000.

Another for Schine

ASHLAND, O., Dec. 12.—The Palace, heretofore an independent stand, has been taken over by the Schine Ashland Corp., and will hereafter operate as a Schine unit. B. W. Bicker will remain as manager.

B. & K. Buys Hoyburn

CHICAGO, Dec. 12.—The old Hoyburn theatre in Evanston has been purchased by B. & K. and will be rebuilt into a modern 850-seat house. More than $120,000 will be spent. The house will be opened next spring.

Rosalind Russell Ill

HOLLYWOOD, Dec. 12.—Rosalind Russell, playing the feminine lead in "It Had to Happen" at Twentieth Century-Fox, has been forced to leave the set because of an attack of laryngitis. The picture is two thirds complete, but as Miss Russell will appear in all scenes remaining, production has been halted until she recovers.

The golden voice of Lily Pons... a grand new star... in the picture that won the highest praise of the New York critics... and held over to applauding audiences for two weeks at RadioCity MusicHall

WHAT A GLORIOUS GIFT TO THE WORLD THIS HOLIDAY TIME!



LILY PONS *in Jerome Kern's* "I DREAM TOO MUCH"



The voice of a thousand trills and thrills belongs to a star you'll love to love! . . . What a glorious gift to the movies! . . . The love-exciting charm of a wonderful new sweetheart . . . cascading from the screen in a golden torrent of lovely laughter and heart-storming song . . . in a dream of romance set to the gay and glowing music of

JEROME KERN
Composer of "Roberta"

LILY PONS

in

"I DREAM TOO MUCH"

with

HENRY FONDA · ERIC BLORE
OSGOOD PERKINS · Directed by John Cromwell
Pandro S. Berman Production · RKO-RADIO PICTURE

HIT SONGS: *"I Dream Too Much" · "Little Jockey on a Carrousel" · "I've Got Love" · "I'm the Echo"*



"Opera" a $7,000 Louisville Smash

LOUISVILLE, Dec. 12.—Above average grosses were the rule at all first run houses, Loew's State pulling top money with "A Night At The Opera." Gross was $7,000, $2,500 over par.

"The Man Who Broke The Bank At Monte Carlo" was responsible for a nice gross at the Rialto. It hit $5,800, $2,300 over average. "Monte Carlo" was paired with "Navy Wife," making a strong dual that brought in the business. The Strand, showing "In Old Kentucky" for a second week, garnered $6,000, topping average by $3,500. It was held for a third week.

"Frisco Kid" at the Mary Anderson also drew well, grossing $4,500, $2,500 above par, and was held a second week. The National, with a combination policy, is continuing to get its share of the business. It grossed $4,500, which is $1,500 astern.

The annual automobile show at the armory, with a 10-cent service charge after 6 o'clock, packed them in, despite inclement weather throughout the week.

Total first run business was $31,400. Average is $18,500.

Estimated takings for the week ending Dec. 5:

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
"NAVY WIFE" (20th-Fox)
RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $5,800. (Average, $3,500)

"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $7,000. (Average, $4,500)

"IN OLD KENTUCKY" (20th-Fox)
STRAND—(1,500), 15c-25c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $2,500)

"THE THREE MUSKETEERS" (Radio)
BROWN — (1,400), 15c-25c-40c, 7 days. **Gross:** $2,300. (Average, $2,000)

"FRISCO KID" (W. B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $4,500. (Average, $2,500)

"MURDER AT GLEN ATHOL" (Chesterfield)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Eddie Peabody, Pee Wee, Billy Rolls and Dorothy, Ward and Milford, Maxine & Bobby, Mary Vanda's Girls. **Gross:** $4,500. (Average, $3,000)

"SHE MARRIED HER BOSS" (Col.)
"HI, GAUCHO" (Radio)
"THUNDER IN THE EAST" (U. A.)
"CALM YOURSELF" (M-G-M)
ALAMO — (900), 15c-25c, 7 days, split week. **Gross:** $1,300. (Average, $1,400)

Roach May Increase Feature List—Loew

(Continued from page 1)

have been discarded. Instead, the duo will appear in three of the six features this season. On Jan. 6, an all-star feature with Patsy Kelly, Thelma Todd, Charles Chase and Our Gang will go into production. The sixth feature will star Leon Errol and a number of others.

Of the 24 shorts on this season's program, 17 will be completed by Christmas, Loew stated. He will return to Hollywood on Jan. 2. While in New York, Loew is conferring with M-G-M sales executives.

Reel Data to Makers

HOLLYWOOD, Dec. 12. — Revised specifications for the 2,000-foot reel today were mailed to reel manufacturers after the second revision by the Academy Research Council in line with the request of the New York distributor committee. The revisions have been approved. The reel will have an outside diameter of 15 inches and a five-inch hub.

Increases Assured, Basson Tells 306

(Continued from page 1)

of his four and a half months' tenure of office. Basson is one of three candidates nominated for the presidency on Dec. 4. Elections will be held next Wednesday.

Reviewing the various handicaps the union has been up against in the last few years, Basson notes in his report that "when the present administration took office Local 306 was under the shadow of a potential suspension or revocation of its charter by the I. A.

"Our charter has been physically taken to Washington. There was an imminent possibility of chartering another operators' union for this jurisdiction. One of the first tasks which we set for ourselves was, therefore, to secure the return of our charter and to remove this threat. We are happy to report complete and unqualified success in this respect. The charter has been returned and the local's position is now stronger than it has been for many years."

Discussing the principle of democracy, Basson states: "The control of the union has at last been placed where it belongs—in its membership. The powers of the executive board as a deliberative body have been restored. No longer can it be thought or said with any justification whatsoever that one man, or even a group of men, run Local 306. Local 306 runs itself."

Reduction of general expenditures and elimination of unnecessary employes have been accomplished in a move to cut down the union overhead, Basson reveals. Salaries of all officers have likewise been sliced. These economies must continue in order to put Local 306 on its feet financially, Basson concludes.

Republic Will Have 19 Ready for Drive

Nineteen features will be available during Republic's January booking drive, according to Edward Golden, general sales manager. The pictures open for booking next month are: "Forbidden Heaven," "Two Sinners," 'Forced Landing," "Cappy Ricks Returns," "Frisco Waterfront," "Trembling Tumbleweeds," "$1,000 a Minute," "Westward Ho," "The Crime of Dr. Crespi," "The New Frontier," "Spanish Cape Mystery," "The Sagebrush Troubadour," "Racing Luck," "Lawless Range," "The Melody Trail," "Hitch Hike Lady," "The Singing Vagabond," "Burning Gold" and "The Oregon Trail."

W. Ray Johnston, president, is now on the coast conferring with Trem Carr, Nat Levine and M. H. Hoffman on new releases. Golden plans to hold a number of regional meetings next month in connection with the drive.

$3,700 for Rogers Fund

KANSAS CITY, Dec. 12.—The $4,850 take on the Will Rogers memorial show here, minus traveling expenses for several acts, will result in approximately $3,700 for the fund. More than 11,500 attended, mostly at 25 cents, and a number were turned away. The general committee in charge of the function included George Goldman, H. F. McElroy, Jr., Ernest Mehl, Landon Laird and H. P. Wolfberg of M-G-M.

"Mutiny" $15,000 High in Montreal

MONTREAL, Dec. 12.—The big attraction of the week was "Mutiny on the Bounty" which reached $15,000 at the Palace and was held over.

Loew's turned in $11,000 on "The Last Outpost" and "Here Comes Cookie," while the Imperial came along nicely with an assortment of French entertainment, the take there being $4,500. With "Shipmates Forever" as the main feature, the Capitol registered $9,500. "Splendor" was the reason for $7,000 at the Princess.

Chief opposition was found in the opening of the Stella, featuring French revues; a musical stock company at His Majesty's, and the usual run of hockey games which are doing well.

Total first run business was $47,000. Average is $41,500.

Estimated takings for the week ending Dec. 7:

"SHIPMATES FOREVER" (F. N.)
"PERSONAL MAID'S SECRET" (W. B.)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)

"LA BANDERA" (French)
"DR. PASTEUR" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: Radio Stars' Revue. **Gross:** $4,500. (Average, $3,500)

"THE LAST OUTPOST" (Para.)
"HERE COMES COOKIE" (Para.)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "International Ballyhoo" vaudeville unit. **Gross:** $11,000. (Average, $10,500)

"MUTINY ON THE BOUNTY" (M-G-M)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $15,000. (Average, $11,000). Held over.

"SPLENDOR" (U. A.)
"HIS FAMILY TREE" (Radio)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $7,000)

Pioneer Signs Crosby

HOLLYWOOD, Dec. 12.—Pioneer has signed Floyd Crosby, who won the Academy award for his photography of "Taboo," as a student camera man. Crosby will spend from six months to a year studying Technicolor before he starts working. William Skall has meanwhile been assigned to photograph the next Pioneer production.

Bank Nights Found Inside Alabama Law

(Continued from page 1)

from a Supreme Court decision which ruled that sacred history recorded the selection of an apostle by lot.

Texas Jury Opposed

ABILENE, TEX., Dec. 12.—The Taylor County grand jury has recommended to District Court Judge W. R. Chapman that "lottery law violations under the guise of picture show Bank Nights and merchants' trade drawings be stopped."

Wins Point in Suit

BOSTON, Dec. 12.—The motion of George S. Ryan, attorney, to amend the bill of complaint against the operators of Jack Pot, in behalf of Bank Night, has been allowed in district court here. The amendment included the fact that a decree had been entered against Jack Pot in Minnesota.

Legit for K. C. Orpheum

KANSAS CITY, Dec. 12.—Beginning Dec. 30, the Orpheum, dark several years, will present road shows, beginning with "Dodsworth."

R. Victor Leighton of New York is manager for Martin Beck and Marcus Heiman.

Inspect F. W. C. Groups

LOS ANGELES, Dec. 12.—Spyros and Charles Skouras, Mike Rosenberg and Jack Sullivan are touring the Pacific coast on a survey of F.W.C. subsidiaries.

Charter Amerfilm Corp.

Amerfilm Corp., New York City, has been formed by E. W. Stamm, F. Armstrong and P. C. Kaufmann.

Levine in Academy

HOLLYWOOD, Dec. 12.—Nat Levine of Republic has accepted an invitation to join the Academy.



Chaplin in Museum

Los Angeles, Dec. 10.—A life-size figure of Charlie Chaplin in his screen costume is to be placed in the Los Angeles Museum.

The figure is the work of Katherine Stuberg, sculptress.

Blumenthal Sued Here

Two suits, each alleging $5,000 damages, were filed in Supreme court yesterday by Sylvain Livingston, as assignee of Roy M. Livingstone, a Philadelphia lawyer, against A. C. Blumenthal. Among the transactions involved was services performed by Livingstone for Blumenthal in foreclosing a certain bond and mortgage given by Market-17th St. Corp. to Fox Theatre Corp. Justice Julius Miller ordered substitute service when affidavits were submitted by the plaintiffs that Blumenthal was avoiding service.

Judgment Is Confessed

A confession of judgment amounting to $14,357 was filed in the Supreme court yesterday by the Malcolm Laboratories Corp. against Showmen's Pictures, Inc. The papers set forth that Malcolm Laboratories furnished Showmen's Pictures with positive prints of certain films which the defendant was distributing. The sum of $11,965 represented the cash advanced by the plaintiff to the defendant. The balance was for the laboratory work. The plaintiff was awarded a lien against all of the pictures distributed.

Radio Signs Meredith

HOLLYWOOD, Dec. 12.—Radio has signed Burgess Meredith to a long term contract. He will report May 1. His first assignment will be in "Winterset," play by Maxwell Anderson, in which Meredith is now playing. The deal was handled by Pandro S. Berman on his recent visit to New York.

Murray Not with "U"

Leo Abrams, manager of the "Big U" Exchange, says Robert Murray, president of the newly formed Film Exchange Managers and Shippers Union, is not employed there.

"Crime" in Two Spots

OMAHA, Dec. 12.—Louis L. Dent's Varsity is showing the English version of "Crime and Punishment" and J. H. Cooper's Orpheum has the French version.

Idzal a Colonel

DETROIT, Dec. 12.—David M. Idzal, managing director of the Fox, is the latest filmite to join the ranks of the Kentucky colonels. His commission arrived a few days ago.

Order B. & K. Dividend

CHICAGO, Dec. 12.—Balaban & Katz Corp. has declared a dividend of $3.50 on accumulations on the seven per cent preferred stock. On Sept. 28 the company paid $1.75 per share.

Fire at Walla Walla

PORTLAND, Dec. 12.—Fire believed of incendiary origin damaged the Keylor Grand at Walla Walla today.

"Person," "Frisco" High in St. Louis

ST. LOUIS, Dec. 12.—"In Person" and "Frisco Kid" at the Shubert-Rialto were the best draw in a week of very strong competition with a gross of $12,000, or $5,500 above the house average of $6,500. The bill was held over.

"Mutiny on the Bounty" in its second week at Loew's did $11,800, which was $2,800 above average, while "Metropolitan" at the Ambassador took in approximately $11,250. The house average is $10,000.

The principal opposition of the week was furnished by "Tobacco Road," a stage show in its second week at the American, and "The Great Waltz," a stage production playing the Municipal Auditorium.

The weather was none too favorable, although mixed in character. Temperatures slightly above average for season.

Total first run business was $53,050. Average is $46,000.

Estimated takings for the week ending Dec. 4:

"METROPOLITAN" (20th-Fox)
AMBASSADOR—(3,018), 25c-35c-55c, 7 days. **Gross:** $11,250. (Average, $10,000)

"CRIME AND PUNISHMENT" (Col.)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $9,000. (Average, $12,000)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S—(3,162), 25c-35c-55c, 7 days. **Gross:** $11,800. (Average, $9,000)

"SO RED THE ROSE" (Para.)
"TO BEAT THE BAND" (Radio)
ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $9,000. (Average, $8,500)

"IN PERSON" (Radio)
"FRISCO KID" (W. B.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c, 7 days. **Gross:** $12,000. (Average, $6,500)

New K. C. Exchange

CHICAGO, Dec. 12.—Joe Levy, formerly manager of the Columbia exchange in Des Moines, will open an independent exchange in Kansas City about Jan. 1. The firm will be called the Capitol Film Exchange, with Henri Ellman, owner of the Capitol Film Exchange here, one of the partners.

Whitman Lambert Aide

William Whitman, who has been a member of the RKO and KAO legal department for several years, has been named assistant to Major I. E. Lambert, general counsel of KAO. Whitman on Monday assumes the duties formerly handled by Robert P. Meyers, who has joined NBC's legal forces.

Await Drive on Minors

A periodic drive by the Children's Society against admittance of persons under 16 to theatres unless accompanied by guardians is expected to get under way in the local territory next week, it is understood.

Pathe to Pay $1.75

Pathe Film Corp. has declared a quarterly dividend of $1.75 per share on the $7 cumulative preferred, payable Jan. 2 to stockholders of record Dec. 23.

Another Pitcairn Short

HOLLYWOOD, Dec. 12.—M-G-M will make another short about Pitcairn Island. Carey Wilson will again do the narrative.

Just Another Town

Lillian Hellman says anybody can go out to Hollywood, "mind your own business and do your work," according to Douglas Gilbert in the *World-Telegram*.

Apparently she did. She has heard that Louella Parsons signs syndicated articles, but that is all she knows about her. She didn't even bring back a story about Samuel Goldwyn for whom she adapted her play, "The Children's Hour."

And it wasn't Will H. Hays who made her change the name to "These Three." She decided to do it herself in conference with Herman Shumlin.

"Frisco Kid" Hits $6,400, Oklahoma

OKLAHOMA CITY, Dec. 12.—"Frisco Kid" was the best draw of the week. It beat average by $1,400 on a take of $6,400 at the Criterion.

The Liberty had an excellent week. With a combination of "The Last Outpost" on the screen and the "Miami Bound" revue on the stage it took $2,500 in four days. Normal for seven days is $3,000. During the last three days of the week "The Affair of Susan" pulled $1,000, a total of $4,000 for the week.

"Peter Ibbetson" and "The Last Days of Pompeii" were both weak.

Total first run business was $14,900. Average is $14,000.

Estimated takings for the week ending Dec. 7:

"FRISCO KID" (W.B.)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $6,400. (Average, $5,000)

"PETER IBBETSON" (Para.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,200. (Average, $4,000)

"THE LAST DAYS OF POMPEII" (Radio)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,000)

"THE LAST OUTPOST" (Para.)
LIBERTY—(1,500), 10c-20c-26c-40c, 4 days. Stage: "Miami Bound" revue. **Gross:** $2,500. (Average for week, $3,000)

"THE AFFAIR OF SUZAN" (Univ.)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $1,000. (Average for week, $3,000)

Fire in Two Theatres

OMAHA, Dec. 12.—Two theatres in this territory have been badly damaged by fire.

One, the State at Emmetsburg, Ia., operated by A. J. Swanton was practically destroyed, with damage estimated at $40,000. Four other structures also were damaged.

The other at the Omaha here was confined principally to the booth, with damage estimated at $500. Edward Crowell, the operator, was burned.

Allen China Exhibitor

TORONTO, Dec. 12.—Probate of the will of Charles B. Allen, who died at Sudbury, Ontario, after long residence in Canada, revealed that he was part owner of two theatres in China, his real name being Yok Chen Wu.

The two theatres in which he had an interest are the Asia and the Leong Han Chow, both in Shanghai.

Independents Form A Buying Combine

OMAHA, Dec. 12.—After meeting in secret here for two days independent exhibitors of Nebraska, Western Iowa and South Dakota have formed the preliminary organization of a co-operative film buying group. Details of how the new group is to function will not be made known until a tri-state committee of seven members turns in its report to Charles E. Williams, president of the local M. P. T. O., who is handling the secretarial work of the organization.

According to Williams, the group will not be known as a film buying combine, but rather as a protective organization to meet the encroachment of the circuits in smaller situations. The organization will be considerably different from the one recently set up by Allied in Iowa where a fund of $50,000 was raised to meet circuit menace. There will be no fund, Williams said. On the board of directors of the new organization which has the temporary title of Nebraska, Iowa and Dakota Association are: H. Tammen, Dale Goldie, Dick Kehrberg, H. F. Kennedy, Mons Tompson, Mrs. Jennie Wickman and Oscar Johnson. The new group goes into action Jan. 1.

Variety in Phila. Seeks Xmas Fund

PHILADELPHIA, Dec. 12.—Variety Club has appointed a committee to build up a Christmas fund for the needy. Exhibitors, distributors, producers and others connected with the industry will be asked to help.

Arrangements are being made to show short trailers in all theatres in the territory, and to have newspapers announce the names of contributors and of theatres assisting in the fund.

Nolan Out of Mayoralty

OTTAWA, Dec. 12.—P. J. "Paddy" Nolan, widely known theatre owner, is no longer mayor here. Making a bid for his third term in the mayoralty in the December municipal elections, Nolan finished third, the successful candidate being Stanley Lewis, previously a member of the Board of Control.

The only other theatre mayor in Ontario, H. E. Wilton, manager of the Strand, Hamilton, has stepped from office because of the fact that he has been elected a member of the Dominion Parliament.

Blank Leases Theatre

OMAHA, Dec. 12.—A. H. Blank has leased the Paramount to the *Omaha World-Herald* for the Monte Carlo Ballet Russe Jan. 2. The action came as a surprise as exhibitors generally have been opposing the paper's ventures into amusements of various kinds.

Douglas Has Appendicitis

BOSTON, Dec. 12.—Kenneth Douglas, head of the Capitol Theatre supply Co., has been stricken with appendicitis.

Cole Porter to Coast

HOLLYWOOD, Dec. 12.—Cole Porter, signed by M-G-M in New York, is due here Dec. 20 to write music for "As Thousands Cheer."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 140 NEW YORK, SATURDAY, DECEMBER 14, 1935 TEN CENTS

Equity Case In St. Louis Up on Jan. 6

Judge Molyneaux Agrees With Lawyers on Date

ST. LOUIS, Dec. 13.—Following repeated efforts by the Government for an early hearing, Federal Judge Joseph West Molyneaux and attorneys for Warners, Paramount and RKO today agreed upon Jan. 6 as the date for the start of argument on the preliminary injunction.

The equity suit against the three distributors alleges refusal on the part of the defendants to service F. & M.'s Ambassador, Missouri and New Grand Central. Counsel for distributors originally suggested Jan. 27, or early in February, but Government counsel has insisted on bringing the hearing up to the first week of the new year.

Russell Hardy, prosecuting attorney, will arrive here from Washington on Jan. 5. Many of the witnesses subpoenaed in the criminal action, which lasted six weeks and ended in acquittal of all indicted parties, are ex-

(Continued on page 2)

Lee Newbury Named Jersey Allied Head

Lee Newbury of Belmar, N. J., has been elected president of Allied of New Jersey, succeeding Sidney E. Samuelson, at the adjourned annual convention, held aboard the *Queen of Bermuda*. Prior to sailling last week, Samuelson insisted he would not continue in that post, despite repeated requests to do so by the membership.

Louis Levin, Newark, and Simon Myers, Moorestown, were elected vice-presidents; Jacob Unger, Hillside, secretary; David Snaper, New Brunswick, treasurer; Maurice Mill-

(Continued on page 3)

Capitol Chalks Up Big $57,000 Gross

Despite the pre-Christmas slump, the Capitol came through with a $57,000 take for the first week of "A Night at the Opera." The gross was the biggest at any theatre, including the Music Hall, last week.

The third week of "Frisco Kid" at the Strand tallied around $10,000. "The Man Who Broke the Bank at Monte Carlo" and "Men of Iron" at the Palace garnered about $7,000, while the Astor chalked up approximately $5,000 for "Land of Promise," in its third week.

Theatres Ask For $650,000 In 306 Suit

Conspiracy Is Charged Because of Pickets

A suit for $650,000 damages was filed yesterday in N. Y. Supreme Court by the Times Square Theatre Co., Inc., et al, against Joseph Basson, individually and as president of Local 306. The complaint charges a conspiracy on the part of the defendant, its officers, members and employes to launch an attack upon the plaintiff for the purpose of ruining its business.

The petition charges that Local 306 acted arbitrarily in demanding a two-man operation of a booth whereas Allied M. P. Operators' Union requires only one man and that one

(Continued on page 3)

Ostrer, Balcon Sail After Talent Quest

Mark Ostrer, chairman of the board of G. B., and Michael Balcon, production head, end a busy stay of several weeks in this country today. They sail on the *Aquitania*.

In addition to closing a deal for exchange of talent with Twentieth Century-Fox Balcon arranged for a number of Hollywood names to appear in G. B. pictures. Among these were May Robson, who will appear in a story based on Jules Verne's "Michael Strogoff"; Constance Bennett, Victor McLaglen, Sally Eiler, Edmund Lowe, Elizabeth Allan, Robert Young, Richard Arlen and Sylvia Sidney.

Balcon also closed deals with Raoul Walsh and Charles Reisner to direct for G. B. and with Ralph Spence to write. Reisner and Spence accompany Ostrer and Balcon on the return trip to England.

Indiana ATO Finds Cleanup Beneficial

INDIANAPOLIS, Dec. 13.—Fewer pictures are appearing on the condemned list of the Chicago Legion of Decency, it is pointed out in the current bulletin of the Associated Theatre Owners of Indiana.

"The screen has experienced a very desirable and wholesome cleaning during the past year and a half," the bulletin points out, "and this should be reflected in larger receipts. All these factors are working for your benefit, but you must be alert and on the job to 'cash in' properly on them."

Marquees Again

Denver, Dec. 13.—Here are a couple of laughs from the neighborhood marquees:

"While The Patient Slept" with "Baby Face Harrington"

And another: "Flirtation Walk" with "The Thin Man"

No Action Taken on Fox Court Summons

Judge William Bondy of Federal court told MOTION PICTURE DAILY yesterday no action had been taken by him as yet on the order directing William Fox to appear by Dec. 13 to purge himself of contempt of court. The judge declared he had heard no arguments on the order, but expected to do so within the next few days.

The order was presented to Judge Bondy by attorneys for the Capital Co., San Francisco corporation which had obtained a $297,000 judgment against Fox last summer as a result of rent defaults on a theatre lease said to have been guaranteed by Fox. The order was taken under advisement by Judge Bondy, and has not yet been signed by him. Capital attorneys had indicated a warrant for the arrest of Fox for contempt would be obtained if the court signed the order. Fox is said to be in a sanitarium in Toronto.

Union Order from Pat Casey Awaited

HOLLYWOOD, Dec. 13.—Pat Casey, studio representative on labor matters, arrived here today from New York and is expected to issue the order to all producers tomorrow which will make the I.A.T.S.E. five-year agreement effective. Soundmen will not have to hold union cards, it was learned.

The A.S.C. has urged all members not to become alarmed over current rumors but to await definite announcement. I.A.T.S.E. members who suffered during the strike of two years ago will be given jobs first following payment of back dues, it is understood.

FWC Heads Discuss Moves in Northwest

PORTLAND, Dec. 13.—Charles and Spyros Skouras, Arch Bowles, Jack Sullivan and Herman Wobber conferred here today with Evergreen States executives on an expansion program for the Evergreen, Rainier and Multnomah circuits.

John Hamrick and Ned Edris have acquired the 1,700-seat Roxy, Tacoma, from Jensen-Von Herberg.

Rothacker Is Made Head of Para. Studio

Lubitsch and Herzbrun Are His Associates

Watterson R. Rothacker heads the new studio setup at Paramount, John E. Otterson, president of the company, declares in a message to the distribution department circulated among the men in the field.

Associated with him are Ernst Lubitsch as managing director of production, Henry Herzbrun in charge of business affairs and George Bagnall in charge of finances.

Rothacker was elected a vice-president of Paramount Productions, Inc., some weeks ago as reported exclusive-

(Continued on page 2)

Hutchinson Here; Silent on New Job

Describing his trip as an annual visit, Walter J. Hutchinson, managing director for Fox Film Co., Ltd., yesterday stated upon his arrival on the *Aquitania* that nothing had been set on his appointment as general foreign manager, succeeding Clayton Sheehan, recently resigned.

Hutchinson said he would confer with S. R. Kent, president of Twentieth Century-Fox, within the next few days and all statements in connection with his appointment would have to come from Kent. Reports current have it that the Fox head in London officially will be named to the Sheehan post with F. L. Harley, man-

(Continued on page 2)

Bank Night Banned By Mayor of Boston

BOSTON, Dec. 13.—Bank Night has been banned here by order of Mayor Frederick Mansfield, after a special hearing. Warnings had been sent to exhibitors previously. Arguments of George S. Ryan and Roy Heffener for Bank Night and of exhibitors had no effect, Mansfield declaring Corporation Counsel Foley had classed the game a lottery, and therefore illegal in the city.

Other chance games will likewise be banned. Heffener told MOTION PICTURE DAILY he will fight the order all the way. It is expected an injunction will be sought to prevent enforcement of the order. Mansfield refused to permit the game to run pending a test case.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 14, 1935 No. 140

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOT'ON P'CTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Wagner Will Attend Hershfield Dinner

U. S. Senator Robert F. Wagner will be one of the guests at the testimonial dinner to be given Harry Hershfield by the Cheese Club at the Astor Jan. 26.

Others who will attend will include: Postmaster General Farley, Grover Whalen, Supreme Court Justice Aaron J. Levy, J. Montgomery Flagg, Daniel Frohman, Max Steuer, Police Commissioner Lewis J. Valentine, Louis Sobol, Ed Sullivan, Joe Weber, Rear Admiral Yates Sterling, Lawrence Tibbett, Frank Buck and Max Reinhardt.

Receipts above expenses will be donated to the Actors' Fund, Episcopal Actors' Guild, Catholic Actors' Guild, Jewish Theatrical Guild and the Newspaper Guild.

Showmen's Club Elects

CLEVELAND, Dec. 13.—The Showmen's Club of Cleveland, composed of local theatre managers and those connected with allied industries, has elected the following officers for the year: President, Harry Henderson; vice-president, Frank Greenwald; secretary, Burt Diener; recording secretary, William J. Banks; treasurer, Louis Swee.

Mayer Party Eastbound

HOLLYWOOD, Dec. 13.—Louis B. Mayer, Howard Strickling, studio publicity head, and Frank Orsatti are en route to New York for business conferences.

Purely Personal

JOE MOSKOWITZ, interviewed on the Dionne adventure in Canada for Twentieth Century-Fox, was described by some of the daily scribes as a supervisor. A spokesman for Moskowitz declares JOE feels he has been libeled.

•

BILLIE BURKE and her daughter, PATRICIA BURKE ZIEGFELD, reached town yesterday to attend the wedding of MARJORIE POST HUTTON and JOSEPH DAVIES. They also will attend the opening of Ziegfeld Follies in Boston Dec. 23.

•

JACK CONNOLLY, Pathe News general manager, has received a decoration from the Emperor of Indo-China. He adds this to his French, Spanish, Roumanian, Moroccan and Tunisian medallions.

•

H. R. KOSSMAN, American representative for ANDRE DE BRIE, sails today for Paris to inspect new equipment which the company proposes marketing next year.

•

JEAN O'NEILL, a graduate from Major Bowes' amateur program, will be guest star with JOHNNY JOHNSON'S orchestra at the Commodore Hotel tonight.

•

C. S. FORRESTER, English writer, arrived here in the *Aquitania* yesterday. He will go to Hollywood to do the screen version of his "Buccaneer" for Paramount.

•

ERROL FLYNN, featured in "Captain Blood," will arrive from the coast Monday for a vacation and to attend the opening of the film at the Strand Christmas week.

•

JESSE L. LASKY, who arrived from Hollywood yesterday, plans to remain here a week. Then to the coast for the holidays.

•

JOE LEE of Twentieth Century-Fox, and DAVE SNAPER, New Jersey circuit operator, returned yesterday from Bermuda.

•

MARQUIS HENRI DE LA FALAISE left Thursday for the coast. He will stop at Kansas City for the opening of "Legong."

•

NICK SCHENCK, DAVE and MRS. LOEW glimpsed at El Morocco Thursday night. HELEN VINSON there also.

•

RAQUEL TORRES has left for the coast to co-star with CHARES BICKFORD in "Red Wagon" for Alliance.

•

OWEN DAVIS, JR., sails today for the coast on the *Pennsylvania.*

•

BEN GOETZ departs today on the *Washington.*

•

NED SPARKS a passenger on the *Europa,* sailing today.

Bell Succeeds Thompson

Chester J. Bell, formerly sales manager of the Detroit branch, has succeeded Roger Thompson as manager of Paramount's Salt Lake office. Thompson is on leave of absence.

Rothacker Is Made Head of Para. Studio

(*Continued from page* 1)

ly in MOTION PICTURE DAILY at the time.

In discussing the setup, Otterson, talking frankly, has this to say:

"When Paramount emerged from the long process of reorganization many problems confronted the new management of the company.

"Of primary importance to you in the field—and to all of us—was the matter of product. Due in a large measure to a change in studio management a few months previously, the producing organization was demoralized and this condition was reflected in the pictures which came from the studio.

"Therefore, our first concern was to establish a studio organization which would give Paramount the kind of product the company must have if Paramount's ancient glory was to be revived."

In next discussing details of the setup, Otterson describes Rothacker as "an able and experienced film business man who is giving the studio sound management along business lines."

"Wealth of Manpower"

Throwing a "beau geste" at the home office personnel as well, the Paramount president states:

"Nowhere in the organization was Paramount's magnificent wealth of manpower more in evidence than in the home office. The new management found the New York department heads uniformly competent and able. With Neil Agnew heading your distribution department, Y. Frank Freeman in charge of our theatre operations, John Hicks operating the foreign department and R. E. Anderson supervising financial and accounting matters we believe we have the perfect home office working combination.

"Throughout all the work of reorganization the new management has received the invaluable aid and counsel of Adolph Zukor. We have drawn on his vast experience and wisdom to guide us at all times. All of us owe him a deep debt of gratitude for his unselfish and tireless cooperation."

Sounding off another phase of his policy, Otterson finally discusses politics in this wise:

"I have stressed before and I wish to stress again that the new management is pledged to take Paramount out of politics and politics out of Paramount. Internal politics will not be tolerated. We have but one purpose—to place Paramount in the position it occupied for so many years as the undisputed leader of the motion picture industry and to keep Paramount in this position of leadership."

"Dream" Ending Run

CHICAGO, Dec. 13.—After three weeks "Midsummer Night's Dream" closes at the Apollo and "Metropolitan" takes its place on a grind basis. The "Dream" has been running on a two-a-day schedule. Fox sent out special letters to those who patronized the Warner epic, telling of the Lawrence Tibbett picture.

Equity Case In St. Louis Up on Jan. 6

(*Continued from page* 1)

pected to be on hand shortly after the first of the year.

So far as it could be learned, Hardy has not subpoenaed any witnesses. He may rely on the data already incorporated in the transcript of the criminal case for his arguments.

Louis Phillips, attorney for Paramount, who assisted St. Louis attorneys in the defense of George J. Schaefer and Paramount, sailed Thursday on the *Pastores* for a cruise. He is scheduled to return Jan. 6, the date of the St. Louis equity hearing and fly to the Mound City. Irving Cohen, who aided with Phillips, will also return to St. Louis.

Judge Molyneaux was named on Monday by Presiding Justice Kimbrough Stone of the U. S. Circuit Court of Appeals to hear the equity case, following disqualification of Federal Judge George H. Moore of himself. Judge Moore heard the criminal action and defense attorneys claimed bias on his part after the charge to the jury.

The hearing for a preliminary injunction is expected to last a few days.

Hutchinson Here; Silent on New Job

(*Continued from page* 1)

aging director for the company in France, Belgium, Switzerland and Algeria succeeding him.

Hutchinson asserted business was very good in England and that this is the first time since 1929 that he has come over feeling so optimistic. He added that Fox will continue to make 12 quota films at its own studios at Wembly. Ernest Gartside is in charge, but Hutchinson supervises. Elisabeth Bergner is now making "As You Like It" for Charles B. Cochran. This picture will be distributed by Twentieth Century-Fox.

About 4,000 theatres are now open in England, including Ireland, Hutchinson stated, and all are doing well. He said he has no plans at all and his return to England depends on the outcome of his planned conferences with Kent.

On the same boat were Julian Schlesinger, nephew of M. A. Schlesinger, and his bride, from South Africa; Mary Ellis, Paramount player; Adrienne Allen and her husband, Raymond Massey, who will appear in a show to be produced by Max Gordon; and C. S. Forrister, Paramount writer.

Leto Hill Returns

Leto Hill, supervisor of the St. Louis Amusement Co., operating 20 neighborhood houses in St. Louis and in which Warners have a substantial interest, left last night for the Mound City after a three-day vacation here.

Hill received a telephone call from St. Louis urging his immediate return. His wife's father, Hill said, was dying.

Theatres Ask For $650,000 In 306 Suit

(Continued from page 1)

man receives greater pay. The complaint further states that since Jan. 1, 1934, the defendants have picketed in front of the plaintiff's theatres.

The complaint further charges that riots have at various times broken out in the plaintiff's theatres and that persons acting under the instructions of Local 306 have from time to time planted bombs in the theatres.

The plaintiffs in addition to Times Square Theatres, Inc., are Evadne, Inc., operators of the Colony Theatre, Jackson Heights; the G-T Amusement Co., Inc.; Heldus, Inc., operators of the Liberty; Amity Amusement Corp., operators of the Central; Rudolph Saunders, who owns the Saunders, in Brooklyn; Lewis Brandt, operator of the Globe, and the Sam-Glo Operating Co., owners of the Globe, Brooklyn, Saunders and Sam-Glo ask for $100,000 damages each. The remaining six plaintiffs ask for $75,000 each. No answer has been filed as yet.

A spokesman for Local 306 and Basson yesterday stated that the president will make a statement on the suit today. He was reported out of his office when called by Motion Picture Daily.

Lee Newbury Named Jersey Allied Head

(Continued from page 1)

er, Passaic, and Edward Lachman, Morristown, assistant treasurers.

Directors who will serve for a term of three years are Mark Block, Newark; Samuelson, Newton; I. A. Roth, Morristown. Louis Rovner, Camden, was named director for one year to take Snaper's place. Frank P. Gravatt, Atlantic City; W. C. Hunt, Wildwood, and Ralph D. Wilkins, Pitman, will serve as director for two years. Harry Hecht, Passaic, and Helen B. Hildinger, Trenton, will continue to serve for another year.

A complete and thorough discussion of product and legislative situations were said to have been talked over. Senator R. Powell of Burlington was introduced to the conventionites. About 54 attended the sessions, it was stated.

Reel Meeting Delayed

The meeting of a special committee to work with the National Board of Fire Underwriters on changes in fire regulations as a result of the adoption of the 2,000-foot reel, scheduled for yesterday at the M.P.P.D.A., has been postponed until sometime next week. The committee was to have drafted new regulations for submission to the National Fire Protective Ass'n., next May. The date of the postponed meeting has not been determined.

Rodney Bush Gaining

Hollywood, Dec. 13. — Rodney Bush, assistant to Bill Pine, is recuperating nicely from an appendectomy at the California Hospital and is expected out in a few days.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Two in the Dark"

(Radio)

Hollywood, Dec. 13.—Novel plot basis provides new exploitation angles here to tempt those who like to turn detective in the theatre. Walter Abel finds himself bleeding from a wound in the head in the dark in the early morning. His mind is blank.

Contents of his pockets furnish no clue to his identity. Margot Grahame, a stranded actress, is guiding him toward a police station for help when newspapers appear with a sensational murder bannerlined.

The story gathers nice tension toward an unpredictable outcome as Abel, fearing he is the murderer, evades the reporters and police while trying to discover his identity. Abel makes a far better impression than in "The Three Musketeers." Miss Grahame makes convincing a rather illogical part. Alan Hale is excellent as an inspector. Eric Blore and Erick Rhodes bring their highly individual humor into good use and make their smaller parts effective. Gail Patrick and Erin O'Brien Moore supply a couple of attractive villainesses. Leslie Fenton is good as the murderous literary thief.

Ben Stoloff keeps the show moving at nice speed in spite of necessarily long dialogue sequences. Seton I. Miller keeps his audience baffled with his screen play from the novel by Gelett Burgess. Zion Myers produced.

Challenge audiences to guess the outcome and play the loss of memory angle as two good advertising angles.

Production Code Seal No. 1,798. Running time, 65 minutes. "G."

"Whispering Smith Speaks"

(Lesser-20th-Fox)

Hollywood, Dec. 13.—Whether George O'Brien rides trains or horses he shows equal proficiency. In this one he rides trains and the film is sprinkled with smoothly blended, homely humor, romance and action which will please O'Brien followers.

The story is the usual melodramatic hokum wherein O'Brien chucks a puppet job handed him by Frank Sheridan, his rich father, who owns a large railroad, and sets out for himself. He gets a job on a small mountain railroad.

Irene Ware is boss of the company and audiences can sense romance a mile away when Miss Ware and O'Brien meet. The villains are not so villainous as usual and merely try to rook Miss Ware out of several thousand dollars for her supposedly worthless property, which, according to formula, is rich with tungsten ore. O'Brien smells a mouse and upsets the deal, beating out his own father and earning a responsible job with his father's company.

The saga ends with the hearts of O'Brien and Miss Ware clicking in locomotive time. Good performances are turned in by the entire cast, including Kenneth Thomson, Maude Allen, Spencer Charters, Vic Potel and others. David Howard's direction is subtle.

Production Code Seal No. 1,830. Running time, 70 minutes. "G."

"Fighting Coward"

(Victory Pictures)

Hollywood, Dec. 13.—Aptly titled, this is melodrama of crime, murder, regeneration and sacrifice. Produced on a scale suitable for second features, it carries an appeal and emotional kick. Making no pretensions to step out of its class, the show, well acted and directed, should interest audiences liking action stripped of inconsequentials.

Starting in romantic atmosphere, Ray Mayer, young detective, is in love with Joan Woodbury, daughter of Chief Earl Dwyre. Assigned to track down a killer, he finds that the suspect is his father, William Farnum. Family love proving stronger than sense of duty, Mayer permits Farnum to escape. Fearing a reprimand, Mayer turns coward.

His only comfort is the solace of Joan, who urges him to get a new grip on himself as she understands the situation. Building to a thrill climax, Farnum joins with Mayer and is injured in a wild auto chase to wipe out the criminal gang. As Farnum dies in his son's arms, the stage is set for the climax as Mayer is restored to the good graces of the department and there is promise of marriage for him and Joan.

The picture is based on a story by Peter B. Kyne, a fact of definite showmanship value, with screen play by Al Martin. The supporting cast includes Clara Kimball Young, Sid Saylor, Reed Howes, Matthew Betz. Good handling of suspense is noted in Dam Milner's direction.

Previewed without production code seal. Running time, 57 minutes. "G."

F. & M. and Unions Agree at St. Louis

St. Louis, Dec. 13.—F. & M. interests have finally reached an agreement with the stagehands' and musicians' unions providing for a 12-week guarantee at the Ambassador. The unions previously demanded a minimum of 20 weeks, but after lengthy negotiations the circuit won out.

Seven weeks of stage shows already have been lined up, running until the end of January, following which it is expected two or three shows will be put on a month. Dated are the KMOX, radio station, Saturday Night Club with Al Roth, starting this week. Roth once was master of ceremonies at the Missouri when Spyros Skouras operated the house.

The Olsen & Johnson unit will begin a two-week engagement Dec. 21. Following will be Henry Armetta during the week of Jan. 3. The Major Bowes amateurs have been dated for Jan. 10 with Al Pierce, either on Jan. 17 or Jan. 24.

Vaudeville also will return locally provided a plan under discussion by F. & M. materializes. Harry C. Arthur, Jack Partington and Charles Kurtzman are considering from seven to eight acts a week for the Missouri. A decision will be arrived at in New York in a few days.

Art Levy Is Married

Pittsburgh, Dec. 13.—Art Levy, chief barker of Variety Club, Tent No. 1, pulled a surprise here when he and his fiancee, Bess Lefkowitz, slipped away to Levy's home town, Hamilton, Ont., and were married. They had previously said the ceremony would be performed in Pittsburgh shortly after Jan. 1.

Mrs. Levy was formerly employed in the Warner office and is a niece of Joseph Schnitzer.

Despite the wedding, Levy's Film Row friends are going ahead with their "bachelor dinner" in his honor next Monday night.

Wall Street

Eastman Off 2¼ Points on Board

	High	Low	Close	Net Change
Columbia	47	46	46	—1⅜
Consolidated	6	5¾	5¾	— ⅛
Consolidated, pfd	18¼	18⅛	18⅛	— ⅜
Eastman Kodak	158	156¾	156¾	—2¼
Loew's, Inc.	53	51¾	52¼	— ¾
Paramount	10	9½	9⅝	— ¾
Paramount 1 pfd.	79¼	79	79¼	+ ½
Paramount 2 pfd.	11⅞	11½	11½	— ⅜
Pathe Film	6⅞	6¾	6¾	— ½
RKO	5¼	5	5	— ⅜
20th Century-Fox	24⅞	23½	23¾	— ⅛
20th Century, pfd.	33½	32	32½	+ ⅜
Warner Bros.	10	9½	9⅝	— ¼
Warner, pfd	51	51	51	—1

Sentry Gains on Curb

	High	Low	Close	Net Change
Sentry Safety	9/16	9/16	9/16	+1/16
Sonotone	2¼	2¼	2¼	.....
Technicolor	18	17½	18	— ⅛
Trans-Lux	3⅞	3⅝	3¾	— ⅛

General Theatre Bonds Up

	High	Low	Close	Net Change
General Theatre 6s '40	19¾	19¼	19¾	+ ¾
General Theatre 6s '40 ctf	19¼	18¾	19¼	+ ½
Loew's 6s '41 ww deb rights	104	104	104	+ ¾
Paramount B'way 3s '55	58	57⅝	57¾	— ¼
Paramount Pict. 6s '55	92¼	91⅝	92	— ¼
Warner Bros. 6s '39 wd	88¾	88	88	— ½

(Quotations at close of Dec. 13)

"Opera" Gets $18,700, Top Take in K.C.

KANSAS CITY, Dec. 13.—Strong competition had no effect on "A Night at the Opera." The Midland take ran over normal by $7,200 for a total of $18,700.

This was in spite of a mixture of cold, warm and rainy weather and an attendance record at the automobile show.

"In Old Kentucky" took $5,500 at the Uptown in its second week, which is $2,000 over normal.

"Frisco Kid" did $10,200 at the Newman in eight days. Average is $7,600. "Red Salute" and a stage show at the Tower grossed $8,500 in eight days, over par by $1,000.

The Mainstreet usually does better with combination bills than the $9,500—$500 over par—grossed with "Annie Oakley" and "Sunkist Revue" with Henry Armetta.

Total first run business was $52,400. Average is $38,500.

Estimated takings:

Week Ending Dec. 4:

"A NIGHT AT THE OPERA" (M-G-M)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $18,700. (Average, $11,500)

"ANNIE OAKLEY" (Radio)
MAINSTREET — (3,100), 25c-35c-55c, 7 days. Stage: Sunkist Revue, starring Henry Armetta. **Gross:** $9,500. (Average, combination bills, $9,500)

Week Ending Dec. 5:

"FRISCO KID" (W. B.)
NEWMAN—(1,800), 25c-40c, 8 days. **Gross:** $10,200. (Average, 8 days, $7,600)

"RED SALUTE" (U. A.)
TOWER—(2,200), 25c-35c, 8 days. Stage: Rita Rio, Don Zelaya, Alvin & Marguerite, the Five Cordovas, and Jack Carson, M. C. in his farewell week. **Gross:** $8,500. (Average, 8 days, $7,500)

Week Ending Dec. 6:

"IN OLD KENTUCKY" (20th-Fox)
UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $3,500)

"Mutiny" a $7,000 Draw in Charlotte

CHARLOTTE, Dec. 13.—"Mutiny on the Bounty" was the leader here last week with a take of $7,000 in a six-day run at the Carolina. It was held over at the State.

Good weather prevailed all week. With the exception of a fight Monday night, no outside competition was encountered.

"A Midsummer Night's Dream" doubled average in a three-day run at the Broadway with a gross of $4,000. Only two shows daily were presented at prices ranging from 55 cents to $1.10.

Total first run business was $13,000. Average is $11,000.

Estimated takings for the week ending Dec. 7:

"A MIDSUMMER NIGHT'S DREAM" (W. B.)
BROADWAY—(1,114), 55c-$1.10, 3 days. **Gross:** $4,000. (Average, $2,000)

"BROADWAY HOSTESS" (F. N.)
BROADWAY—(1,114), 25c-40c, 3 days. **Gross,** $1,000. (Average, $2,000)

"MUTINY ON THE BOUNTY" (M-G-M)
CAROLINA — (1,400), 25c-40c, 6 days. **Gross:** $7,000. (Average, $4,000)

"METROPOLITAN" (20th-Fox)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $750. (Average, $1,500)

"HERE'S TO ROMANCE" (20th-Fox)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $500. (Average, $1,600)

"Frisco," "Person" New Haven Leaders

NEW HAVEN, Dec. 13.—Opening in the driving rain and cold of Thanksgiving Day, "Frisco Kid" and "In Person" lined up crowds in front of the Roger Sherman and kept up steadily for the week to a $7,000 gross, $2,300 above average for this house.

Tying this figure, the Poli, with "In Old Kentucky" and "One Way Ticket" did normal business. "Peter Ibbetson" on a dual with "Thousand Dollars a Minute" at the Paramount, hit $6,200, or $1,300 up the scale.

The College played four days of "A Night at the Opera" and "Grand Exit" on a holdover from the Poli, grossing $3,500, and was leased to Warners for five performances of "A Midsummer Night's Dream" at road-show prices during the remainder of the week, doing $4,900.

Total first run business was $23,700. Average is $19,400.

Estimated takings for the week ending Dec. 6:

"A NIGHT AT THE OPERA" (M-G-M)
"GRAND EXIT" (Col.)
COLLEGE—(1,499), 35c-50c, 4 days. (Holdover.) **Gross:** $3,500. (Average, $2,800.)

"PETER IBBETSON" (Para.)
"THOUSAND DOLLARS A MINUTE" (Republic)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $6,200. (Average, $4,900.)

"IN OLD KENTUCKY" (20th-Fox)
"ONE WAY TICKET" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $7,000. (Average, $7,000.)

"FRISCO KID" (W. B.)
"IN PERSON" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $7,000. (Average, $4,700.)

Roxy Fee Arguments Presented to Court

After hearing arguments by various counsel on petitions for allowances, Federal Judge Francis G. Caffey has taken under advisement the list of appropriations for the Roxy. Proskauer, Rose & Paskus are seeking $75,000 for legal services rendered during Howard S. Cullman's term as receiver, while Cullman is asking for a $20,000 interim allowance as trustee.

Judge Caffey gave no indication late Thursday night when he would hand down a ruling on the petitions. A semi-annual auditor's report for the Roxy will be filed with the court later in the month.

Standards Group Named by Academy

HOLLYWOOD, Dec. 13.—Nathan Levinson, chairman of the Academy Technicians Branch, today announced the appointment of Academy representatives on the sectional committee for films of the American Standards Ass'n. Appointed were: Porter H. Evans, Vitaphone studio, as eastern representative; J. M. Nickolaus and Gordon S. Mitchell, manager of the Research Council.

Dr. Alfred N. Goldsmith is chairman of the committee, responsible for coordinating all industry standards, and representing all branches.

Hogan Made Director

HOLLYWOOD, Dec. 13.—James Hogan, veteran assistant director, has been named a director by Paramount and he will make Zane Grey's "Desert Gold."

World's Greatest

Boston, Dec. 13.—The best gag of the week was provided when a news photographer here took a picture of Angeline A. Maney, assistant publicity manager of the Metropolitan, and her collection of 238 toy dogs. In one corner of the picture appeared part of this year's Red Cross poster bearing the legend, "Still the World's Greatest Mother."

"Opera" a $14,400 Buffalo Sensation

BUFFALO, Dec. 13.—"A Night at the Opera" was an eight-day sensation at the Great Lakes in spite of dismal weather. The $14,400 take was nearly double average.

"Thanks a Million" was $3,700 to the good at the Buffalo, with a take of $15,700, and "She Couldn't Take It" pulled $8,200 to the Lafayette, where $6,000 is normal.

Total first run business was $49,700. Average is $34,762.

Estimated takings for the week ending Dec. 9:

"THANKS A MILLION" (20th-Fox)
BUFFALO—(3,000), 30c-50c, 8 days. **Gross:** $15,700. (Average, 7 days, $12,000)

"THE MELODY LINGERS ON" (U. A.)
"LITTLE AMERICA" (Para.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $4,400. (Average, $7,300)

"A NIGHT AT THE OPERA" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 8 days. **Gross:** $14,000. (Average, 7 days, $7,300)

"MARY BURNS, FUGITIVE" (Para.)
"POWDER SMOKE RANGE" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $7,000. (Average, $5,800)

"SHE COULDN'T TAKE IT" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $8,200. (Average, $6,000)

Warner Theatre Men Gather Here Monday

Eleven Warner theatre zone managers will meet at the home office Monday for the third conference this year on general operations and policy discussions. Joseph Bernhard will preside. Lou Halper, who makes his headquarters in Los Angeles, will not attend.

Attending will be I. J. Hoffman, New Haven; Moe Silver, Albany; Don Jaycocks, Newark; John H. Payette, Washington; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; Nat Wolf, Cleveland; James Coston, Chicago; Howard Waugh, Memphis; Dinty Moore, St. Louis.

Clayton Bond is expected to confer with the men on bookings.

Served in FWC Suit

HOLLYWOOD, Dec. 13.—Papers were served yesterday on old F. W. C. Theatres, which went into bankruptcy, and new F. W. C. Theatre Corp., in Thomas L. Tally's suit to have the bankruptcy reorganization set aside. The circuit has 20 days to answer. Papers have not yet been served on Charles Skouras, also named in the suit.

Form Hollywood Tours

ALBANY, Dec. 13. — Hollywood Tours, Inc., has been chartered here by Florence Epstein, Adele A. Rethkrug and Leona Friedman.

"Kentucky" in 2d Week Gets Detroit Lead

DETROIT, Dec. 13.—"In Old Kentucky" ran away with the biggest business of the week here in its holdover at the Fox. The take, with a stage show to help, ran up to $19,400, over normal by $4,400.

Two other hits made the week a big one. "Mutiny on the Bounty," in its second week at the United Artists, was good for $13,200, up by $3,200, and "I Found Stella Parish" was $3,200 over the line on a take of $23,200 at the Michigan. "In Person" was strong at $12,600 at the RKO Downtown.

Total first run business was $75,300. Average is $65,000.

Estimated takings for the week ending Dec. 5:

"3 KIDS AND A QUEEN" (Univ.)
"ESCAPE FROM DEVIL'S ISLAND" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000)

"IN OLD KENTUCKY" (20th-Fox)
FOX—(5,100), 15c-55c, 7 days. 2nd week. Stage: Nina Olivette and 4 acts of vaudeville. **Gross:** $19,400. (Average, $15,000)

"I FOUND STELLA PARISH" (W. B.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross:** $23,200. (Average, $20,000)

"THE PAYOFF" (W. B.)
"MOONLIGHT ON THE PRAIRIE" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,300. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 2nd week. **Gross:** $13,200. (Average, $10,000)

"IN PERSON" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. Stage: Connie's Inn Revue. **Gross:** $12,600. (Average, $10,000)

"Opera" Houston's Best Bet, $10,000

HOUSTON, Dec. 13.—With Thanksgiving openings and balmy weather, every attraction was in the black this week, three of them running well into the money. "A Night at the Opera" was the winner, grossing $10,000 at Loew's State, which is $3,000 above par. "So Red the Rose" at the Metropolitan had a take of $8,500, or $1,500 to the good, with record matinees.

"Frisco Kid" was a surprise at the Majestic in the face of stiff competition at Loew's and the Metropolitan, and chalked up $8,500. Normal is $7,000. "King Solomon of Broadway," for four days at the Kirby, and "Welcome Home," for three days, broke even at $3,500 and $1,500.

Total first run business was $31,000. Average is $26,000.

Estimated takings for the week ending Nov. 27:

"KING SOLOMON OF BROADWAY" (Univ.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,500. (Average, $3,500)

"WELCOME HOME" (20th-Fox)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

"FRISCO KID" (W. B.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $8,500. (Average, $7,000)

"SO RED THE ROSE" (Para.)
METROPOLITAN — (2,600). 25c-50c, 7 days. **Gross:** $8,500. (Average, $7,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 141 NEW YORK, MONDAY, DECEMBER 16, 1935 TEN CENTS

Paris Public Given a Look At Television

Programs Are Big Draws In Five Places

By PIERRE AUTRE

PARIS, Dec. 9.—First showings of elevision here yesterday drew tremendous crowds to five spots. Admision was by free tickets distributed y the Minister of Posts and Telegraphs, but the ticketholders had to xercise considerable patience before hey were able to see the screen.

The programs were broadcast from he Eiffel Tower and were shown on creens measuring 7½ in. x 8½ in. Only 30 persons at a time could see hem. The entertainment was made p of stage numbers such as songs, lances and comedies and lasted two ours.

The French television apparatus can lso reproduce films. A seven-metre

(*Continued on page 4*)

Asserts Television Will Train Talent

SCHENECTADY, Dec. 15.—Television vill be an aid rather than a deterrent o the film industry and will develop greater number of first-class actors or the screen, members of the combined engineering societies of Schenectady were told last week by Anlrew W. Cruse, chief of the electrical livision of the Department of Commerce.

Radio pictures will not be able to lepend on film producers for their rograms, Cruse declared, explaining hat present domestic production plus nports would provide sufficient maerial only for a maximum of three ours' entertainment a day. On the

(*Continued on page 4*)

Sears Heads Warner Group to K. C. Meet

Grad Sears, in charge of southern nd western distribution; S. Charles infeld, advertising and publicity irector; Norman H. Moray, heading Vitaphone sales, and Carl Leserman, Sears' assistant, leave today for Kansas City to conduct a meeting of Warner southern and western district nd branch managers at the Hotel Muehlbach on Wednesday and Thursday.

Jack L. Warner, due to leave the

(*Continued on page 4*)

Government Silent On St. Louis Case

WASHINGTON, Dec. 15.—With Russell Hardy, prosecuting attorney, scheduled to leave for St. Louis on Jan. 4, Government officials are not talking about plans in connection with the hearing on Jan. 6 for a preliminary injunction against Warners, RKO and Paramount for allegedly refusing to sell F. & M.'s Ambassador, Missouri and New Grand Central in St. Louis.

ST. LOUIS, Dec. 15.—Plans for reopening the New Grand Central are understood to have been dropped by Harry C. Arthur, Jr., who arrived here a few days ago. He expects to leave for New York about Dec. 23 to spend the holidays in the east.

Weisman Nears End Of Hollywood Talks

HOLLYWOOD, Dec. 15.—Milton C. Weisman, who has been here conferring with Joseph M. Schenck and A. C. Blumenthal for the past two weeks, will leave for New York around the end of the week.

While here, Weisman has been staying at Schenck's home.

Clarke Called

Harley L. Clarke, former president of Fox Film, is scheduled to appear before the Sabath Congressional committee here tomorrow to testify in connection with the committee's study of the General Theatres Equipment reorganization. The study was begun last month and was adjourned while the committee transferred its attention to the Fox West Coast bankruptcy in Los Angeles. Tomorrow's hearing will be a "closed" one.

Walker Silent Upon Comerford Situation

SCRANTON, Dec. 15.—Frank C. Walker, counsel for the Comerford theatrical interests, generally regarded as a likely successor to the late M. B. Comerford as the active directing head of the organization, said here today that nothing definite has been decided upon as yet.

"I just came here to look over the situation," said Walker, who arrived in Scranton early yesterday morning and spent most of the day in conference with local Comerford interests.

Warner and Kent Sound a Note of Optimism for 1936

By HARRY M. WARNER
President, Warner Bros.



The outlook for 1936 is, in my judgment, a bright one. Production in 1935 came up to a higher average standard, I think, than that of any other year in the history of the industry; and it was especially remarkable for the production of a number of outstanding pictures of permanent value. From the viewpoint of Warner Bros., the past year will always be memorable because of the making and release of

(*Continued on page 6*)

By SIDNEY R. KENT
President, 20th Century-Fox



With the various companies on a sounder financial basis than at any time in recent years the industry should inevitably produce better pictures and these pictures, always the keystone of our business, will add to the general improvement of the industry. Agencies which have access to comprehensive data report improved economic conditions and, if this improvement continues, 1936 should be a good year for all companies.

W. S. Butterfield, Samuel Goldwyn, Mary Pickford, Winfield Sheehan and Adolph Zukor tell what they think of 1936 on page 6.

IATSE Seeks "Closed Shop" For the East

Laboratories and Studios Control Is Aim

A "closed shop" for eastern laboratories and studios is the objective of current support being given by the I.A.T.S.E. to its studio and laboratory locals here, it was learned on Saturday.

Film Technicians' Local 669 is the principal cog in the I. A. drive for a closed shop in the east. Its jurisdiction over laboratory workers here already includes about 75 per cent of the approximately 800 workers involved. Its drive for the additional 200 lab men was begun late last week with the active cooperation of the International and, if it succeeds, will

(*Continued on page 4*)

Lasky Wants More Original Stories

Decrying a shortage of material to supply the demands of producers, Jesse L. Lasky on Saturday stated that there is a lack of tendency to encourage originals.

"Hollywood should become original-story conscious," he said. "Something must be done to give original story writers a chance, the same as those who turn out successfully published novels and plays."

Lasky blamed the poor judgment of readers at the home offices and studios for holding back the progress of the original story author, contending that in most cases none of these works ever reach the top executives.

Solution of the problem is suggested by the producer, who contends that originals should be treated the same way editors of newspapers decide on the value of news stories. Lasky re-

(*Continued on page 4*)

Deny Brooklyn Albee Is Going to Fabian

Revived reports that the RKO Albee, Brooklyn, would shortly become a part of the pool operated by Si Fabian across the bridge were denied Saturday by N. J. Blumberg. He said there has been no talk of such a deal.

Fabian operates the Fox, Paramount and Strand in Brooklyn in addition to his theatre interests upstate.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 16, 1935 No. 141

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Ohio Senate Passes Three Per Cent Tax

COLUMBUS, Dec. 15.—The Senate has passed the three per cent sales tax covering admissions which expires Dec. 31. This settles the worry about a return of the 10 per cent admission tax, as the House passed the measure last week.

Action on an income tax measure passed in the House has been postponed to the regular session starting Jan. 7.

Delay Chaplin Premiere

The new Charlie Chaplin picture, "Modern Times," will not be ready for Christmas booking, as expected earlier, Arthur Kelly, United Artists distribution head, said on Saturday. Present indications are that a first booking will not be made until after the first of the New Year.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

THE wire out of Chicago bristled with excitement over the weekend. In that city by Lake Michigan's shores rumors are afloat about the possibility of a deal whereby Emil Stern and Eddie Silverman, banded together corporatively as Essaness Theatres, will take over the management of some RKO theatres in the Middle West and perhaps all. Chicagoans admittedly are somewhat stumped; they've heard rumblings, they insist, and have seen Silverman and Leo Spitz, RKO's president, together a good deal. That, however, does not necessarily mean anything since Spitz is Silverman's attorney as well as his friend of long standing. . . .

▼

The Balabans, so goes the yarn, are disturbed since such a plan would add to Essaness's city circuit the downtown Palace which does a steady family trade for RKO and has a habit of generally remaining in the black, sometimes casually, sometimes heavily. Thereby might be conceived reasonably enough the beginnings of another circuit exactly like their own. They wouldn't cheer over such a prospect as who would? However, the telegraphic tremors from the Windy City are quite a distance removed from realization. If anything of the kind has been aired, the deduction is rational that it could develop only after RKO's reorganization. . . .

▼

The rehabilitation of the company is no easy job. Neither is it near. While fifty per cent of RCA's interest has passed to control of the Atlas-Lehman syndidate, the other half has to be acquired. While the initial deal gives the new group management, by no means does it give it control. There are the Rockefellers with heavy claims to be considered. There are, too, Mike Meehan and his dominance of Keith-Albee-Orpheum without which RKO as a theatre factor virtually would not be. There is the Orpheum group about which something has to be done, Mort Singer who is operating a number of those houses on a partnership basis and Ike Libson in Cincinnati. These are some of the interests to conjure with before any deal can be made with Essaness. Yet, who knows? . . .

▼ ▼

Dipping intelligently into the realm of the worthwhile, Warners have coming up for release early in the new year "The Story of Louis Pasteur." Sympathetically dramatizing the highlights in the career of the famous 19th century French chemist — his fight against orthodox medicine, his battles against bacteria, his campaign for the elimination of childbirth fever through antiseptic technique, his discovery of a cure for anthrax—Paul Muni, as Pasteur, delivers an arresting performance. All of the drama and all of the adventure are not to be found in the boy-meets-girl situations. The laboratory test tube and the microscopic slide can be serious contenders. "The Story of Louis Pasteur," as did "Arrowsmith" in film and "Yellowjack" on stage, emphasizes the observation. . . .

▼ ▼

Al Lichtman is comfortably ensconced in the suite at Loew's formerly occupied by Dave Loew. About his duties, the Loew-Metro organization is being advised through *The Distributor*, the sales department's house organ, that:

"His activities . . . will be as broad as the organization itself."

From Maine to Florida to California and the Pacific Northwest and around the globe in distribution and exhibition run the Loew-Metro interests. That gives Al all the breadth any one man might want. . . .

▼ ▼

Commenting on the $45,000 gross which was "Crime and Punishment's" at the Music Hall, Pete Harrison currently remarks:

"MOTION PICTURE DAILY might have added the expression coined by the Music Hall forces and used when discussing the low intake of this picture: 'The "Crime" is Columbia's; the "Punishment" is the exhibitors'.' " . . .

New RKO House Organ

The first issue of *The RKO Foreign World* is off the press. It is a house publication printed in four languages, English, French, Spanish and Chinese.

The initial issue contains executive messages to men in the field together with international analyses of the film situations in various countries. Halftone cuts show exploitation ideas and short international sketches report on problems and reactions to product.

Sam Stern to Hospital

PITTSBURGH, Dec. 15.—Sam Stern, chief artist for Warners, has been ordered to the hospital for a two-weeks rest cure. He entered the Montefiore Hospital yesterday suffering from a near nervous crackup. It's nothing serious, however, according to Stern's doctor, and he should be up and around again by Christmas.

During his absence, Al Filger is doing Warners' art work.

Special Session Is Opposed in Indiana

INDIANAPOLIS, Dec. 15.—Agitation for a special session of the Indiana legislature to enact social security legislation is being opposed by Associated Theatre Owners of Indiana on the theory that new theatre taxation might result. The regular session is not to be held until a year from January.

The Governor has indicated that he favors a special session, but on the other hand a number of legislators have declared they are willing to stay in session 40 days or more, and there is no way of knowing what they might produce in legislation.

The A.T.O. takes the position that conditions are improving and that they should be allowed to continue to improve.

Paramount Details Advertising Plan

Paramount has set the details of its recently announced national advertising campaign, according to Neil F. Agnew. It will start in January in 131 newspapers and will highlight three or four outstanding pictures. Each ad will run the full length of a standard newspaper column and one column less than the full page width.

The ads will be changed from month to month and will be changed typographically. Theatre participation will be encouraged by means of advance insertion dates. Reprints will be sent to exchanges for throwaway and display purposes.

Pittsburgh Warner Goes to Dual Bill

PITTSBURGH, Dec. 15.—After a couple of weeks with single features the Warner returns to double bills Dec. 19, with "Man of Iron" and "Without Regret." When Warners reopened the Davis as a double feature house, it was decided that the Warner would play only one picture but that policy hasn't panned out.

That will give Warners two duals houses in the downtown sector with a block of each other.

Expunge Big Para. Claim

A claim of $483,524 filed against Paramount Publix by Paramount International Corp., a subsidiary in the parent company's reorganization proceedings, was expunged under an order signed on Saturday by Federal Judge Alfred C. Coxe. The claim was based on advances to Paramount Publix made by the subsidiary and was adjusted by counter claims of the parent company.

A.T.&T. Suit Nears Close

Final oral arguments supplemental to the trial of the General Talking Picture suit against A. T. & T. and subsidiaries will be held Jan. 13, 14 and 15 in Wilmington. The defendants have been given additional time in which to file briefs, and reply briefs will be filed by G. T. P. in advance of the date for the opening of the oral argument.

Brandt After Theatres

Negotiations for a number of theatres are under way by Harry Brandt who now has 49 houses in his circuit.

WATCH UNIVERSAL STEP!



W. G. VAN SCHMUS, MANAGING DIRECTOR, RADIO CITY MUSIC HALL, AWARDS THE YEAR'S BEST PLAYING TIME TO UNIVERSAL'S

"MAGNIFICENT OBSESSION"

NEW YEAR'S WEEK! . . . AND WILL FOLLOW THIS GLORIOUS TRIUMPH WITH UNIVERSAL'S NEW MARGARET SULLAVAN SENSATION,

"NEXT TIME WE LOVE"

Paris Public Given a Look At Television

(Continued from page 1)

wave length with one kilowatt power is used. The scanning has 180 lines with 25 frames per second. The sound is synchronized with the pictures and is broadcast at ordinary wave length from the Eiffel Tower by Station PTT. The sound can be picked up by home receiving sets.

Programs are to be continued every Sunday at 5:30 and 7:30. The showings are purely experimental as the screens are too small for a big development. Home television will probably be limited for some time, as receiving sets cost about $400.

Asserts Television Will Train Talent

(Continued from page 1)

contrary, he predicted, the necessity for a perfect performance of televisionists in contrast to retake possibilities of the film industry will require the development of a higher type of talent from which the screen will recruit.

"Television is not going to keep people away from the film or legitimate theatre any more than has radio broadcasting or home movies," he declared.

Many fields other than that of entertainment will be open to television, Cruse told the engineers, enumerating the future possibilities of its use by astronomers, the army and navy, ocean salvage expeditions and noise elimination in homes, factories, hospitals and public buildings. The greater field for the new art, he indicated, may be found in these uses rather than in entertainment, the cost of which, as television nears perfection, is a source of increasing anxiety to television engineers and experimenters.

Academy Surveying Television Status

HOLLYWOOD, Dec. 15.—Accounts of current television demonstrations recently witnessed in Philadelphia and New York have been presented by Carl Dreher and Gordon S. Mitchell to the Academy Research Council's Scientific sub-committee.

The sub-committee has spent the last few months watching the progress of television and compiling a record of available information of various systems on which it is planned to issue a report in the near future. The report will be based on television as related to films.

McSpadden Buys Paper

LEXINGTON, Va., Dec. 15.—Thomas J. McSpadden, formerly in the theatre business at Galesburg, Ill., has purchased the *Lexington Gazette*, from B. F. Harlow.

Form Equipment Co.

ALBANY, Dec. 15.—Nation-Wide Equipment Mfg. Corp, New York City, has been formed here.

Lasky Wants More Original Stories

(Continued from page 1)

cited the case of Preston Sturgess, who wrote the original for "Power and Glory." He said the author sold the story on percentage terms and made a tidy sum.

The producer said it was an old fashioned idea that a successful stage play would turn out the same way on the screen.

"One Rainy Afternoon," the first of four planned next season, will be placed in production Dec. 30 with Francis Lederer singing for the first time. Others in the cast will be Ida Lupino, Edward Everett Horton, Hugh Hubert and Joseph Cawthorne. Harry D'Abbadie D'Arrast will direct. Lasky said he will spend a week here with the director arranging songs for the picture. He also stated he may increase his schedule.

The Pickford-Lasky unit will not enter stage production, Lasky held, pointing out that the company already has turned down offers to finance 50 per cent of two plays.

Prefers American Players

Lasky believes that the new broadcasting studio on the coast is a good thing for the business. "You can't combat progress," he said, "and we might as well hitch on to it."

Preference for American players in his pictures was expressed by the producer, who added that the exchange of British and American talent was a progressive step. The cost of color, he asserted, is holding up its use, but it will come into its own. He added it was a good thing progress on color was slow as the mistakes are not so costly.

He believes television is close, but it will be some time before the idea will hold the attention of the public for more than an hour. He sees variety skits among the first programs. He is also in favor of eastern production because of its proximity to the stage and change of climate. The only reason major producers are not moving east is because of their large investments, he said.

Lasky is considering making one picture at the Korda studio in London next summer. He declared Mary Pickford will not return to the screen next season. He praised her no end, holding she was "a delightful partner." Lasky says he has produced well over 1,000 pictures since 1914.

Only Two of Warner Jersey Houses Dark

Only two of the 51 theatres operated by Warners in northern New Jersey are closed. The group is under the supervision of Don Jaycocks and is said to be the most profitable of all the zones.

The dark houses are the Montclair, Montclair, and National, Jersey City. They have not been opened for film attractions for years, although the first house has had stage attractions intermittently from outside interests.

Hutcheon in New Post

DOVER, O., Dec. 15.—Lester W. Hutcheon, manager of Shea's Orpheum, at McKees Rocks, Pa., has been put in charge of the two Shea houses here and in New Philadelphia.

Lasky Sees Red

One of the trade men at the press conference with Jesse Lasky on Saturday asked the producer what he thought of the double bill situation.

"Don't mention duals," Lasky warned. "Every time I hear this subject I always see red."

He made no comment on colors when another reporter asked him about triples.

Sydney Cohen Rites Draw Many Friends

Funeral services for Sydney S. Cohen, former exhibitor leader, who was fatally stricken Dec. 12, were held yesterday at Central Synagogue, of which he was a trustee. Rabbi Jonah B. Wise officiated, assisted by Cantor I. H. Weinstock. Burial was at Union Field cemetery, Long Island.

Cohen, who headed the M. P. T. O. A. from 1920 to 1924, and was chairman of its board in 1925 and 1926, is survived by a son, Richard Sydney; a daughter, Dorothy Louise; two brothers, Benjamin and Clarence Cohen, and three sisters, Mrs. Eva Konheim, Mrs. Estelle Frankel and Mrs. Grace Solomon. In recent years he was occupied with a diversity of theatre, retail store, philanthropic and educational activities. He was a partner in Artco, which has a managerial contract with Howard S. Cullman, trustee of the Roxy. No change in management will be made as a result of his death, Cullman said on Saturday.

In addition to scores of personal friends from within and without the industry, the following organizations with which Cohen was associated were represented at yesterday's services: The Educational Alliance, the Grand Street Boys' Ass'n., Alumni Ass'n. of the Boys' Club, E. A.; Pilgrim Lodge, No. 890, F. & A. M., Central Synagogue Brotherhood, N. Y. Rotary Club, Samuel Tischner Society, Metropolis Country Club and Surprise Lake Camp.

Wall Street

Little Week-End Activity on Board

	High	Low	Close	Net Change
Consolidated Film.	5¾	5½	5¾	.....
Eastman Kodak..	155½	155	155	—1¾
Loew's, Inc.....	52⅛	51⅝	51⅝	— ⅝
Paramount	9¾	9⅝	9⅝	.....
Paramount 1 pfd..	79	78½	78½	+ ½
Paramount 2 pfd..	11⅝	11½	11⅝	.....
Pathe Film.....	6¾	6⅝	6⅝	— ⅛
RKO	5⅛	5	5	.....
20th Century-Fox.	24¼	24	24¼	+ ½
20th Century, pfd..	32¾	32½	32¾	+ ¼
Warner Bros.....	9¾	9½	9¾	+ ⅛

Curb Issues Off

	High	Low	Close	Net Change
Technicolor	17⅝	17⅝	17⅝	— ⅛
Trans Lux.....	3⅝	3⅝	3⅝	— ⅛

Slight Bond Gains

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	19	19	19	.....
General Theatre Equip. 6s '40 ctf.	18⅝	18⅝	18⅝	— ⅜
Loew's 6s '41 ww deb rights.....	104	104	104	+ ¼
Paramount Broadway 3s '55.....	57⅜	57⅜	57⅜	— ⅜
Paramount Pictures 6s '55.....	92¾	92¾	92¾	+ ¾
Warner Bros. 6s '39 wd.....	88½	88	88	.....

(Quotations at close of Dec. 14.)

IATSE Seeks "Closed Shop" For the East

(Continued from page 1)

mean the end of the "open shop" in eastern laboratories.

Eastern studio workers have been almost 100 per cent I. A. in the past. Therefore, the current "closed shop" drive will be of less significance there than in the laboratories. The eastern move is designed to bring about the same "closed shop" conditions in studios and laboratories here that develops on the west coast from the recent settlement of the I.A.T.S.E.-I.B.E.W. jurisdictional dispute.

Confirmation that the I. A. would actively support its locals here in their "closed shop" drive was given on Saturday by Richard Walsh, a vice-president of the I. A.

Sears Heads Warner Group to K. C. Meet

(Continued from page 1)

coast tonight, will stop off to address the meeting en route to New York. He will accompany the executives on their return east, arriving Saturday. The meeting will be similar to one conducted by A. W. Smith for eastern and southern forces here recently. Present in Kansas City will be: Fred M. Jack, Dallas; H. J. Ochs, Atlanta; F. P. Bryan, Charlotte; W. E. Callaway, Dallas; Byron Adams, Memphis; L. Conner, New Orleans; J. O. Rohde, Oklahoma City; James Winn, Chicago; Leo Blank, Chicago; E. J. Tilton, Des Moines; William Warner, Kansas City; R. T. Smith, Milwaukee; Rud Lohrenz, Minneapolis; C. K. Olson, Omaha; Hall Walsh, St. Louis; N. H. Brower, Los Angeles; E. A. Bell, Denver; Newt Levi, Los Angeles; Vete Stewart, Portland; W. F. Gordon, Salt Lake City; Charles Muehlman, San Francisco, and Al Oxtoby, Seattle.

Five Ross Federal Men to Be Shifted

Five changes in the managerial staffs of Ross Federal Service become effective Jan. 1. All the men switched have been with the company in various capacities since its inception.

J. J. Jonas, manager at San Francisco, to New York, succeeding Jack Kraker, formerly in charge of Philadelphia, back to the Quaker City. Ray M. Olsinger, from Philadelphia, to New York; H. W. Keitle, manager at Portland, to San Francisco, replacing Jonas, and C. W. Medley, assistant manager at Portland, moving up to the top post.

Pick Next Davies Title

HOLLYWOOD, Dec. 15.—"Hearts Divided" will be Marion Davies' next Cosmopolitan picture for Warner release. It is a Rida Johnson Young story. Dick Powell, Charles Ruggles, Edward Everett Horton, Arthur Treacher and Henry Stephenson will be in the cast.

CLEAR GAIN

THE photographic quality of Eastman Super X Panchromatic Negative is truly outstanding. Equally important, however, is the fact that the pronounced improvement which has been achieved involves no compromise. It does not mean the sacrifice or impairment of any other desirable or essential quality. It is clear gain for the industry, and for the public. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Changes Coming, Leaders Assert

Music a Help Abroad, Says Mary Pickford

By MARY PICKFORD
President, United Artists

HOLLYWOOD, Dec. 15.—For a long time it was felt that the value of motion pictures as a universal language died when silent pictures went out and sound pictures came in. This is not necessarily true. Music will help to make the screen our great ambassador once more.



Except in Asia and certain parts of Africa, music on the screen is quite universally understood and appreciated. In fact, even in the Orient, there is a tendency toward the acceptance of our jazz and classical offerings, even though this may be out of curiosity at present. I am told that our American musicals are very popular in foreign countries. I am sure, too, that success has come to those pictures in which music has been a definite part. It is only reasonable to suppose, therefore, that as time goes on, music will assume an increasingly important place in production.

When incorporated in the plot structure of a picture, music usually heightens the dramatic effect or serves the equally important purpose of relief, thus increasing the entertainment value of the production. Wherever it is logical, music will be included in the Pickford-Lasky Prod. If any prediction may be offered for 1936, possibly it is that music will play an increasingly important part in production.

Warner Says Ground Gained Must Be Kept

(*Continued from page* 1)

"A Midsummer Night's Dream," which brought Shakespeare to the screen as a dramatist and Max Reinhardt as a director.

Not merely our company, but the entire industry has benefited, and will benefit, by the larger respect and interest won for motion pictures by this production. It was emphatically an experiment, but, just as emphatically, it has proved to be a success and has carried the whole industry a long stride forward in public esteem. In 1936 we must all hold the ground that has been gained and try to win more. I believe we shall succeed.

Charter New Firm

ALBANY, Dec. 15.—Joe Byron Totten, Inc., New York City, has been formed here by Louis L. Cantwell, Lionel M. Mantell and Margaret Amiral.

Praises Improved Standards In Product; Opposes Doubles

By W. S. BUTTERFIELD
Michigan Theatre Operator

MIAMI BEACH, Dec. 15.—Fifty years' experience in the show business, and the last 20 years in the motion picture end of it gives me a little right to prognosticate for '36. Exhibitors have everything to be thankful for. In the first place, the agitation that was created by the women's clubs, the churches and the fanatics (?) bore good fruit, for they soon proved to the producer that he would have to make better pictures or go out of business. They took the advice and they are now making, as Will Rogers would say, something healthful and well worthwhile looking at, for I have seen not less than 15 pictures in the last three months that are, to my way of thinking, masterpieces.



Without a doubt, the producer will continue to make these kinds of pictures and with the wide screen and the new improvements in the making of color pictures, we are going to see bigger and better pictures for 1936. With the idea that everybody within the industry will bear and forebear with each other and try to live up to the rules and regulations laid down by their own associations, it will not be hard to look for respectable profits in '36. While a good many of the circuits are paying back taxes and back rents to landlords, should prosperity continue and get better, it won't be long until we have these things behind us. Our business is distinctive and it only needs showmen to run it, not financial leaders. Of course, theatrical business has always been asking for financial aid because it is very speculative, but with the influx of motion pictures, it grew so rapidly that the banks and the financiers were forced to take over management.

Personally, I am against double billing. It encourages the making of too many pictures and when you have to make a whole lot of pictures, you are bound to make 50 per cent of poor ones. I am positive that the average theatregoer is satisfied with two hours of entertainment and I'll debate the question with any exhibitor who says he has to give them three hours. The exhibitor's motto should be: "Not so many pictures, but bigger and better ones." I have always said that a conference of the leading exhibitors and producers of the United States would do more to better our business than anything that can be created by any one faction.

Here's for harmony and better pictures, and, above everything, more profit for '36.

Releases Showing Vigor, Says Zukor

By ADOLPH ZUKOR
Chairman of Board, Paramount

It has been said many times, and with complete truth, that there are no ills of the business that cannot be cured by good pictures.



Although I do not think the industry is displaying any symptoms of illness, I do believe that the unusually large number of big box-office pictures which are slated for release in the new year will give the industry added vigor and strength during 1936.

Other companies also are producing and will continue to produce extraordinarily good entertainment. Inevitably this means profits for both the producers and the exhibitors and a prosperous year during 1936.

Open Sparta House

SPARTA, Tenn., Dec. 15.—The Oldham here opened last week.

Goldwyn Predicts Upset of Dualling

By SAMUEL GOLDWYN

HOLLYWOOD, Dec. 15.—The new year should witness a revolution in the whole scheme of double-bill programs. The public, now trained to expect double-bills, no longer will accept one fairly good picture and one bad one. They want two big pictures on the same program if they are to go to the theatre.



Continuance of the present practice of including one bad film on every double-bill program is like feeding poison to the public and thus to the entire industry itself. The bad pictures are creating such dissatisfaction that they tend to ruin the better films.

The result is inevitable. Since double bills are now the accepted practice everywhere, the producers must raise their level and satisfy that demand for two really good pictures on every bill or suffer the consequences.

Sheehan Sees Big Year If Care Is Used

By WINFIELD SHEEHAN

I have made a careful survey in America and England and predict that from the standpoint of profits the year 1936 will be one of the most successful in the records of the industry. The producing companies and theatres will each share in the increasing business.



Based on a conservative and practical analysis, I believe the number of persons purchasing admission tickets at picture theatres in America—average weekly—will be 75,000,000, an increase of 15,000,000 weekly over any previous year.

The entertainment and technical quality of pictures produced in Hollywood has made remarkable progress. In 1929 the talking picture and the sound track were new to film makers. The past six years have shown and developed amazing progress in production and 1936 will record a new high quality mark for box-office attractions. It looks like the biggest year on record for the picture business.

Republic to Add Talent

HOLLYWOOD, Dec. 15.—Republic Pictures will add at least 10 players to the contract list after the first of the year in order to build a stock company which will add name strength to Republic features and to give opportunity for borrowing name players from other studios.

Already, Republic has under contract Barbara Pepper, Ann Rutherford, Evelyn Venable, John Wayne, Gene Autry, Smiley Burnette and has Lew Ayres for two pictures.

Paint General Service

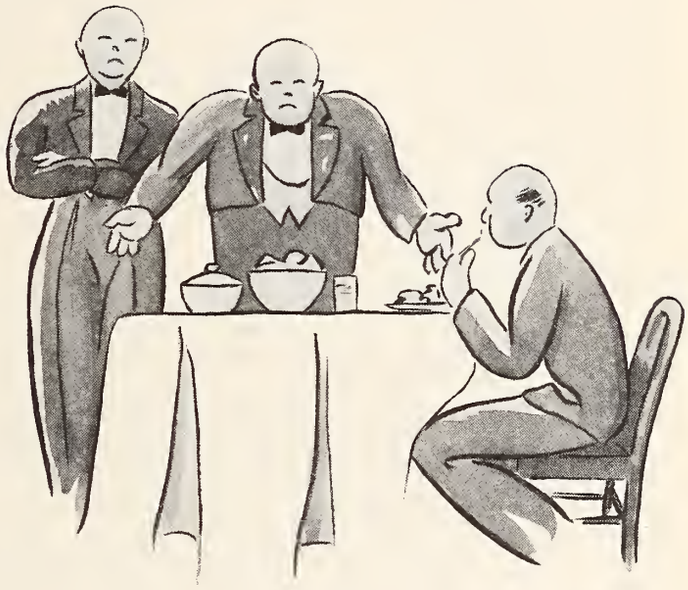
HOLLYWOOD, Dec. 15.—General Service Studios are being painted both inside and out in anticipation of a busy production season in 1936. Harold Lloyd is scheduled to start a picture there early next year, and the plant is also used as production hearquarters by Walter Wanger and Edwin Carewe.

Halperins Try Color

HOLLYWOOD, Dec. 15.—The Halperin Brothers have decided to introduce one Technicolor sequence into their whaling story, "I Conquer the Sea." Steffi Duna is starred in this first of the Academy Pictures. Victor Halperin is directing.

YOU'VE GOT TO EAT. . . . .

(at 12:45 noon, Thurs., Dec. 19, 1935)



SO WHY NOT do it with everybody in the industry at the Third Annual Christmas Luncheon of the A. M. P. A., where it'll be a big pleasure yet? Tickets are only $2 each, so get enough for all your friends. They've got to eat, too, don't they?

P.S. Don't forget: You have a luncheon date at the Hotel Astor on Thursday, Dec. 19!

Engraving by Powers; typography by E. M. Diamond; illustration by Universal Art Dept.; copy and layout by Charles Leonard.

"Annie," Show Sets Seattle Mark $9,200

SEATTLE, Dec. 15.—"Annie Oakley" and a stage show, Count Berni-Vici's "French Folies," cracked a house record at advanced admissions here last week. The Paramount take went up to $9,200, over normal by $4,200.

"Mutiny on the Bounty" held up to $4,150 in the fourth week of its extended run at the Blue Mouse and it was given another stanza. "The Crusades" was a disappointment with $6,200 at the Fifth Avenue. "Confidential," with a revue at the Rex, pulled a good $2,650.

Total first run business was $35,400. Average is $32,500.

Estimated takings for the week ending Dec. 13:

"MUTINY ON THE BOUNTY" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 4th week. Extended run from Fifth Avenue. **Gross:** $4,150. (Average, $4,000)

"THE CRUSADES" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,200. (Average, $7,000)

"NEW ADVENTURES OF TARZAN" (Burroughs-Tarzan)

"CASE OF THE MISSING MAN" (Col.)
LIBERTY—(1,800), 15c-25c-35c, 7 days. **Gross:** $3,850. (Average, $4,000)

"IN OLD KENTUCKY" (20th-Fox)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Fifth Avenue. **Gross:** $3,800. (Average, $4,000)

"IN PERSON" (Radio)
ORPHEUM—(2,450), 25c-30c-40c, 7 days. **Gross:** $5,550. (Average, $6,000)

"ANNIE OAKLEY" (Radio)
PARAMOUNT—(3,050), 30c-40c, 50c, 8 days. Stage: Count Berni-Vici's "French Folies." **Gross:** $9,200. (Average, $5,000)

"CONFIDENTIAL" (Mascot)
REX—(1,500), 15c-25c, 7 days. Stage: "Silks and Satins" revue. **Gross:** $2,650. (Average, $2,500)

"Mutiny" 4th Week Lead in Portland

PORTLAND, Dec. 15.—"Mutiny on the Bounty" continued on into a satisfactory fourth week at United Artists, with a take of $7,000, over par by $2,000.

"Thanks a Million," in its second week at the Orpheum, brought in $7,000, over the usual by $2,000.

Stage bands at the Mayfair prove popular with a take on Cab Galloway band and "His Night Out" securing $5,000, which was over normal by $2,000.

Grosses held up in spite of heavy rains.

Total first run business was $31,700. Average is $24,700.

Estimated takings for the week ending Dec. 7:

"BROADWAY HOSTESS" (F. N.)
"THREE KIDS AND A QUEEN" (Univ.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"ROUND THE BEND" (20th-Fox) (2nd Run)
BLUE MOUSE—(1,700), 25c-15c, 7 days. **Gross:** $1,700. (Average, $1,700)

"HIS NIGHT OUT" (Univ.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. Stage: Cab Calloway and Band. **Gross:** $5,000. (Average, $3,000)

"THANKS A MILLION" (20th-Fox)
ORPHEUM—(1,700), 25c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,000)

"FRISCO KID" (F. N.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 4th week. **Gross:** $7,000. (Average, $7,000)

Purely Personal

ALEC MOSS will sail Dec. 20 on the *Kungsholm* for a 15-day tropical cruise. AL WILKIE is figuring on taking the same cruise when Moss returns in January.

•

MARY SIMMONS, anxious now to see MICHAEL, the First, MICHAEL, the Second, and PETER, leaves for Hollywood tomorrow. She did much play going while here.

•

J. EDWARD BROMBERG is reported sneaking up on a Twentieth Century-Fox contract. He's one of the important members of the Group Theatre.

Quip of the Day

LONDON, *Dec. 9.—Paramount advertised the "world premiere" of "Scrooge" at the Plaza as "the picture that captivated America."*

GEORGE JESSEL, now appearing at the Versailles, will be toastmaster at the forthcoming Cheese Club dinner for HARRY HERSHFIELD. The date is Jan. 26.

•

DELLA CARROLL, whose fame seems to revolve around a career as a bubble dancer in night clubs, has been signed to make a short for Celebrated Pictures, say Celebrated Pictures.

•

MANUEL PENA RODRIGUEZ is scheduled to reach New York next Thursday on the *Southern Cross* on his way to Hollywood. He is film editor of *La Nacion* of Buenos Aires.

•

CHESTER ERSKINE is working on plans for three stage plays at one time. One of them is his own dramatization of "The Puritan" by LIAM O'FLAHERTY.

•

JACK GOLDSTEIN of Rex Premiums didn't go to the coast after all. He traveled as far as Buffalo and came back.

•

BILL SMALL, executive director of the I.T.O.A., expects big doings at the organization's meeting Wednesday at the Astor.

•

DON BARTLETT of Paramount has been named to a production post with Erpi Picture Consultants by W. A. BACH, vice-president.

•

SAM BYRD, young actor in "Tobacco Road," has bought SAMSON RAPHAELSON'S "White Man" and will produce it himself.

•

HELEN FLINT, stage player, has been signed by DAVID O. SELZNICK for "Little Lord Fauntleroy."

•

JOE HORNSTEIN is remodeling the Ramsey, Ramsey, N. J. The operators are spending $10,000 for the job.

•

LOUIS B. MAYER lingered in Chicago over the week-end and is due in here tomorrow.

•

GEORGE F. WORTS' "Absolute Quiet" has been acquired by M-G-M.

•

WILLIAM K. HOWARD is back after a short trip to Europe.

•

JANE WINTON back from abroad.

. . . *Boston*

DAVID PERKINS, formerly a district manager for Publix here and now in the M. and P. publicity department, back at his desk following a severe cold.

LLOYD BRITTON, local independent distributor; ARTHUR K. HOWARD of Allied; CHARLES KOERNER of RKO; EDWARD A. SMITH and HARRY GURFAINE of M. and P.; and RENE CUMMINGS of the Met back from New York.

BILLIE BURKE and other film personalities due to hit the Hub soon with the Ziegfeld Follies which open here on Christmas. DOROTHY JOHNSON is handling the publicity.

ARTHUR MOGER, newspaper artist, now running a cartoonists' school of the air over WMEX.

JAMES BARNES and HAROLD HARRIS, advance publicists for Major Bowes Amateur Shows, have left Boston for Springfield. BARNES has been renewing old acquaintances in the film district.

It's the Spanish Main for ABRAHAM BARRY and SAM LEVINE, bookers, who set sail for the pirate haunts along the Spanish Main. Certain unkind exhibitors have been so tactless as to remark that perhaps they'll get some new ideas from the cruise from the former rendezvous of the old-order buccaneers.

•

. . . *Denver*

ROBERT DEMPSEY, who was assistant manager at the Publix Sterling at Greeley, becomes manager at the Park there, also a Publix house.

TOM BERTA, manager for Fox theatres at Rock Springs, Wyo., back from a recent trip through the Mayo clinic in Rochester.

JOHN A. GROVE purchased the Chief at Steamboat Springs.

RICK RICKETSON, Fox Intermountain manager, in Montana looking over theatres.

•

. . . *Pittsburgh*

CHARLES DEARDORFF has been in town for several days on "Ah, Wilderness."

IRA COHN and MRS. COHN sail from New York Dec. 20 for a 15-day cruise to Panama on the *Kungsholm*.

MRS. JOHN H. HARRIS has returned after several weeks in Hollywood with her parents.

MORT HENDERSON has rejoined the Harris Amusement Co. as a relief manager.

ED (HIP) SEGAL has been taking all sorts of exercises to lose weight, but without avail. In the rush to open the Davis, however, he dropped 12 pounds.

•

. . . *San Francisco*

B. A. VECCHARELLI, manager of the El Rey, in Sebastopol, Cal., was booking along Film Row last week.

LAWRENCE TIBBETT is vacationing in San Francisco and the Monterey peninsula.

HAROLD LLOYD and MRS. LLOYD, accompanied by LLOYD'S director, NORMAN MCLEOD, were here for a few days after attending the Stanford-University of California game at Palo Alto.

STAN LAUREL and OLIVER HARDY, film comedians, are here on a brief "between-pictures" holiday.

Receivership Hits 2 Pathe Natan Units

PARIS, Dec. 9.—Two Pathe Natan subsidiaries have gone into receivership. They are the Omnium des Spectacles and Societe de Gerance des Cinemas Pathe, the two concerns constituting the Pathe Natan circuit of 150 houses.

Omnium des Spectacles had been formed to handle 65 houses owned by Pathe Natan as well as 85 independent spots. Business had been good and the company had a net of $66,000 yearly, but it had taken over the debts of Sofrexci, a circuit of five big houses in southern France, two in Marseilles, one in Nice, one in Nimes and one in Toulouse. This operation cost 4,000,000 francs and was to have been paid in drafts on Pathe Cinema and Pathe Consortium, the last named the distributing concern.

Pathe Cinema and Pathe Consortium are being managed by judiciary directors as the drafts were not paid.

What the reorganization will bring forth is a subject of speculation.

* * *

Patrons of the Paris first run Olympia are being asked whether or not they prefer foreign pictures in the original talking version or as dubbed features. As a test, "Way Down East," dubbed in French, and "The Gay Deception," in its original English version, have been shown on the same program.

The vote was four to one in favor of the English versions.

* * *

"David Copperfield," which has been showing since Nov. 20 in the original English version at the Cinema Edouard VII is an outstanding hit. With only 650 seats and three performances daily, with a cheap special show at midnight, receipts for the first two weeks reached $18,000. The scale runs from 50 cents to $1.50.

* * *

Some criticism has developed among newspapers because Warners limited its advertising to three sheets for the opening of "A Midsummer Night's Dream" at the Cinema Marbeuf. The papers without advertising refused to mention the film. New sound has been installed for the showing.

* * *

"Top Hat" will open the new Cinema Theatre on the Champs Elysees. It is expected to be ready Christmas week. This will be a first run specializing on American films. It will seat about 1,000.

Rogers Fund Drive Ends

The Will Rogers Memorial Fund Drive ended Saturday. It began Nov. 4. National headquarters at 570 Lexington Ave. has no estimate as to the total received.

Contributions were received from many Indian schools and agencies during the closing days of the drive.

Back to a Weekly

Film Curb, published by Tom Hamlin, will revert from a monthly to a weekly as it enters its 13th year on Jan. 4.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 142 NEW YORK, TUESDAY, DECEMBER 17, 1935 TEN CENTS

Certain Clean Films Presage Year of Gains

Thinks New Audiences Assure Results

By C. C. PETTIJOHN
General Counsel, M.P.P.D.A.

During 1935 motion picture entertainment gained many new customers. They were people who wanted clean, wholesome, red-blooded motion picture entertainment, but not questionable comedy, vulgarity or unintelligent smut.



Because the industry hopes to make pictures as good or better than the 1935 type, the business is due for a year of real prosperity in 1936. And good pictures will benefit from the audience which it has been proved exists for them.

Let us hope that the trade, generally, may be impressed, during the next year, with the fact that it is in the business of making, selling and exhibiting motion pictures and not dealing in chinaware, baby carriages and lucky chances.

John D. Clark, W. Ray Johnston, B. B. Kahane, Sam Katz, M. A. Lightman, Hal Roach, A. W. Smith, Jr., and H. H. Thomas expound their views on page 6 today.

Thelma Todd Found Dead in Her Auto

Los Angeles, Dec. 16.—Thelma Todd, blonde comedienne who resigned as a school teacher at Lawrence, Mass., nine years ago to enter the Paramount School of Acting at Astoria, was found dead today in her automobile in the garage at her home. She had been missing since Saturday, following a party at the Trocadero.

Police called it homicide first, but later said death might have resulted from natural causes. It is known that she had received threatening letters demanding money over a period of months. Recently a man was arrested in Astoria as alleged author of some of the notes.

An exhibitor friend of her father

(*Continued on page 4*)

Chaplin's Film Set at Rivoli Jan. 15 or 22; 12 Weeks Seen

"Modern Times," the new Chaplin feature, has been booked into the Rivoli beginning Jan. 15 or 22. All agog over the deal, it was enthusiastically claimed for the picture yesterday that it will play 12 weeks at this house, will not be spotted into any other theatre in America aside from Fox West Coast and that the Rivoli has guaranteed $125,000 on the run, thereby outstripping seven competitive bids.

Donahue & Coe will handle the outdoor advertising campaign and plan to use 300 billboards along railroad rights of way between New York and Boston, Buffalo and Philadelphia.

Local Houses Get Set for Holidays

All Broadway theatres and major circuit neighborhood houses are preparing for their biggest holiday season, dating in top-notch attractions for both Christmas and New Year's weeks. With all schools and colleges in recess during the 10-day period, theatres along the Main Stem are expecting overflowing business.

The Capitol has dated "A Tale of Two Cities" for both weeks, while the Music Hall on Thursday starts a 10-day run of "The Littlest Rebel," starring Shirley Temple. "Ah! Wilderness" is slated for the Center beginning Christmas Day. "The Bride Comes Home" and Casa Loma Orchestra will be the combined stage and screen attraction at the Paramount during the two holiday weeks. Paul Ash and band will be the feature at the Roxy for nine days, starting Dec. 25. The Strand will have "Captain Blood," the Rivoli will hold "Show Them No Mercy," and

(*Continued on page 4*)

Yates May Purchase Carr Republic Share

Hollywood, Dec. 16.—Trem Carr's interest in Republic will be bought out by Herbert Yates if current negotiations between Carr and Yates go through, it is understood here. This deal includes Carr's personal service contract as well as his financial holdings in the company.

There is a strong possibility the deal will be closed here tonight. Under the new setup, W. Ray Johnston, president, will remain in New York in charge of distribution. Moe Seigal one of Yates' men, will fit into the setup. However, it is improbable that he will succeed to Carr's post in the company.

It is understood the terms of the purchase include the stipulation that Carr remain inactive for one year. There is a possibility that Monogram may be revived after that period, however, as Carr and Johnston and franchise holders still own the trade name of that company, which now is in the process of liquidation.

Judicial Test of English Methods of Trade Is Seen

By BRUCE ALLAN

London, Dec. 16.—Clarification of the legality at large of agreements covering current trading methods in the industry here, plus ramifications which conceivably may hold up delivery of product, is expected on Thursday as an outgrowth of an injunction sought by Gaumont Super Cinemas against the Kinematograph Renters' Society.

Gaumont and the K.R.S. from which Twentieth Century-Fox recently resigned although other distributors, American and British alike, have not, have been at cross purposes over booking combines. The distributor's organization has held, citing the recent deal, never consummated, between Gaumont and the H. and G. Kinemas, that ownership of theatre properties must be thoroughly established by stock control or face suspension of service by its members.

Gaumont Super Cinemas, in its action, charge the K.R.S. with restraint of trade and have engaged three famous King's counsel to represent it. The men are Sir Patrick Hastings, Sir William Jowitt and Lionel Cohen. The Gaumont subsidiary also has launched proceedings against the individual members of the K.R.S. as an alternative in the event the case against the association itself fails to produce what is regarded in the trade as a test decision.

Exchanges Ask New Hearings On Sales Tax

Lawyers Say They Have More Precedents

Legal representatives for local exchanges yesterday applied to the city finance department for a new hearing on the local film companies' contention that the city sales tax is not applicable to film rentals. Action on the request is expected within the next few days. Film attorneys are reported to have new legal precedents to present to the city in support of their arguments against the levying of the sales tax on exchange revenue.

A hearing on the taxing of rentals was held by the city comptroller's office several weeks ago and no decision has been made by the officials yet on the law involved in the proposed taxation. An assessment against the United Artists' exchange revenue for $20,100 and interest was sent to the exchange recently, however, for the first two and one-half months period the city sales tax has been in effect.

Lynch Through with Para.; In Florida

S. A. Lynch, former head of Southern Enterprises and advisor to the Paramount trustees on reorganization of the company's theatre properties since 1933, has concluded his work and left over the weekend for his home in Florida. Lynch's retirement from Paramount was predicted by Motion Picture Daily on Nov. 11.

After the Paramount reorganization last June Lynch was requested by John E. Otterson, president, to remain for the completion of a plan of reorganization for Olympia Theatres, the company's New England subsidiary. Lynch had been in retirement for a number of years prior to assuming his advisory work for the Paramount trustees and so far as could be learned has no active plans for the immediate future.

Lincoln Conspiracy Suits Are Amended

Lincoln, Neb., Dec. 16.—Petitions in the suits of State Theatres, Inc., and Independent Theatres, Inc., for $444,000 and $1,353,000, respectively, against distributors and exhibitors on conspiracy charges, have been amended in Federal court. Changes were due to the St. Louis trial verdict.

Defendants in the suits here are

(*Continued on page 4*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 17, 1935 No. 142

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone Circle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Studios Again Cut Press Credentials

HOLLYWOOD, Dec. 16.—Hollywood press correspondents who in the future are granted studio credentials by the Producers' Ass'n. must show a circulation of 50,000, it was decided Thursday at a meeting of the studio publicity directors at the Hays office.

According to a check by the Producers' Ass'n., the list is now overcrowded with 290 accredited press correspondents, which out-numbers figures of recent months.

The *Five Star Weekly,* with a circulation of 117 papers in five western states was given credentials.

Lasky Film Date Set

HOLLYWOOD, Dec. 16.—The first Pickford-Lasky film, "One Rainy Afternoon," will go into work Dec. 30, instead of this week as planned. United Artists will release.

Schaefer in N. O.

NEW ORLEANS, Dec. 16.—George J. Schaefer spent the day here. He is en route to New York following his hunting trip in Mexico.

SIEGFRIED RUMANN
"A NIGHT AT THE OPERA"
WILLIAM MORRIS OFFICE

Purely Personal

FRANK FAY, LOU IRWIN, JOE MOSKOWITZ, BOB GOLDSTEIN and IRVING HOFFMAN, the wining and dining editor of the *New York American,* at "21" for dinner; then to a benefit show at the Majestic where FAY appeared on the first stage he has stepped upon for some years; then to the Versailles; then to IRWIN's for coffee. There was a report around he had baked a cake for the occasion. Report unconfirmed.

•

DAVE BERNSTEIN, ISADOR FREY, still hunting for southern exposure; PHIL REISMAN, AUSTIN KEOUGH, BERNARD SOBEL, JOHN C. FLINN, COLIN CLIVE, who will debut in "Libel" Friday night, and KONRAD BERCOVICI at the Algonquin.

•

JOE CLEMMONS and JULIUS GORDON of Jefferson Amusement Co. have returned to Dallas after spending a week here. GORDON, son of SOL E., brought his bride along and combined business with a honeymoon.

•

A. L. PRATCHETT, Paramount manager at Mexico City, arrived here yesterday and will make a report on Mexican film trade conditions at a meeting of foreign distribution managers at the Hays office today.

•

DAVID SARNOFF, M. H. AYLESWORTH and JOHN BOETTIGER were among the chosen few who attended the Gridiron Dinner in Washington Saturday.

•

ERROL FLYNN, in Warner's "Captain Blood," will be interviewed over Station WMCA Friday evening. He arrived yesterday with his wife, LILI DAMITA.

•

CHARLIE is back from Hollywood and JACK is due tomorrow. That will renew the well-known partnership over on West 52nd St.

•

JEANNE COHEN, for three years Columbia story editor, has resigned. No successor has been named.

•

MARY ELLIS, Paramount player who arrived from London last Friday, left for the coast yesterday.

•

WILLARD MCKAY, who returned from the coast over the week-end, was that deep in work yesterday.

•

Y. FRANK FREEMAN, Paramount vice-president, is in Atlanta for a few days.

•

FRANK BUCK goes to Baltimore on Friday for the opening there of his new picture, "Fang and Claw."

•

MICHAEL HOFFAY is editor of *The RKO Foreign World,* new house organ of the foreign sales department.

•

GEORGE F. WORTS' "Absolute Quiet" has been acquired by M-G-M.

•

GEORGE GERSHWIN arrives today on the *Santa Paula* from Mexico.

•

PERT KELTON getting to be a regular visitor at the RKO home office.

•

MONROE GREENTHAL is due from the coast tomorrow.

•

H. J. YATES returned yesterday from the coast.

ARTHUR STEBBINS, LEN COHEN, JACK PARTINGTON, HAL HORNE, MONTE PROSER, JAMES A. FITZPATRICK, AL FRIEDLANDER, HARRY SHIFFMAN, HARRY ENGEL, AL HOVEL, HARVEY NEWINS, TRUMAN TALLEY, ARTHUR LEE, LEW LEHR and BOB GOLDSTEIN, at the Tavern yesterday noon.

•

ANN RONELL held a tea party Sunday afternoon. HY KRAFFT, BILL and MRS. JAFFE, MORRIS STRUNSKY and LEONARD PRASKINS were among those who turned out in the rain for it. LESTER COWAN, incidentally, is due back from the coast by Christmas.

•

A. L. RICHARD, head of Paramount Newsreel, and "JAKE" COOLIDGE, New England representative for the reel, will be guests of honor at a dinner at the Copley Plaza, Boston, tonight. RICHARD has been 25 years in the film business.

•

MILTON C. WEISMAN is an incorporation director of the about to merge Oak Ridge Golf Club of Tuckahoe and the Progress Country Club of Purchase. Film men—many of them—belong to both.

•

JACK OAKIE is due here late this week to spend the holidays with his sister in New Jersey. While here he is scheduled to take part in radio broadcasts Dec. 23 and Jan. 14, the Paramount studio permitting.

•

AL FRIEDLANDER leaves tomorrow for a three-week tour of First Division exchanges with Atlanta the first stop.

•

PHIL RUBINOFF, brother and manager of RUBINOFF and his violin, has returned from a stay at the Mayo Brothers' Rochester, Minn., clinic.

•

TYRONE POWER, JR., son of the actor who appeared in many pictures, will make his Broadway debut in "Romeo and Juliet."

•

WILLIAM A. BRADY, once head of the N.A.M.P.I.—remember?—is considering a trip west to act as adviser in production.

•

MORT SINGER, head of the Singer circuit, which is affiliated with RKO, leaves tomorrow for the coast to spend the holidays with his family.

•

JACK and MRS. HALEY plan to adopt a companion for their infant son, JACK, JR., at the Cradle, Chicago foundling home.

•

LOUIS PHILLIPS arrives at Kingston, Jamaica, today. He's vacationing with his son, GERALD.

•

CARL BRISSON arrived from the coast Sunday for a brief vacation, planning to return late this week.

•

JESSE and MRS. CRAWFORD have completed a one-reel novelty for Vitaphone.

•

. . . Bridgeport

MORRIS ROSENTHAL, manager of the Majestic, is writing a weekly column in *Bridgeport Life.*

ANTHAN PARKAS, manager of the Rivoli, is back after an illness.

Warner Reelection Is Scheduled Today

Harry M. Warner will be reelected president of Warners today at the annual meeting of the company's board of directors. Vice-presidents to be continued are: Albert and Jack L. Warner, Sam E. Morris, Herman Starr, Gradwell L. Sears, A. W. Smith and S. Charles Einfeld.

Albert Warner will be reelected treasurer, Abel Cary Thomas, secretary; Harold S. Bareford, C. H. Wilder and E. K. Hessberg, assistant secretaries. W. S. McDonald and P. A. Chase will stay as assistant treasurers, while S. Carlisle will be continued as assistant treasurer and comptroller.

The three Warner brothers, Thomas, Waddill Catchings and Henry A. Rudkin on Dec. 9 were re-elected to the board at the annual stockholders' session in Wilmington. Remaining members of the board include Carlisle, Stanleigh P. Friedman, Charles S. Guggenheimer, Morris and Morris Wolf.

Warner Zone Men Meet

Warner theatre zone managers yesterday convened at the company's home office for discussions on general policies and bookings. "Captain Blood" was screened in the afternoon.

Some of the men are staying over for individual conferences with Joseph Bernhard and Clayton Bond.

Return "Dream" to Loop

CHICAGO, Dec. 16.—Marking a procedure rarely followed in that the downtown roadshow run was broken, B. & K. are bringing "A Midsummer Night's Dream" back to the Apollo for two additional weeks beginning Christmas Day.

Warners experienced resistance to the original Loop booking. Eventually, however, the picture was spotted into the Apollo for one week. It was then held for a second and then a third which ended Sunday night with the house fully sold out.

As a result and despite the break in the run, B. & K. have now determined to bring it back. The Apollo engagement is understood also to have influenced a deal whereby the picture will play the Great States circuit downstate.

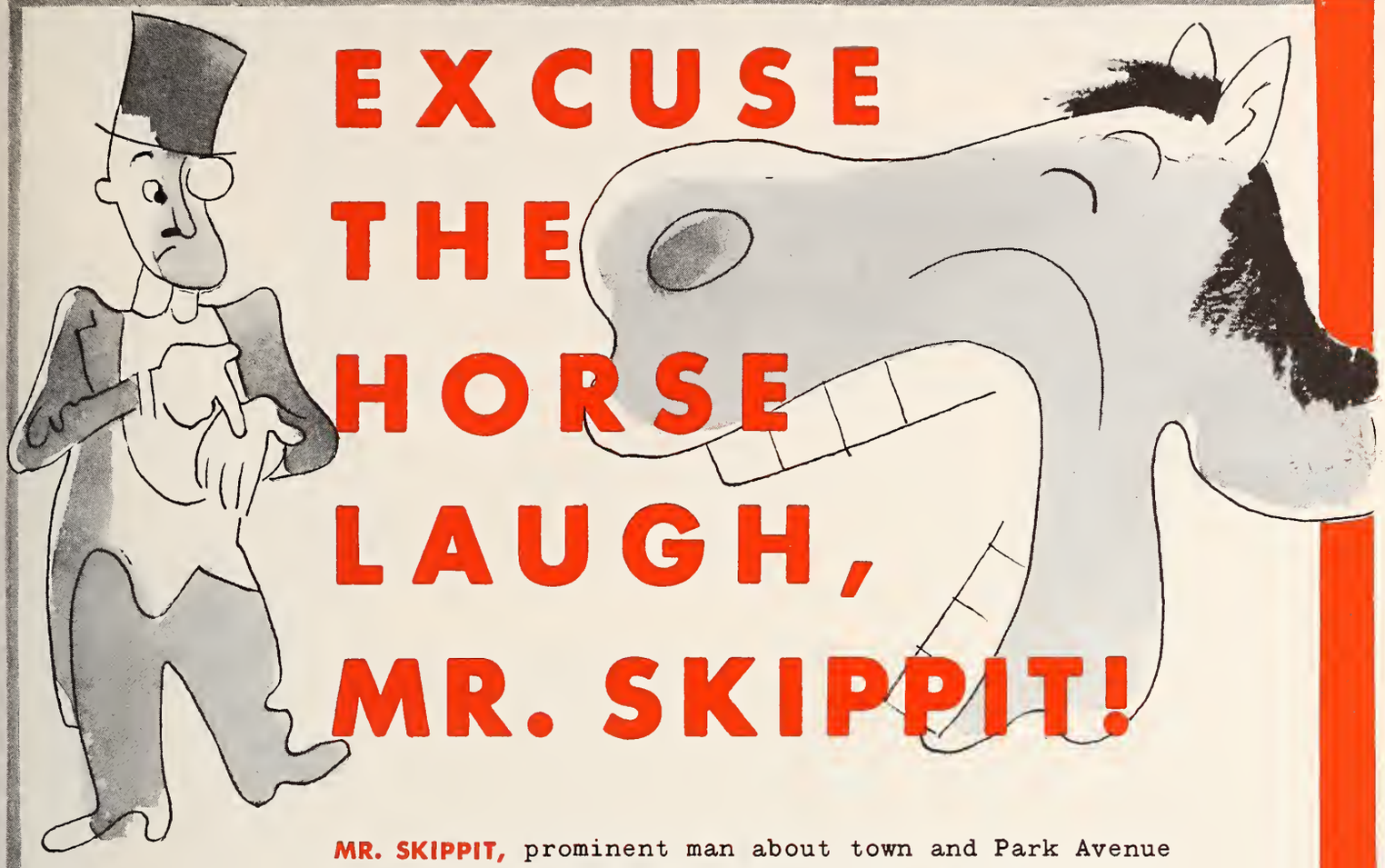
Leave for Meet

Gradwell Sears, S. Charles Einfeld, Norman Moray and Carl Leserman left yesterday for Kansas City to attend the convention of Warner southern and western sales heads Wednesday and Thursday. Jack L. Warner left the coast yesterday for New York. He will be met at the Kansas City station by the delegates but will not attend the session, traveling through to New York.

Producer Meet Today On IATSE Agreement

HOLLYWOOD, Dec. 16.—Pat Casey has called a producer meeting for tomorrow to issue formal notification of the I.A.T.S.E. closed shop agreement in studios. It is expected George Browne, I. A. president, will not be present, as planned, deeming the situation well in hand.

It is expected that the effective date of the agreement will be Jan. 2, according to information received today from Casey's office here.



EXCUSE THE HORSE LAUGH, MR. SKIPPIT!

MR. SKIPPIT, prominent man about town and Park Avenue prowler, tells us he can't see why we spend so much time and money filming "those silly Westerns." **MR. SKIPPIT,** it seems, has a yen for the "Drahma".

Well, **SKIPPIT,** old boy, the answer is that **WESTERNS** are going over bigger this year than when Bill Hart used to gallop over the back pastures in the old days. Fans want Westerns. But they want well-acted Westerns. They want Westerns with all the trimmings of a big production.

Paramount, to do a little quiet boasting, was wise to this early! Hence the **ZANE GREY** series and the **HOPALONG CASSIDY** series, all big-time pictures, all new-style Westerns...and all box-office aces.

Wish we had room, **MR. SKIPPIT,** to quote all the nice things said by the trade papers about "Bar 20 Rides Again," the latest "Hopalong Cassidy"...and "Drift Fence," the latest Zane Grey. We suggest that you see some of these Paramount class Westerns, **MR. SKIPPIT,** we know you'll be entertained... and you'll also learn why so many theatres have discovered that

Paramount Pictures

It Pays to Play a Paramount Picture!

Harry Cohn Salary $182,020 for Year

WASHINGTON, D. C., Dec. 16.—Columbia paid Harry Cohn $182,020, exclusive of expense allowances, and Jack Cohn, $104,220, exclusive of expenses, during the fiscal year ended June 29, according to the company's application for registration made before the SEC.

Abe Schneider, treasurer and director, received $35,600; Nathan Burkan, director and counsel, $27,180, and Sam Briskin, wso resigned recently as studio manager, $139,750.

The registration application showed that Harry Cohn on Sept. 30 had voting trust certificates for 43,697 common shares or 24.85 per cent of the total, and 19,123 Series A purchase warrants for voting trust certificates for the common stock or 66.67 per cent of the total. Jack Cohn had 14.27 per cent of the certificates for the common shares and 33.33 per cent of the warrants for the common stock certificates.

Carewe Forms New Non-Theatre Firm

HOLLYWOOD, Dec. 16. — Edwin Carewe has formed a second company to handle the increased demand for complete programs in the non-theatrical field. The new company, Edwin Carewe Prod., Inc., is capitalized at $1,040,000 and will produce 10 features and 60 shorts during 1936 for school, church and civic institution consumption.

Carewe Pictures Corp. will continue as a distributing organization, releasing all the new company's product plus several independent productions suitable for school and church exhibition. Carewe is president of the new organization. There will be no public stock issue. Production begins Jan. 15 on "Birth of America," featuring lives of George Washington, Patrick Henry, Paul Revere and Betsy Ross and on "Joseph and His Brethren" for release in one-reel episodes for seven-month period.

Para. Studio Expanding

HOLLYWOOD, Dec. 16.—Paramount is starting a heavy expansion program with the installation of a new 100-ton refrigeration plant for the laboratory and the purchase of eight new printers. The precision machine shop, already the biggest in Hollywood, will be doubled in size, and 15,000 square feet of floor space will be added to the property building in a third floor. All improvements are to be made immediately.

Korda Signs Gigli

Beniamino Gigli, former Metropolitan Opera star, has been signed by Alexander Korda to star in a new London Films musical production, to be directed by Zoltan Korda.

"Mimi" in Frisco

SAN FRANCISCO, Dec. 16.—"Mimi" has been booked for the United Artists for Christmas Week. Armand Cohen of All Star Features closed the deal.

McDonough to East

HOLLYWOOD, Dec. 16.—J. R. McDonough leaves here by plane for New York tonight. The purpose of his trip was not indicated.

Thelma Todd Found Dead in Her Auto

(Continued from page 1)

induced her to enter an Elks' statewide beauty contest. It happened to be the time when Paramount was looking for pupils. Buddy Rogers, Josephine Dunn and others were her classmates. Her comedy talents became manifest at once.

Her first film was the school picture, "Flaming Youth." When the Long Island studio closed she went to the coast. Her rise had been steady since. She had been featured by all the major companies and for some time she had been starred in Hal Roach shorts with Zasu Pitts and later with Patsy Kelly.

She was under contract to make eight two-reelers with Miss Kelly as co-star. The fifth, "All-American Toothache," had just been finished. By the terms of her deal with Roach she was permitted to make features for other companies, but Roach had the first call on her services.

She is survived by her mother, Mrs. John S. Todd of Lawrence, Mass., who was visiting on the Coast.

Paramount Fee Case Review Authorized

The U. S. Circuit Court of Appeals yesterday granted leave to Root, Clark, Buckner & Ballantine and Cook, Nathan & Lehman to appeal from Federal Judge Alfred C. Coxe's order which resulted in large reductions in the fees sought by each for their services in the Paramount reorganization.

Judge Coxe reduced the allowance to the Root Clark firm, which was counsel to the Paramount trustees, by approximately $500,000, and that of Cook, Nathan & Lehman by approximately $150,000.

Tobis Unit Formed To Start Producing

WASHINGTON, Dec. 16.—Germany's Tobis concern has formed its own film producing company, Tobis Magna Film Prod., G. m. b. H., with a capital of RM 100,000, according to reports to the U. S. Department of Commerce from Acting Commercial Attache Douglas Miller in Berlin.

Tobis officials state that this new company does not intend to take up production on a large scale. Its project is to utilize the relatively quiet production period from January to June, when most studios are not in use, in order to produce about four or five standard size films, which will then be offered in Germany and abroad at the beginning of the following playing season.

Hood May Direct WPA

SEATTLE, Dec. 16.—Indications point to the selection of George Hood, former manager of Evergreen's Orpheum, as director of the theatrical division of the Washington state P.W.A.

Skouras to New York

HOLLYWOOD, Dec. 16. — Spyros Skouras leaves for New York tonight after a survey of F.W.C. coast holdings and the distribution of managers' bonus checks.

Ampa Analysis for Ad Awards Started

Definition and classification of exploitation and publicity are now being discussed by members of the Ampa board in connection with the proposed annual awards by the organization. As soon as the line is drawn between the two, details will be announced by Gordon White, president.

At one of the recent organization meetings White stated he had conferred with advertising, publicity and exploitation heads of the various companies and they had expressed approval of the plan. However, the executives held that before the plan is put into effect, exploitation and publicity should be clarified.

No business will be discussed this week, the meeting being devoted to the annual Christmas Party. Instead of staging the affair at Jack Dempsey's, the regular meeting headquarters, the Astor will be the scene of festivity this Thursday. Proceeds will be turned over to the *Film Daily* Relief Fund.

Seek Films for Use In Oklahoma Schools

OKLAHOMA CITY, Dec. 16.—Difficulty in securing films for use in schools has caused representatives of various groups here to organize a Motion Picture Council to see what can be done about it.

The groups represented are the Parent-Teachers Ass'n, Y.W.C.A., Y.M.C.A., Council of Jewish Women, Rotary Anns, Girl Scouts, First Presbyterian, First Christian and St. Luke's Methodist Churches. Paul Herring, Y.M.C.A. boys' secretary, is president.

Backers of the group contend they are not in competition with theatres, although their plans call for presenting newsreels and selected features in schools at 10 cents admission. The proceeds are designed to buy film equipment for school use.

Pat McGee, manager for Standard Theatres, denies any responsibility.

"I don't own the pictures," he says; "I merely rent them, and I've spent the last 25 years trying to get the good ones—not always successfully."

Lincoln Conspiracy Suits Are Amended

(Continued from page 1)

Vitagraph, Paramount, M-G-M, Fox, Universal, Radio and United Artists, as well as the Lincoln Theatre Corp. of Delaware and Nebraska, Joe Cooper of New York and Bob Livingston, here.

This action moves the probability of the trial from January back to the spring session of court if not later. In the meantime, rumors are frequent that a strong move for settlement out of court is being made.

Malco Building Offices

NORTH LITTLE ROCK, ARK., Dec. 16.—A two-story office building for Malco Theatres, Inc., operators of the Rialto and Princess here and more than 20 other houses, is being erected at a cost of $10,000, according to Max J. Pruniski, vice-president. The ground floor will be rented to a mercantile firm and the second floor will be used for offices.

"Speaking Paper" Is Given English Test

WASHINGTON, Dec. 16.—"Speaking paper," an invention of an Argentine engineer, was recently demonstrated in London, according to a report from the American consulate general in London to the U. S. Department of Commerce.

By means of this paper, it is possible to present a record of speech, music, or any other sound in as handy a form as the daily newspaper. It is claimed that the invention will create a new industry, which will produce "speaking books," sell the equivalent of 12-inch phonograph records, and will also permit newspapers to print an actual record of a public speech, concert, or play which its readers could reproduce in their own homes.

The system, called the Fotoliptofono, works more or less on the principles of a talking machine. A sound track is registered on a celluloid negative by means of a microphone and oscillograph. From this impression a block is made from which is printed the "speaking paper," a series of close parallels of jagged black lines.

The paper is then placed in the reproducing apparatus, the subject of the recent demonstration. A piece of paper about the size of a single newspaper sheet was fitted onto the cylinder of a machine resembling the early Edison phonograph and a photo-electric cell retranslated the black lines into impulses which issued from an ordinary portable wireless set as speech, song, and music in turn.

It is reported that negotiations are in progress looking to the production of "speaking paper" by English gramaphone companies.

Local Houses Get Set for Holidays

(Continued from page 1)

"A Night at the Opera" with the Three Ritz Brothers and Ed Sullivan on the stage will be the State program Christmas Week. For the same stanza the Palace will run "I Dream Too Much."

The Loew neighborhood houses will show "Mutiny on the Bounty," "Scrooge" and "A Night at the Opera" during the two weeks, while RKO units will have "In Person," "Frisco Kid" and "I Dream Too Much."

Two Managers Robbed

HOUSTON, Dec. 16.—Loew's State lost $1,779 and the Metropolitan $1,090 in a street holdup here Sunday night. Bob Hart of Loew's and Arnold Bell of the Metropolitan were on their way to the bank when they were robbed of the night's receipts.

SMPE Group to Meet

The Atlantic Coast section of the Society of M. P. Engineers will hold its monthly meeting Wednesday evening at the Hotel Pennsylvania. A report of the committee on laboratory practices will feature the session.

Sidney, Jr., to Marry

BRIDGEPORT, Dec. 16.—Jack Sidney, Jr., assistant manager of the Capitol, Hartford, nephew of Louis K. Sidney, will be married here Dec. 18 to Ruth E. Malone, a former usherette at the Palace.

MIMI

LLIANCE PRODUCTION

DOUGLAS FAIRBANKS JR.
GERTRUDE LAWRENCE

DIRECTED BY PAUL L. STEIN

Booked Nationally to All
IMPORTANT CIRCUITS

● New England, East, Dixie, Middle West, Rocky Mountains, and Coast fall into line with universal acclaim!

●

Two great stars in the world famous story of stage and screen! . . . The glamorous Latin Quarter of gay Paree! . . . The season's outstanding woman's picture climaxed in the brilliant and spectacular Artists' Ball! . . . Youth, beauty, gayety, charm in an unforgettable romance!



From Murger's Famous "LA VIE DE BOHEME" Music by Puccini

A FIRST DIVISION RELEASE

Independents Reaching Own, Says Johnston

By W. RAY JOHNSTON
President, Republic Pictures

In my entire association with the industry, I have rarely been privileged to witness so warm a response to independently-made pictures on the part of the nation's showmen as is being given them at the present time. Entertainment value alone remains the sole test of merit, and pictures that are able to satisfy this audience demand will continue to show profitable returns.



Patrons have never been fundamentally interested in the "antecedents" of a production. If a picture has genuine merit—if it entertains all types of picturegoers—it is certain to meet with the approval of audiences. It does not matter, from the popular point of view, where the picture was produced, or by whom. Just so long as its story is worth telling and its acting realistic, the average audience will be satisfied. That outstanding stars have their drawing power is obvious, but these 'star vehicles' form just a small portion of the world's motion picture entertainment program.

In every production department—acting, writing, direction—talent of the first order is now abundantly available. With these resources there is every reason to look for an increasingly fine standard of independent production, unhampered by the limitations which in the past have set these pictures in a separate, and sometimes lower, class.

Up to Hollywood, Is Kahane's Slant

By B. B. KAHANE
President, RKO Studios

HOLLYWOOD, Dec. 16.—I consider the outlook for 1936 very satisfactory. Good pictures have received good box-office returns this year and outstanding productions have done exceptional business. This is all we have a right to expect. It is our task to produce more good pictures and less bad and mediocre ones. If we can "hit" with some "smashes" we know from this year's experience that the box-office will respond. If we fail to make product that appeals to and entertains the public, we must suffer the consequences.



Views '36 as Best Since '32 and '33

By JOHN D. CLARK
General Sales Manager, 20th Century-Fox

The New Year looks to me more promising by far than the past three or four years.



I have just completed a trip around the United States and Canada. It is my observation that business conditions have generally improved. The theatre business has definitely improved, and with the better product now being released by many companies, I can see nothing ahead—at least in the immediate future—other than a great year for this industry in production, distribution and theatres.

Banner Year Ahead Predicted by Roach

By HAL ROACH
(Producer for M-G-M)

HOLLYWOOD, Dec. 16.—Sure, 1936 will be a banner year for the industry and for all other lines of business in so far as that matters. It doesn't take the seventh son of a seventh father to prophesy progress and prosperity for the ensuing 12-month period. Just look around you. Do you see any empty theatres where good pictures are offered? Have you heard any exchange men or exhibitors bellyaching recently?



Men are at work and their women folk want to see movies. So do their kids. It looks like the year will find us all with those "two cars in every garage and a chicken in every pot" that we heard so much about a few years ago.

Three of Bay State Petitions on Time

BOSTON, Dec. 16.—Only three of the eight initiative petitions circulated recently have been filed with Secretary of State Frederic W. Cooke in time for action for the 1936 Legislature which convenes Jan. 2.

One of the three seeks to do away with pari mutuel horse and dog racing that have been legal here for one season. It was headed by William Eddels of Revere and carried 21,771 signatures. Under Massachusetts law 20,000 signatures are required to put an initiative petition before the Legislature. If not acted upon there favorable to the petitioners, an additional 5,000 names will suffice.

For Firmer Control, Stories Which Fit

By A. W. SMITH, JR.,
Eastern, Canadian Sales M'g'r, Warners

Rather than prognosticate what 1936 may have in store for the industry, I choose to state certain results that I hope may be accomplished during the new year. Here they are:



1. A firmer control of the industry by and within itself.

2. An arrangement by and between the different studios that will place in a particular story the star best qualified to play in it.

3. The cutting down and eventual elimination of double feature programs.

Business Upturn to Aid, Believes Katz

By SAM KATZ
Associate Producer, M-G-M

HOLLYWOOD, Dec. 16.—Business has shown considerable improvement throughout the year 1935 with indications for a continuation of that improvement. Hollywood is doing its share in planning attractions so that there is every reason to believe that 1936 should prove increasingly profitable to our industry.



Ohio Reports Steady Gain in Employment

COLUMBUS, O., Dec. 16.—Reports of improved employment conditions throughout Ohio, characterized as approximately the boom days of 1929, continue to filter through from various situations.

The Cleveland Chamber of Commerce statisticians estimate factory workers will receive a total of $25,000,000 in wages for December, compared with $16,000,000 in the corresponding month a year ago. The Merchants and Manufacturers' Ass'n. of Toledo announce a gain of 42 per cent in employment last week among 51 representative firms contrasted with the same week of 1934.

The Canton Chamber of Commerce claims that city led the entire state in employment gains over the last three-month period, bringing the number of workers to 92 per cent of the all-time peak in 1929, when 20,217 were employed, while Youngstown industrial officials predict steel production will, during December, reach the highest point in the last five years.

Thomas Looks For Ind'p'ts Best Season

By H. H. THOMAS
President, 1st Division

In 1936 the fact that any major picture is better than the most skillful effort of the leading independent no longer is true.



The old-line companies, in turning out quantity B pictures while neglecting to improve quality, have created an overproduction of this product and made it a practical possibility for exhibitors to select adequate programs for double features and still buy only a small part of the yearly output. This will eventually eliminate block-booking.

Exhibitors, too, are coming to a realization that in coping with the majors, who exact a heavy percentage of gross receipts they are confronted with the fact that the margin between overhead and receipts is alarmingly small.

The independents are in an enviable position to give the best value in entertainment to fill exhibitor needs. They will continue to improve their product, which will contribute materially to making 1936 the best year exhibitors have yet seen.

Envisions Little Change Next Year

By M. A. LIGHTMAN
President, Malco Theatres

MEMPHIS, Dec. 16.—There probably won't be any material changes in 1936. I think the industry is on the verge of a new order of things, but I doubt seriously that the time is that close at hand. We will no doubt plod along through 1936 pretty much as in the past.



I do believe that all companies are finally realizing that the only way to get any real money is with outstanding box-office attractions, and, as a result, they should all strive to make a few more "hit" pictures. As a matter of fact, it is necessary that this be done. Under such conditions, I am sure that we will all be very happy with the outcome of 1936.

Start New S. C. Theatre

MYRTLE BEACH, S. C., Dec. 16.—B. B. Benfield has started a new $40,000 theatre on Ninth Ave.

New Union Will Air Objectives Tonight

Plans to extend the film examiners' and shippers' union to all branches of exchange employment are understood to be discussed tonight when local film employes will gather at a mass meeting of Local 20,043 at Hotel Times Square.

In a circular distributed by the organization, known as Film Exchange Employes Union, "every worker in the industry is requested to attend this meeting.

"Many prominent speakers from the field of labor will address our organization," the printed matter reads. "Many new angles of great importance to our organization will be introduced."

Although it was reported Local 306 would take an active part in furthering the union, officials denied this yesterday stating the organization has in no way pledged its support, nor is it interested in any way.

Jack Teitler, a member of Local 306, is said to be a moving figure in organizing the union, but is said to have no official standing in Local 306. Bob Murray of RKO is president of the Film Exchange Employes.

It is understood that shippers of the various film trailer and poster renting concerns have been approached and will attend tonight's session.

Loew Dropping Duals For "Mutiny" Only

Deviating from its dual feature policy adopted the latter part of September, Loew's will single feature "Mutiny on the Bounty" in 49 local theatres. The M-G-M special will run a full week.

The picture is currently showing in 11 theatres, including the Tri-Boro, Astoria, and the Pitkin and Kings, Brooklyn, and will open Friday in 38 other houses. For the first time in the history of the theatres, the Tri-Boro, Pitkin and Kings are day-and-dating with the State.

It is understood M-G-M will insist that "Mutiny" be played alone in theatres other than the Loew circuit.

Eugene Picker, chief booker for the circuit, yesterday stated he could not predict whether the single feature plan will be continued on other important M-G-M attractions.

Nine Arbitrations Scheduled for Week

Activity at the New York Film Board this week will take a sudden spurt with nine arbitration cases listed. Five are scheduled to be heard tomorrow and four others will be tried Friday.

Louis Nizer will represent distributors in each instance. All complaints have been filed by exchanges for alleged breach of contracts. No case has been heard in two weeks. The last was the famous "Top Hat" complaint of Louis Gold of the Rivoli, Newark.

Sunday Shows Banned

SANFORD, N. C., Dec. 16.—The Board of Aldermen has adopted an ordinance prohibiting any shows or amusements here from 12:01 A.M. Sunday to midnight Sunday night. The ordinance also prohibits shows and amusements between 11:30 P.M. and 5:30 A.M. during the week.

Wall Street

Fractional Losses Dominate Board

	High	Low	Close	Net Change
Consolidated	5½	5½	5½	— ⅛
Consolidated, pfd.	18⅛	18	18	— ⅛
Eastman Kodak	155½	154½	155½	+ ½
Eastman, p:d	156	156	156	.....
Keith-Albee, pfd.	80	80	80	.....
Loew's, Inc.	51¾	51	51	— ⅝
Paramount	9¾	9½	9½	— ⅛
Paramount 1 pfd.	78½	78	78	— ½
Paramount 2 pfd.	11⅞	11½	11½	— ⅛
Pathe Film	7	6⅝	6¾	+ ⅛
RKO	5⅛	5	5	.....
20th Century-Fox.	24⅜	23⅝	23⅝	— ⅝
20th Century, pfd.	33	32⅜	32⅜	— ⅜
Universal, pfd ...	60	59½	60	.....
Warner Bros. ...	9⅞	9¾	9½	— ¼

Sentry Gains Slightly on Curb

	High	Low	Close	Net Change
Sentry Safety ...	⅝	⅝	⅝	+1/16
Technicolor	17⅞	17½	17½	— ½
Trans-Lux	3⅝	3½	3⅝	.....

Warner Bonds Up a Point

	High	Low	Close	Net Change
General Theatre 6s '40	19¼	18¾	19¼	.....
General Theatre 6s '40 ctf	19	18⅞	18⅞	+ ⅛
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	— ¼
Paramount Pict. 6s '55	92½	92¼	92¼	.....
Warner Bros. 6s '39 wd	88	87	88	+1

(Quotations at close of Dec. 16)

IATSE Submits Plan For Coast Theatres

HOLLYWOOD, Dec. 16.—The I.A.T.S.E. is submitting a plan to the local I.T.O. whereby union men will man all non-affiliated houses in Los Angeles.

The I.A.T.S.E. plan will be considered by the I.T.O. executive committee, which will then turn the plan over to the entire membership for vote. A similar plan was recently adopted in St. Louis, a portion of Pennsylvania and Wisconsin.

K. C. Deal Delayed

KANSAS CITY, Dec. 16.—Negotiations between local theatres and Harland Holmden, third vice-president of the I.A.T.S.E., who is in charge of the local operators, has been delayed again for some days due to the illness of Holmden at Cleveland.

Wiseman Is Allowed Appeal in Para. Suit

Sir William Wiseman, partner in Kuhn, Loeb & Co. and former Paramount director, was granted leave by the U. S. Circuit Court of Appeals yesterday to appeal from an order of Federal Judge Alfred C. Coxe's holding that the trustees of Paramount Publix have the right to subpoena him for an examination before trial of their recovery actions against former directors and officers of the company. Progress of the trustees' actions has been held up pending Wiseman's appeal. No date for a hearing of the appeal was set.

N. O. Hears Reports Of Admission Boost

NEW ORLEANS, Dec. 16.—Rumors are current of an agreement between downtown houses to raise matinee prices for week-ends.

It is argued that inasmuch as times are better, there is no reason why theatres should not take advantage of the pickup.

Basson Heading for Re-election at 306

Reelection of Joseph D. Basson as president of Local 306 appears certain as opposition forces fail to campaign to any extent against the incumbent. Alex Polin and Ben Norton were nominated for the post on Dec. 4, but indications yesterday showed a strong majority who will vote tomorrow for Basson.

Opposition among the candidates for other offices is spirited. Voting machines will be employed for the all-day election tomorrow. Ballot casting starts at 9 A.M. at Palm Gardens. Closing hour has not yet been set.

Union Silent on Suit

No statement will be issued by Joseph D. Basson of Local 306 in connection with the suit for $650,000 filed in the New York Supreme Court last week by Times Square Theatre Co., Inc., until papers are served the defendants, it was stated at union headquarters yesterday.

The action is regarded by the union as a nuisance suit and similar to one filed some time ago, with minor changes.

K. C. Independents Form Giveaway Pool

KANSAS CITY, Dec. 16.—Seventeen independents have agreed to form a giveaway pool to compete with the Bank Night pool operated by the Fox Midwest, according to E. Rolsky, president of the I. T. O.

Additional independent operators may join, but the group will not delay its plans for other exhibitors to decide whether or not they will join.

Rolsky said members of the group hope to have the plan operating in a week or 10 days.

Reade Gets Trenton State

Walter Reade has leased the State, Trenton, for 20 years from Ogden D. Wilkinson. Aggregate rental is reported at $500,000.

Hill Names Deitch To St. Louis Post

ST. LOUIS, Dec. 16.—Leto Hill, supervisor of the St. Louis Amusement Co., has named Joseph Deitch, now with the A. H. Blank circuit in Des Moines, as chief booker of the 20 local houses. Deitch assumes his new duties Dec. 23. He succeeds Bess Schulter, who recently resigned to operate her two neighborhood theatres.

Morris Plessner, formerly neighborhood theatre advertising contact for the *Star-Times*, has replaced Al Zimbalist as advertising, publicity and exploitation head. Zimbalist has gone to New York on another job. Plessner for some time was associated with Skouras Bros. when they operated theatres here.

Hill returned from New York yesterday after three days.

Al Zimbalist, formerly director of advertising, publicity and exploitation for the St. Louis Amusement Co., has joined the Cinema Circuit in a similar capacity, according to Max Cohen. Cohen is associated with Arthur Siegal, stepson of Albert Warner, in the operation of about a dozen houses in the New Jersey and New York vicinities.

"Kittens" Seattle Hit

SEATTLE, Dec. 16.—Walt Disney's Silly Symphony, "Three Orphan Kittens," is starting out to challenge the local record of "Three Little Pigs."

The short was moved from the Fifth Avenue to the Music Box for an extended run, being billed with "In Old Kentucky."

The Rogers' feature will be taken off this week, but "Three Orphan Kittens" will be held over for an additional week.

Finney to Seattle

PORTLAND, Dec. 16.—Walter Finney has transferred to the Liberty, Seattle, following the sale of the Roxy at Tacoma to John Hamrick.



Short Subjects

"Pathe Topics No. 2"

(*Radio*)

The three episodes of this offering are packed with amusement and thrills. The first, "Emotion," is made from newsreel clips, and under various listings there are to be seen a very proud pretzel bender, a pair of sweepstakes winners and a holdup victim. All have a very humorous aspect and should please. Part two deals with modern fencing and Olympic teams are shown at practice. The fine points of the sport are shown and effective slow motion photography reveals highlights. The last part has some of the finest spectacular photography of the year. It portrays scenes in the Bavarian Alps of a skiing camp. It is appropriately titled "On the Wings of the Wind." With fine symphonic musical accompaniment the camera follows the action introducing new angles and effects. A worthwhile effort which will please. Production Code Seal, No. 0233. Running time, 18 mins. "G."

"Spinach Overture"

(*Paramount*)

Another swell Popeye cartoon. These subjects seem to carry considerable weight with grownups as well as children. The other night at the local Paramount, an audience, which nearly filled the theatre, went for this number in a big way. Popeye is seen competing with a bushy-haired husky, twice his size, in an amateur orchestra contest. It looks like bells for the iron-muscled sailor until he downs his can of grass. After two gulps, the sailor is unbeatable, and of course, walks off with the honors. Production Code Seal, 0594. Running time, 8 mins. "G."

"Screen Snapshots No. 4"

(*Columbia*)

Footnoted as "A Will Rogers Memorial Tribute" this Snapshots issue embraces screen characters who in recent years have passed from the scene. Some of the very last appearances of Lilyan Tashman, Lew Cody, Roscoe Arbuckle, Ernest Torrence, Russ Columbo, Gordon Westcott, Marie Dressler and Sam Hardy are shown. Rogers' last polo game before he started his fatal journey and the renaming of the Uplifter's Field in Hollywood as a memorial to him brings the effort to its end. Production Code Seal No. 1,695. Running time, 10 mins. "G."

"Tuned Out"

(*Radio*)

Ruth Etting sings as she acts out a somewhat ordinary story. Herbert Rawlinson and Vernon Dent assist as her husband and radio sponsor, respectively. The story concerns Miss Etting's success as the Dixie "songbird of the airways." Unknowingly, her husband sends her a fan letter and, suspecting something, she plays up to him by substituting her pianist. After the usual business of the almost unfaithful husband being tricked, Dent and Rawlinson engage in some critically humorous dialogue which will appease audiences together with Miss Etting's warbling. A fair farce. Production Code Seal No. 1,122. Running time, 20 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Widow from Monte Carlo"

(*Warners*)

HOLLYWOOD, Dec. 16.—Comedy should be stressed in this tale of a lonely and beauteous widow who gets tangled up with social climbers.

Dolores Del Rio is pursued from Monte Carlo to London by Warren William, in spite of the fact that she is engaged to a farcically cold nobleman, played by Colin Clive. Also in hot pursuit of Duchess Del Rio is Louise Fazenda, who, not satisfied with having Herbert Mundin's millions, also wants titles at her parties.

Miss Del Rio slips away from her straight-laced family for one day's innocent fun at a beach concession with William, then writes a letter telling him goodbye forever. Miss Fazenda steals the letter and uses it to blackmail Miss Del Rio into attending her party. A wildly funny sequence of Miss Fazenda in the whirling barrels, jiggling slides and chutes of the fun house draws five minutes of howls. Warren Hymer scores as a slugnutty crook who is determined to steal back the letter while the ball is in progress. E. E. Clive is laugh-provoking as the guardian of the widow and Colin Clive does a good job as the fiance.

Director Arthur Greville Collins keeps the tempo at a good speed. The screen play is by F. Hugh Herbert with dialogue by Charles Belden and George Bricker from the play by Ian E. W. Mason. Bryan Foy supervised. The comedians' work is the best angle to stress unless the stars rate high in your territory, then a combination is in order.

Production Code Seal No. 1,700. Running time, 63 minutes. "G."

"Collegiate"

(*Paramount*)

HOLLYWOOD, Dec. 16.—With girls and gags, music and dancing, lots of farce and plenty of novelty, this freshly treated collegiate yarn is catchy entertainment. It is well mounted, colorfully modern in atmosphere, with specialty features carefully woven into the story motivation. The show concentrates on lightness and gaiety.

Happy but financially embarrassed playboy Jack Oakie inherits a girl's school. Abetted by his pals, Ned Sparks and Lynne Overman, and staked by forgetful Joe Penner's bankroll, Oakie declares a new deal in education. Out go all the moss-backed seminary ideas and in come a brand new flock of theories. Betty Jane Cooper is hired to give dancing instruction. Mack Gordon and Harry Revel teach the efficiency of modern music. Courses are instituted in the arts of makeup, personal charm, how to wear swank clothes and all popular indoor and outdoor sports. A revelation to the student body, the seminary is a great success. Oakie finds romance with his demure, but thrilled secretary, Frances Langford, and Penner in love with modern college maid Betty Grable.

Fun, music and novelty are things to sell. Name values are adequate as the players click nicely in line with the established screen characters. The Gordon and Revel numbers are pleasing. Based on Alice Duer Miller's "Charm School," the yarn is smartly adapted by Walter De Leon and Francis Martin and cleverly directed by Ralph Murphy.

Production Code Seal No. 1,663. Running time, 75 minutes. "G."

Looking 'Em Over

"Sweet Surrender"

(*Rowland Prod.-Universal*)

Showmanship elements have been combined shrewdly in this musical—Frank Parker's radio draw; Tamara's name value as a dancer; Abe Lyman and his band; a shot of Jack Dempsey and his restaurant; scenes on the *Normandie,* and several sumptuous stage settings.

The story falters in spots and there is a sequence of war shots designed to build up an emotional effect for a peace song by Parker that fails to jell, but on the whole the picture is eye-filling and tuneful.

Parker loses a radio contract by ignoring his sponsor's wife and rushing to a theatre to see Tamara's closing performance. This introduces a big ballet number. Tamara breaks her contract with her manager to go abroad on the *Normandie* in disguise. Parker and his manager leave on the same ship. Arthur Pierson, a smart crook, notices the resemblance between his girl and Tamara and sets out to get the dancer's letter of credit and passport by having his girl impersonate her.

Parker's romance is a bit mixed as he pursues the phony Tamara and

(*Continued on page 9*)

"Surrender," Bowes' Unit Cincy Smash

CINCINNATI, Dec. 16.—"Sweet Surrender," with Major Bowes' Amateur Unit No. 2 on the stage at the RKO Shubert, was the leader in last week's box-office parade with a take of $16,000, which is $4,000 in the plus column.

The runnerup was "The Man Who Broke the Bank at Monte Carlo," which had a $12,400 week at the RKO Palace, compared with a $10,000 normal.

"In Old Kentucky" collected $2,900 on the second week at the RKO Grand, which was the fourth downtown week. Average at this house is $2,750.

Business at the other stands was nothing to get excited about.

Total first run business was $58,100. Average is $60,200.

Estimated takings:

Week Ending Dec. 10:

"GOIN' TO TOWN" (Para.)

STRAND—(1,300), 15c-25c, 2 days, then pulled. **Gross:** $200. (Average, 7 days, $1,500)

"WE'RE NOT DRESSING" (Para.)

STRAND—(1,300), 15c-25c, 5 days. **Gross:** $1,000. (Average, 7 days, $1,500)

Week Ending Dec. 12:

"THE CRUSADES" (Para.)

RKO ALBEE — (3,300), 35c-42c, 6 days. **Gross:** $9,000. (Average, 7 days, $12,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)

RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $12,400. (Average, $10,000)

"SWEET SURRENDER" (Univ.)

RKO SHUBERT—(2,100), 35c-55c, 7 days. Stage: Major Bowes' Amateur Unit No. 2. **Gross:** $16,000. (Average, $12,000)

"AH, WILDERNESS!" (M-G-M)

RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd week. **Gross:** $5,000. (Average, $6,500)

"THE THREE MUSKETEERS" (Radio)

RKO LYRIC—(1,400), 25c-40c, 7 days. **Gross:** $5,750. (Average, $6,500)

"IN OLD KENTUCKY" (20th-Fox)

RKO GRAND—(1,200), 25c-40c, 7 days, 2nd week at this house, and 4th downtown week. **Gross:** $2,900. (Average, $2,750)

"IVORY HANDLED GUNS" (Univ.)

RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,250. (Average, $1,250)

"TWO FISTED" (Para.)

RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,200)

"FRISCO KID" (W. B.)

KEITH'S—(1,500), 30c-40c, 5 days, 2nd week. **Gross:** $3,500. (Average, $6,500)

Name Standards Group

HOLLYWOOD, Dec. 16.—Nathan Levinson, chairman of the Technicians' Branch of the Academy, has named representatives to the Academy Sectional Committee of the American Standards Ass'n. They are: Porter H. Evans, Vitaphone Studios, Brooklyn; J. M. Nicholaus, chairman of the Research Council's standards sub-committee, and Gordon S. Mitchell, manager of the Academy Research Council.

Urges Footage Tax

ST. LOUIS, Dec. 16.—Alderman Schweppe has introduced an ordinance calling for a tax of one-tenth of a mill on each foot of film rented or leased in St. Louis.

Radio Signs Lew Fields

HOLLYWOOD, Dec. 16.—Radio has signed Lew Fields, of Weber and Fields to make a two-reel short. Les Goodwins will direct and Lee Marcus will produce.

"Mutiny" Is Outstanding Frisco Draw

SAN FRANCISCO, Dec. 16.—"Mutiny n the Bounty" just about mopped ll the important business done here ast week. It grabbed $27,000, up y $6,000 at the Warfield. The per- ormance was especially outstanding ecause only two other first runs ouched normal.

"In Person" was even with the line t $14,500 at the Golden Gate and Divine Spark," an Italian film, took par $1,200 at the Clay. Elsewhere usiness hit the skids.

Total first run business was $75,200 vithout the Geary. Average is $77,- 00.

Estimated takings:

Week Ending Dec. 7:
"MIDSUMMER NIGHT'S DREAM" (Warners)—roadshow.
GEARY — (1,403), 55c-85c-$1.10-$1.65, 7 lays, 3rd week. **Gross:** $7,000.

Week Ending Dec. 10:
"IN PERSON" (Radio)
GOLDEN GATE—(2,850), 25c-35c-40c, 7 lays. Stage, band. **Gross:** $14,500. (Aver- ige, $14,500)

Week Ending Dec. 11:
"CRIME AND PUNISHMENT" (Col.)
ORPHEUM—(2,440), 15c-35c-40c, 7 days, 2nd week. **Gross:** $4,500. (Average, $6,800)
"RENDEZVOUS" (M-G-M)
"BROADWAY HOSTESS" (W. B.)
PARAMOUNT—(2,740), 25c-35c-40c, 7 lays, 2nd week. **Gross:** $11,000. (Aver- ige, $11,500)
"SPLENDOR" (U. A.)
UNITED ARTISTS—(1,200), 15c-25c-35c- 40c-55c, 7 days. **Gross:** $6,000. (Average, $9,000)

Week Ending Dec. 12:
"YOUR UNCLE DUDLEY" (20th-Fox)
"HI GAUCHO" (Radio)
FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,500. (Average, $6,000)
"FRISCO KID" (W. B.)
ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)
"MUTINY ON THE BOUNTY" (M-G-M)
WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $27,000. (Aver- age, $21,000)

Week Ending Dec. 13:
"DIVINE SPARK" (Italian)
CLAY—(400), 25c-35c, 7 days. **Gross:** $1,200. (Average, $1,200)

Christmas Shows in Connecticut General

NEW HAVEN, Dec. 16.—Exhibitors throughout the state are contemplating special Christmas shows of a charitable nature during Christmas week. The Poli has arranged a Saturday morning frolic, the admission to be five cents or as much as children wish to contribute, the proceeds to go to the Child Welfare Ass'n. The Fishman houses will run special matinees, with food the admission to some houses, and free admission to the children of the unemployed to others.

Warners are cooperating in various spots with townships or churches, Palace, Danbury, and Capitol, Ansonia, having already been arranged for food or toy collection.

Loew's Poli here; Majestic, Bridgeport; Poli, Waterbury, and Palace, Meriden, will have special shows, as will the Bonoff, Madison, which annually admits everyone free and distributes candy in addition. Fine Arts, Westport; Jodoin, Baltic; West End, Bridgeport; Essex and Clinton, and many others have special arrangements.

Looking 'em Over

(*Continued from page* 8)

develops a fondness for the real one, who is masquerading as a school teacher. A style show and a masquerade ball are presented on the ship.

Without her passport, Tamara is arrested upon arrival in France and her impersonator accepts an engagement at the Opera Comique. Before the performance starts Tamara gets there. Parker meets her backstage later. In his anxiety to build up production values Monte Brice, the director, has crowded one big scene after another in a way that leaves his story gasping for air.

Parker's singing voice registers excellently and he is an attractive screen personality. Tamara is an alluring figure. And Lyman's music is a decided asset. The story was done by Herbert Fields and the screen play by Charles Bethlen, John V. A. Weaver and Edward C. Lilley. Songs were contributed by Arthur Swarstrom, Jack Huber, Neville Fleeson and Maybel Wayne.

Production Code Seal No. 0556. Running time, 78 minutes. "G."

"Thanks," $8,500 Milwaukee Leader

MILWAUKEE, Dec. 16.—"Thanks a Million" and "Navy Wife" copped high honors at Fox's Wisconsin with an $8,500 take, $500 above par, for eight days in what was otherwise a dull week. Opening of 12 ice skating rinks under school extension division supervision was felt at the box-office.

None of the other houses grossed better than average and the Strand, which has been experimenting with various price policies, reverted Dec. 13 to a second run policy at 15 cents.

Weather was mild and cloudy with some snow, and merchants reporting good Christmas business. Total first run business was $24,400. Average is $24,200.

Estimated takings:

Week Ending Dec. 11:
"THANKS A MILLION" (20th-Fox)
"NAVY WIFE" (20th-Fox)
WISCONSIN—(3,200), 25c-40c, 8 days. **Gross:** $8,500. (Average, $8,000)

Week Ending Dec. 12:
"EVERY NIGHT AT EIGHT" (Para.)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: W. L. S. Minstrels. **Gross:** $5,000. (Average, $5,000)
"FORCED LANDING" (Republic)
RIVERSIDE — (2,300), 15c-20c-25c, 7 days. Stage: Parisian Comedy Circus. **Gross:** $4,800. (Average, $5,000)
"CASE OF THE LUCKY LEGS" (F. N.)
"CIMARRON" (Radio)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,100. (Average, $1,200)
"ANNIE OAKLEY" (Radio)
"STARS OVER BROADWAY" (W. B.)
WARNER—(2,400), 25c-40c. 7 days. **Gross:** $5,000. (Average, $5,000)

Dance Directors to Get Academy Awards

HOLLYWOOD, Dec. 16.—Dance directors will come in for Academy awards in the future, it has been decided by the Academy awards committee.

Mervyn Leroy has been appointed to work on this phase of the awards.

Ballots will be mailed out early in January.

Novarro Plans Uncertain

LONDON, Dec. 16.—Ramon Novarro's immediate plans were regarded as uncertain today following failure of "Royal Exchange," his personally financed and produced stage play starring himself and Doris Kenyon. It ran seven days at His Majesty's Theatre and was booed at its premiere.

Ten Best Are Named By Junior Reviewers

Ten best pictures of the year have been selected by vote among members of the junior review group of the National Board of Review. No adult suggestions have influenced the choices, according to the board.

The list follows: "The Crusades," "David Copperfield," "The Informer," "Les Miserables," "The Lives of a Bengal Lancer," "A Midsummer Night's Dream," "Mutiny on the Bounty," "Naughty Marietta," "Shipmates Forever" and "Top Hat."

Films which almost made the grade were: "Broadway Melody," "Alice Adams," "Anna Karenina," "Call of the Wild," "The Dark Angel," "Roberta" and "The Three Musketeers."

"Mary Burns" Gets Best Houston Take

HOUSTON, Dec. 16.—A heavy flood Saturday became a Roman holiday for sightseeing throngs, and after poor openings at noon theatres reaped a harvest in the late matinees and night hours over the week-end.

"Mary Burns, Fugitive," at the Metropolitan, proved the money-maker, grossing $8,000, which is $1,000 above par. "In Person," at the Majestic, held its own with $7,000. "Splendor," at Loew's State, was off slightly, grossing $6,700, and "Charlie Chan in Shanghai," at the Kirby for four days, climbed to $3,700, or $200 to the good. "This Is the Life," at the Kirby three days, broke even with $1,500.

Total first run business was $26,900. Average is $26,000.

Estimated takings for the week ending Dec. 11:

"CHARLIE CHAN IN SHANGHAI" (20th-Fox)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,700. (Average, $3,500)
"THIS IS THE LIFE" (20th-Fox)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)
"SPLENDOR" (U. A.)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $6,700. (Average, $7,000)
"IN PERSON" (Radio)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)
"MARY BURNS, FUGITIVE" (Para.)
METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

Buck Nite Registered

ALBANY, Dec. 16.—Fay Barnes, doing business as Barnes Printing Co., Dallas, has registered the trade mark Buck Nite.

NATIONAL SUPREX CARBONS

FOR ALL HIGH INTENSITY PROJECTOR LAMPS WITH NON-ROTATING POSITIVES

National SUPREX Carbons, developed by the Research Laboratories of National Carbon Company, Inc., put High Intensity Projection within the economic reach of theatres of every class.



7 mm x 12 inch Suprex Cored Positive
6 mm x 9 inch Suprex Cored Negative . . . 42-50 Amperes

8 mm x 12 inch Suprex Cored Positive
6.5 or 7 mm x 9 inch Suprex Cored Negative . 56-65 Amperes

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation
Branch Sales Offices • New York • Pittsburgh • Chicago • San Francisco

"Wilderness" Pittsburgh's Top in Slump

PITTSBURGH, Dec. 16.—Business fell off last week with only two downtown first runs showing a profit. "Ah, Wilderness" went $1,000 above par for a total of $13,000 at the Penn.

"The Three Musketeers" was $200 to the good on a take of $4,200 at the Warner, but the other three first runs failed to make the grade.

Total first run grosses were $43,800. Average is $49,500.

Estimated takings for the week ending Dec. 12:

"IN OLD KENTUCKY" (20th-Fox)
ALVIN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $5,500)
"BISHOP MISBEHAVES" (M-G-M)
"BROADWAY HOSTESS" (W.B.)
DAVIS—(1,700), 25c-40c, 7 days. **Gross:** $3,100. (Average, $3,500)
"THIS IS THE LIFE" (20th-Fox)
"THUNDER IN THE NIGHT" (20th-Fox)
FULTON—(1,750), 15c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)
"AH, WILDERNESS" (M-G-M)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $13,000. (Average, $12,000)
"MAN WHO BROKE THE BANK" (20th-Fox)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Weaver Brothers and Elviry. **Gross:** $15,000. (Average, $18,500)
"THREE MUSKETEERS" (Radio)
WARNER — (2,000), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,000)

"Opera" $10,000 Indianapolis Hit

INDIANAPOLIS, Dec. 16.—"A Night at the Opera" at Loew's more than doubled the average take with a gross of $10,000. Average for the house is $4,500. The picture opened on Thanksgiving day giving a run of eight days.

The Apollo, with "In Old Kentucky," and "Annie Oakley" at the Circle also opened on Thanksgiving for eight-day runs. The Rogers picture registered at the Apollo box-office for a take of $8,000, which is just double the average week. The Rogers pictures are usually good for two or three weeks here.

Total first run business was $36,-500. Average is $26,500.

Estimated takings for the week ending Dec. 6:

"IN OLD KENTUCKY" (20th-Fox)
APOLLO—(1,100), 25c-40c, 8 days. **Gross:** $8,000. (Average, $4,000)
"ANNIE OAKLEY" (Radio)
CIRCLE—(2,800), 25c-40c, 8 days. **Gross:** $4,500. (Average, $4,000)
"IN PERSON" (Radio)
INDIANA—(3,100), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)
"A NIGHT AT THE OPERA" (M-G-M)
LOEW'S—(3,000), 25c-40c, 8 days. **Gross:** $10,000. (Average, $4,500)
"STARS OVER BROADWAY" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,000. (Average, $7,000)

Texas Yarn for Goldwyn

HOLLYWOOD, Dec. 16.—Samuel Goldwyn has acquired "Hell and Texas," by Edward Chodorov and Jane Murfin, a story of the early Texas republic. Joel McCrea is being considered for the principal male role.

Wells to Guild Dance

HOLLYWOOD, Dec. 16.—H. G. Wells will be guest of honor at the Screen Writers' Guild dinner-dance Thursday in the Ambassador Hotel.

"No Mercy" Is Denver's Top; Pulls $3,000

DENVER, Dec. 16.—"Show Them No Mercy" was about the only attraction in town to demonstrate any strength last week, in spite of the fact that the weather was fine. The take at the Paramount was $3,000, over par by $500.

No other grosses passed average. "Mary Burns, Fugitive" at the Denham and "Ah, Wilderness" at the Orpheum were normal.

Total first run business was $19,500. Average is $19,500.

Estimated takings for the week ending Dec. 12:

"MUSIC IS MAGIC" (20th-Fox)
ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,000. (Average, $2,000)
"HIS NIGHT OUT" (Univ.)
BROADWAY—(1,500), 25c-40c, 4 days. **Gross:** $600.
"TOO TOUGH TO KILL" (Col.)
BROADWAY—(1,500), 25c-40c, 3 days. **Gross:** $400. (Average for week, $1,000)
"MARY BURNS, FUGITIVE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)
"I FOUND STELLA PARISH" (F.N.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $5,000)
"AH, WILDERNESS" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)
"SHOW THEM NO MERCY" (20th-Fox)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500)

"Rose" and Queen" Lead in New Haven

NEW HAVEN, Dec. 16.—"So Red the Rose," heading a dual bill with "Three Kids and a Queen," garnered $5,500, over the average mark by $700, at the Paramount last week.

Business was hit by the Christmas shopping rush and a Christmas parade. "Stars Over Broadway" and "Annie Oakley" were $300 to the good on a $5,000 take at the Roger Sherman.

Total first run business was $20,200. Average is $19,400.

Estimated takings for the week ending Dec. 13:

"SHE COULDN'T TAKE IT" (Col.)
"HIS FAMILY TREE" (Radio)
COLLEGE — (1,499), 25c-35c, 7 days. **Gross:** $3,200. (Average, $2,900)
"SO RED THE ROSE" (Para.)
"THREE KIDS AND A QUEEN" (Univ.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $5,500. (Average, $4,800)
"SPLENDOR" (U.A.)
"PERFECT GENTLEMAN" (M-G-M)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)
"STARS OVER BROADWAY" (W. B.)
"ANNIE OAKLEY" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,000. (Average, $4,700)

Hershon on Production

HOLLYWOOD, Dec. 16.—Robert Hershon has been made production assistant to Dave Diamond at Universal with an assignment to a series of five films. In 1928 Hershon was the youngest member of the New York stock exchange. During 1930 he sold film for Universal in New York, Cleveland and Pittsburgh. At the studio, he worked for a year in the cutting room, and then was assigned to the Carl Laemmle, Jr., pictures. His first assignment with Diamond is "Tomorrow is a Better Day."

"Athol," Show Get $7,800, Providence

PROVIDENCE, Dec. 16.—Three downtown houses managed to eke out better-than-average grosses for the week although there were no sensational standouts in the week's business. Fay's, spotting "Murder at Glen Athol" and a stage revue of diving girls, caught $7,800, which is $800 over normal take. The Strand was $1,000 up with "Crime and Punishment" and "Superspeed," catching $7,500.

"In Person" and "East of Java" was good for $7,200 at the RKO Albee, $200 over, and the Majestic caught an even $7,000 with "Frisco Kid" and "Happiness C.O.D." "Splendor" failed to pull at Loew's State which garnered only $10,000. The average take for this house is $12,000.

Total first run business was $40,500. Average is $40,500.

Estimated takings for the week ending Dec. 12:

"MURDER AT GLEN ATHOL" (Chesterfield)
FAY'S—(1,600), 15c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)
"CRIME AND PUNISHMENT" (Col.)
"SUPERSPEED" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,500. (Average, $6,500)
"IN PERSON" (Radio)
"EAST OF JAVA" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)
"FRISCO KID" (W. B.)
"HAPPINESS C. O. D." (Chesterfield)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)
"SPLENDOR" (U. A.)
"ONE WAY TICKET" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)
"THAT'S GRATITUDE" (Col.)
"BEHIND THE EVIDENCE" (Col.)
RKO VICTORY—(1,600), 10c-25c, 7 days. **Gross:** $1,000. (Average, $1,000)

"Thanks," on Dual, $11,750 in Omaha

OMAHA, Dec. 16. — "Thanks a Million" and "Two-Fisted" took the town's big money, aided by good weather and weak competition. The Orpheum gross was $11,750, over par by $3,750.

"Crime and Punishment" and "$1,000 a Minute" at the Brandeis were runners up with a fair $4,700.

Total first run business was $20,450. Average is $17,000.

Estimated takings:

Week Ending Dec. 11:

"CRIME AND PUNISHMENT" (Col.)
"$1,000 A MINUTE" (Republic)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,700. (Average, $4,000)
"PETER IBBETSON" (Para.)
"HIS NIGHT OUT" (Univ.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

Week Ending Dec. 12:

"THANKS A MILLION" (Fox)
"TWO FISTED" (Para.)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $11,750. (Average, $8,000)

Archer Heads Managers

DENVER, Dec. 16.—A. P. Archer has been named president of the Denver Theatre Managers' Ass'n. Other officers are: Vice-president, Bernie Hynes; secretary, Emmett Thurmon; treasurer, Buzz Briggs; directors, Harry Huffman, B. D. Cockrill, Frank Milton, Dale Cline, Burns Ellison, Gerald Whitney and Rick Ricketson.

"Rose" Gets Minneapolis' Top $13,500

MINNEAPOLIS, Dec. 16.—"So Red the Rose" was the big noise of the week here. It ran the Minnesota take up to $13,500, above normal by $3,500.

"Mr. Hobo" was strong in its second week at the World on a take of $3,500 and "Show Them No Mercy" took a good $2,000 at the Lyric.

In St. Paul "In Old Kentucky" made the best showing with $6,000 at the Paramount. "Rendezvous" and "I Found Stella Parish" both got onto the profit side of the ledger.

Total first run business was $35,500. Average is $30,000. Total in St. Paul was $18,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Dec. 11:

"MR. HOBO" (G.B.)
WORLD—(400), 25c-55c, 7 days, 2nd week. **Gross:** $3,500. (Average, $3,000)

Week Ending Dec. 12:

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
CENTURY — (1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)
"SHOW THEM NO MERCY" (20th-Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending Dec. 13:

"SO RED THE ROSE" (Para.)
MINNESOTA—(4,000), 25c-55c, 7 days. **Gross:** $13,500. (Average, $10,000)
"THE CASE OF THE LUCKY LEGS" (F. N.)
ORPHEUM—(2,900), 25c-40c, 7 days. Henry Armetta in person. **Gross:** $5,500. (Average, $5,500)
"STARS OVER BROADWAY" (W.B.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)
"FRECKLES" (Radio)
TIME—(300), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

St. Paul:

Week Ending Dec. 13:

"IN OLD KENTUCKY" (20th-Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"RENDEZVOUS" (M-G-M)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"THREE KIDS AND A QUEEN" (Univ)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"I FOUND STELLA PARISH" (F.N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)
"THE CLAIRVOYANT" (G.B.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Schine Appeal Denied

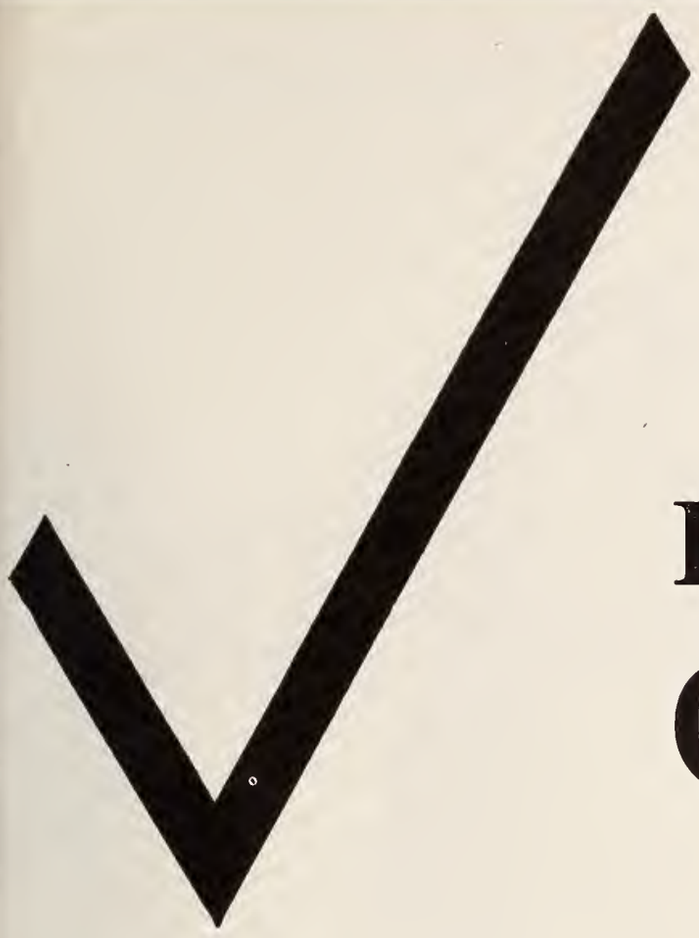
ALBANY, Dec. 16.—Schine Theatrical Co. has been denied the right to appeal from a judgment awarding workmen's compensation to Mary Brady, widow of William Brady, who died of burns received in the booth of the Empire, Glens Falls, Sept., 1933.

Form A.J.M. Amusement

ALBANY, Dec. 16.—A. J. M. Amusement Corp., New York City, has been chartered by Joseph Mongini, Anthony Jennings and Liberty Jennings.

RKO Boston Cuts Scale

BOSTON, Dec. 16. — The RKO Boston has cut its scales from 35c-65c to 25c-50c and has dropped vaudeville for dual bills.



Are You
Represented In

BOX OFFICE CHECK-UP

of 1935

Advertising forms close Saturday December 21st

BOX OFFICE CHECK-UP is the annual record and reference medium that serves producer, distributor and exhibitor alike, defining values, personalities and factors that have gone into the making of the year's outstanding motion pictures.

BOX OFFICE CHECK-UP

QUIGLEY PUBLICATIONS • 1790 BROADWAY NEW YORK

Educational's MUSICAL FEATURETTES
Are The Fashion Leaders In Short Comedies



NIELA GOODELLE, EARL OXFORD
FRED LIGHTNER, NELL KELLY

the tuneful, funny foursome who clicked so perfectly in "RHYTHM OF PAREE," now give you the most lavishly produced musical featurette of the season.

"Perfect for feminine audiences"—*M.P. Daily*

"Good entertainment... a melange of pretty girls, good tunes, comedy, a fashion show and good musical routines . . . handsomely produced."—*Film Daily*

"PERFECT THIRTY-SIXES"

An Al Christie Production in two reels with four singing stars, appealing new songs, beautiful girls and a fashion parade that makes style tie-ups easy. It's the perfect short subject booking right now.

IDEAL FOR THE HOLIDAYS, TOO, ARE THESE ONE-REEL MUSICAL GEMS



"YE OLDE TOY SHOP"
Paul Terry-Toons
by Frank Moser and Paul Terry
The wooden soldiers and all their toy companions on parade in a cartoon that will delight all young hearts.

"SEEING NELLIE HOME"
A Song and Comedy Hit
with Charles Henderson and his Master Singers
Sixteen radio stars singing popular songs, old and new.

Presented by
E.W. HAMMONS

•

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by
20th Century-Fox Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 143 NEW YORK, WEDNESDAY, DECEMBER 18, 1935 TEN CENTS

Manipulation Of Columbia's Stock Charged

J. L. Loeb Files a Suit for $200,000 Here

Charges of pool manipulations, improper dealings with bankers, falsifying records of stock purchase transactions and misappropriation of profits and bonuses were made in a complaint filed in the N. Y. Supreme Court yesterday on behalf of John L. Loeb against Columbia Pictures Corp., Harry Cohn, president; Jack Cohn, vice-president and treasurer, and Joe Brandt, former president. In his complaint, filed by the law firm of Wollman & Wollman, Loeb seeks $200,000 damages.

In an affidavit requesting examination before trial of the defendants, Loeb sets forth the facts of his complaint as follows:

"I was induced by the defendants

(*Continued on page* 8)

Session on Mexico Situation Delayed

A meeting of foreign managers of major distribution companies which was scheduled to be held at the M.P. P.D.A. yesterday to hear a report by A. L. Pratchett on industry conditions in Mexico was postponed until tomorrow. Pratchett, who is the Paramount representative at Mexico City, was unable to complete his report in time for the meeting which goes over to Thursday.

Major Frederick L. Herron, in charge of foreign activities for the M.P.P.D.A., said yesterday he had not been notified of any major company's intention of withdrawing from Mexico as a result of the new stringent tax legislation in force there. Reports that Warners had come to such a decision, however, but had not notified the Hays organization, could not be verified. Neither Joe Hummel nor Sam Morris of the foreign department was available.

Springer Moves, But Denies Cocalis Rift

Springer Enterprises, in which J. J. Thompson and Sam Cocalis are associated, has taken offices at Eighth Ave. & 43rd St., from which point the circuit of 15 theatres will be operated from now on.

Denying reports that the Springer & Cocalis circuit had split, Cocalis

(*Continued on page* 8)

Hutchinson Is Made Foreign Head for Fox

Walter J. Hutchinson, managing director for Twentieth Century-Fox in England, yesterday was officially named general foreign manager for the company by S. R. Kent, thereby confirming recent predictions. He will succeed Clayton Sheehan, who resigned a few weeks back.

Hutchinson is a veteran with Fox. In fact, he is the oldest executive of the company in point of service, having been with it since the early days. He organized all the Fox branches in the Far East and in Australia and New Zealand before being placed in charge in England, where he has been for 11 years.

He will return to England soon to remain until his successor has been chosen and installed in London, and probably will come back to New York in March.

In a short formal statement Kent expressed his pleasure over being able to find a man within the organization to fill the important foreign post.

Ascap Case to Go Off Court Calendar Soon

The Government's anti-trust suit against Ascap will be taken off the Federal court calendar here on Jan. 7 with leave to reinstate the case on notice to the defendants, it was learned yesterday.

While this action does not close the case, it is interpreted by those close to the litigation as indicating that the Government may permit the case to lapse unless new circumstances arise to impel its continuation. The recent resignation of the Warner music subsidiaries from Ascap is regarded by many as a contributing factor to the Government's latest move in the case. With Warners already negotiating with national broadcasters for the company's music catalogue, many copyright attorneys are of the opinion that it would be next to impossible for the Government to prove a monopoly case against Ascap.

Trial of the Government's case was opened last spring and adjourned in

(*Continued on page* 8)

New Personalities a Need; Boom Seen, Pitfalls Feared

By JOSEPH M. SCHENCK
Chairman of Board, 20th Century-Fox

HOLLYWOOD, Dec. 17.—One of our big tasks for 1936 will be to augment our box-office drawing powers in the way of securing and developing new screen personalities. This is still a business of personalities.



But the new year, I am sure, will see a wider extension of the policy of exchanging stars which we inaugurated with the formation of Twentieth Century Pictures. Variety of casts is as vital as variety in

(*Continued on page* 10)

By ABRAM F. MYERS
Chairman of Board, Allied States Ass'n

WASHINGTON, Dec. 17.—From the standpoint of gross intake the portents are propitious. Business is definitely on the upgrade and there is no reason why this trend should not continue for at least two years. But by that time the credit of the United States will have reached the breaking point, and unless unemployment has been absorbed in the meantime, we will face another economic upheaval worse than the one we have just been



(*Continued on page* 10)

James R. Grainger, Arthur W. Kelly, Albert Warner and their ideas—page 10.

Film Company Changes Draw Sabath Study

J. P. Kennedy Is Called From Palm Beach

An extended investigation of film company reorganizations by the Sabath Congressional committee was indicated yesterday in the calling of Joseph P. Kennedy, former head of Pathe, from Palm Beach, Fla., to testify before the committee Friday on the financial history of both RKO and Pathe.

The Sabath committee's study of film company reorganizations will also embrace financial reorganizations of Fox Film Corp. and phases of its recent merger with Twentieth Century, Murray W. Garsson, counsel for the committee, said yesterday. In addition, the committee is continuing its study of the General Theatres

(*Continued on page* 8)

Trem Carr Resigns His Republic Post

HOLLYWOOD, Dec. 17.—Trem Carr has resigned from Republic and has sold out his interest in the company to Herbert J. Yates. The deal was officially closed today. M. J. Siegel becomes executive vice-president, succeeding Carr.

"The policies I have pursued successfully for many years were different from those now employed by Republic," he said, "and I could not consistently remain with the company."

It is reported that Carr received $500,000 for his five-year personal service contract and his company holdings. Under the deal Carr has agreed not to engage in independent production for a year and a half, but there are no restrictions on a major company affiliation.

John Wayne, under contract to the Trem Carr Pictures Corp., will con-

(*Continued on page* 8)

Report Weisman in New Circuit Talks

Milton C. Weisman's conferences on the coast with Joseph M. Schenck and A. C. Blumenthal are understood to be in connection with the about-to-be-formed Independent Theatre Circuit in New York. The attorney for the I.T.O.A. was summoned to the coast about two weeks ago by Schenck and will return late this week.

Auditors are understood to be con-

(*Continued on page* 8)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 18, 1935 No. 143

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Warner Men in K. C.

KANSAS CITY, Dec. 17.—Warners' southern and western sales and division managers open their regional meet here tomorrow at the Hotel Muelbach, with Gradwell Sears presiding. Norman H. Moray, in charge of Vitaphone shorts and trailer sales; Carl Leserman, Sears' assistant, and S. Charles Einfeld, in charge of publicity and advertising, will be among the speakers. They arrived today.

A business session will be held in the morning. After luncheon "The Story of Louis Pasteur" and "Dangerous" will be screened.

Delay Sound Classes

HOLLYWOOD, Dec. 17.—Continued illness of A. P. Hill, who will be instructor in the sound recording classes of the Research Council of the Academy, has caused a postponement of the start of the classes until after the holidays.

Darmour Coast G. B. Man

Arthur A. Lee, vice-president of G. B., issued a statement yesterday in which he said that Larry Darmour was the company's only authorized representative in Hollywood.

Post Union Notices

HOLLYWOOD, Dec. 17. — Notices of I.A.T.S.E. jurisdiction within studios will be posted on company bulletin boards tomorrow. Pat Casey is to meet with producers tonight.

Insiders' Outlook

By RED KANN

UNITED Artists is out to do a job on the Chaplin feature and many exhibitors, whether they want Charlie or whether they want to keep his "Modern Times" from the competition, are going for it. In this instance, going for it means percentage deals on terms as fancy, if not fancier, than any which have been asked by a distributor in some time—perhaps as far back as "City Lights." Tied into the deal closed by George Skouras for a first run at the Rivoli, beginning in mid-January, is the report the guarantee is $125,000 on a 12-week run. This is supposed to indicate how it is going. . . .

▼

Only the other day the yarn was about and ready to fall on ears willing to listen that U. A. had sought a $250,000 guarantee against 50 per cent of the gross from the Paramount on an eight-week run. You can believe it or not—we are saying nothing about our own reaction to this careless bandying about of young fortunes—but the unassailable fact about the Paramount deal is that it never went through. Between guarantees and deals whispered about, plus advances set up and consented to by U. A. distributors in those points where the company does not maintain its own exchanges, Chaplin will have a whopping gross before his picture is 60 days old. . . .

▼ ▼

The circumstances behind the split between Trem Carr and Republic trace to the obvious difficulties in endeavoring to maintain a double-headed studio control. Carr long has been head of production for Monogram, which led into Republic; he and Ray Johnston have been partners for years. In the effort inaugurated by him to bring further stability to the independent field, Herbert J. Yates, president of Consolidated and general mentor for Republic, had his troubles in finally adding Nat Levine and Mascot to the fold. When it came to pass, there were Carr and Levine to fit into the final picture which had to be drawn when the tremors coincident upon forming of the new company were eventually shaken down. The choice fell to Levine. And so Carr withdraws, probably to join a major studio. It was not so long ago that he was offered a sweet contract by Sam Katz to join Metro as a B picture producer. Trem, however, stuck to his partner, Johnston, and by so doing turned down an arrangement which would have paid him approximately $125,000 a year. . . .

▼ ▼

Ben Hecht, regaling reporters in Chicago the other day, remarked he had selected the East as the production seat of his next picture because "the smartest people ain't in charge" in Hollywood and "everybody in Hollywood is nuts and drunk."

Now, point by point:

Astoria, as the scene of the impending Hecht - MacArthur epic, might have something to do with the fact that the team gets its financing from Erpi which controls the Eastern Service Studio there and wants to keep it occasionally busy.

The "smartest people" may not be in charge on the coast and to say "everybody" is either "nuts or drunk" is to say a lot, but it took Hecht and MacArthur to produce "Once in a Blue Moon." Ask Paramount for the painful details, if additional facts should be necessary. . . .

Minister in Spain Can Apply Film Ban

WASHINGTON, Dec. 17. — Spain's Minister of Interior has been authorized to prohibit the exhibition of every class of films which tends to misrepresent historical facts or to impair the prestige of Spanish institutions or personalities, according to a report to the U. S. Department of Commerce.

The authorization was published in the *Gaceta de Madrid* Oct. 27 and provides for the application of the ban to films produced by companies exhibiting films in Spain or abroad.

Reelect Warner Officers

Harry M. Warner presided at the annual Warner board meeting yesterday at which all officers were re-elected. The session was regarded by home office officials as routine.

Better Product Is Due—Van Schmus

"The product in the next six months will be very much better than releases in the last four," declared W. G. Van Schmus, managing director of the Music Hall, upon his return from a short Hollywood visit yesterday.

He added forthcoming attractions would stress star values heavily. "And stars are important with the public, as you know," he concluded.

RKO Studying Diesels

RKO engineers are mulling over plans to install Diesel engines in a number of its large theatres in a move to reduce electrical current costs. The engines are operated with crude oil, and if installed, will generate power for motors and cooling systems.

Marxes Re-Signed

Hollywood, Dec. 17.—The Marx brothers have been signed to a new M-G-M contract. The story will be an original and most of the material will be tried out on audiences on personal appearance tours, as was done with "A Night at the Opera."

Allan Jones, young tenor, also has been given a new contract.

Building Up Jersey Allied, Newbury Aim

Building up the organization is the first aim of Lee Newbury, newly elected president of Allied of New Jersey, he stated yesterday as he took over the reins forsaken by Sidney E. Samuelson after six years.

"I am going to try to keep up the interest in the organization. I have no definite program, but I first intend to feel my way around," he said. Newbury hasn't set a date for the first meeting, but will after conferring next week with the new board of directors. The new president intends to contact every exhibitor in northern New Jersey and will be accompanied by Samuelson on his tour. The ex-president returns from Bermuda on Dec. 24.

"I intend to follow the principles of Samuelson as near as possible," Newbury declared, praising the former head of the unit for his conscientious work during his tenure.

Newbury was inducted into office aboard the *Queen of Bermuda,* following elections. He stated he has been a member of the organization for 15 years, harking back to the old days when the association was known as the M.P.T.O. The new president asserted he was not in favor of taking the post, but after several consultations accepted it.

Royalty Sees "Ghost"

LONDON, Dec. 17.—"The Ghost Goes West," starring Robert Donat, was given a big opening here tonight at the Leicester Square, with Queen Mary, the Prince of Wales and the Duke and Duchess of Kent among those present.

A cabled review by Bruce Allan, London correspondent of MOTION PICTURE DAILY *of "The Ghost Goes West" appears on page 12 today.*

Picketing Upsets N. O.

NEW ORLEANS, Dec. 17.—This town has succeeded in getting itself into a state of mind over the arrest of "Red Salute" pickets. Labor unions, Tulane University instructors, the Louisiana League for Peace and Freedom, the League for Industrial Democracy, Y.M.C.A., League Against War and Fascism, the Civil Liberties Union and the Classroom Teachers' Federation have joined in a protest to the Commission Council.

Dear Boss:
This is just to remind you about my RAISE.
Freddy J.
P.S. — It's NO "MUTINY" on your "BOUNTY."



MRS. BESA SHORT
—Program Builder for Interstate Circuit, Dallas, Texas. (*And she's cute, too!*)



HATS OFF TO A SMART LADY!

She makes Short Subjects *work* for the box-office!

•

Study the ad at the left. It's just one of the showmanship stunts of Besa Short.

•

She screens every short, picks out the 'ad' and 'name' values.

•

She prepares a *balanced* diet — with *variety*. The folks love it!

•

And she uses plenty of M-G-M's varied, showmanship shorts.

•

Congrats to Besa Short and to those two great showmen Bob O'Donnell and Carl Hoblitzelle and to the Interstate Circuit of Texas. No wonder its 100 theatres are profit-show-shops!

115 CITIES AT

ONE CRACK!

THAT'S UNIVERSAL'S MAGNIFICENT ANSWE

TO THE MAGNIFICENT NATION-WIDE DEMAN

FOR EARLY DATES FOR

"MAGNIFICENT

OBSESSION







NEW YORK CITY, MUSIC HALL	*December 30th*
BUFFALO	*December 31st*
DETROIT	*January 3rd*
ST. LOUIS	*January 3rd*
OMAHA	*January 7-10th*
DENVER	*January 7-14th*
LOS ANGELES	*January 8th*
PITTSBURGH	*January 8th*
SAN DIEGO	*January 8th*
KNOXVILLE	*January 8th*
SAN ANTONIO	*January 8th*
WASHINGTON, D. C.	*January 8th*
JACKSONVILLE	*January 8th*
ALBANY, N. Y.	*January 9th*
BALTIMORE	*January 9th*
OKLAHOMA CITY	*January 9th*
RICHMOND, Va.	*January 9th*
SALT LAKE CITY	*January 9th*
SAN FRANCISCO	*January 9th*
CHATTANOOGA	*January 9th*
ROCHESTER	*January 10th*
AKRON	*January 10th*
ATLANTA	*January 10th*
ATLANTIC CITY	*January 10th*
BATTLE CREEK	*January 10th*
BOSTON	*January 10th*
BRIDGEPORT	*January 10-17th*
CHICAGO	*January 10th*
CINCINNATI	*January 10th*
COLUMBUS	*January 10th*
HARTFORD	*January 10th*
CLEVELAND	*January 10th*
DAYTON	*January 10th*
DES MOINES	*January 10th*
FT. WORTH	*January 10th*
HOUSTON	*January 10th*
INDIANAPOLIS	*January 10-17th*
KANSAS CITY	*January 10th*
LOUISVILLE	*January 10th*
MILWAUKEE	*January 10th*
MINNEAPOLIS	*January 10th*
NEW HAVEN	*January 10-17th*
PHILADELPHIA	*January 10th*
PORTLAND, Ore.	*January 10th*
SPRINGFIELD, Mass.	*January 10-17th*
TOLEDO	*January 10th*
UTICA	*January 10th*
WORCESTER	*January 10-17th*
YOUNGSTOWN, O.	*January 10th*
READING	*January 10th*
TROY, N. Y.	*January 10th*
ELMIRA, N. Y.	*January 10th*
PHOENIX	*January 10th*
TUCSON	*January 10th*
BAKERSFIELD	*January 10th*
SANTA BARBARA	*January 10th*
BINGHAMTON	*January 10th*
NEW LONDON	*January 10th*
TORONTO, Can.	*January 10th*
MONTREAL, Can.	*January 10th*
SYRACUSE	*January 11th*
DALLAS	*January 11th*
FLINT	*January 11th*
GRAND RAPIDS	*January 11th*
LANSING	*January 11th*
NEW ORLEANS	*January 11th*
TULSA	*January 11th*
SAGINAW	*January 11th*
KALAMAZOO	*January 11th*
SOUTH BEND	*January 11th*
ANN HARBOR	*January 11th*
SIOUX FALLS	*January 11th*
FT. WAYNE	*January 12th*
LEXINGTON	*January 12th*
LITTLE ROCK	*January 12th*
NORFOLK	*January 12th*
ROANOKE	*January 12th*
SPRINGFIELD. III.	*January 12th*
FRESNO	*January 12th*
EVANSVILLE	*January 12th*
SAVANNAH	*January 13th*
CHARLOTTE	*January 13th*
TUSCALOOSA	*January 16th*
SPOKANE	*January 16th*
TACOMA	*January 16th*
LINCOLN	*January 17th*
PROVIDENCE	*January 17th*
SCRANTON	*January 17th*
ST. PAUL	*January 17th*
TRENTON	*January 17th*
WILKES-BARRE	*January 17th*
JOHNSTOWN, Pa.	*January 17th*
GALVESTON	*January 17th*
CHARLESTON, W. Va.	*January 18th*
TOPEKA	*January 18th*
TERRE HAUTE	*January 19th*
MIAMI BEACH	*January 19th*
MONTGOMERY	*January 23rd*
MIAMI	*January 23rd*
WICHITA	*January 25th*
EL PASO	*January 25th*
NASHVILLE	*January 31st*
BIRMINGHAM	*Date Soon*
CHARLESTON, S. C.	" "
PORTLAND, Me.	" "
MEMPHIS	" "
MONTGOMERY	" "
NEW BEDFORD	" "
FT. SMITH	" "
HARRISBURG	" "
STAMFORD, Conn.	" "
CALGARY	" "
QUEBEC	" "
ST. JOHN	" "
VANCOUVER	" "

ONCE MORE HE'S BACK ALIVE!..*with* THE MOST SENSATIONAL THRILLS OF HIS HAIR-RAISING CAREER!





The world expects a lot from Buck . . . and he doesn't disappoint! . . . Here are the jungle's fiercest moments . . . filmed in the face of sudden death by the man who knows no fear, to give the world's sensation-seeking millions something to think about for the rest of their lives!

FRANK BUCK'S



"FANG AND CLAW"

PRODUCED BY THE
VAN BEUREN
CORPORATION

RKO-RADIO
PICTURE

Manipulation Of Columbia's Stock Charged

(Continued from page 1)

to purchase so-called warrants on April 17, 1933, for the purchase of voting trust certificates for shares of the common stock of the corporate defendant. These warrants were afterwards rendered valueless by the acts of the individual defendants who at all times were in complete control of the corporate defendant and all of its affairs."

Loeb explained that the papers have not been served yet upon Harry Cohn, although many efforts have been made and are still being made to serve him. The answers are, in substance, general denials of the material allegations of the complaint.

Charge Banker Agreement

"The three individual defendants," Loeb's affidavit continues, "in the beginning of 1929 entered into a plan to enrich themselves at the expense of those who could be induced to purchase certificates including warrants. In March, 1929, the individual defendants, pursuant to that plan, entered into an agreement with Goddard & Co., bankers, in which the defendants caused the charter of the corporate defendant to be amended so as to authorize the issuance of 300,000 shares of no par value common stock and 25,000 shares of no par value preferred stock and on March 22, 1929, the defendants entered into an employment contract with Columbia Pictures Corp. whereby Jack Cohn and Harry Brandt received a weekly salary of $1,000 each and Harry Cohn $1,500 a week. Pursuant to the plan, the individual defendants in negotiating the agreement with the bankers did not faithfully serve the Columbia Pictures Corp., but favored their own individual interests in dealing with the bankers. The defendants entered into certain codes with themselves and manipulated the market prices of the common stock.

New Stock Issue Claimed

"On April 1, 1930, the defendants caused the defendant corporation to enter into a second agreement with the bankers whereby the individual defendants agreed to cause a voting trust agreement to be entered into with the Bank of America, National Assn., a depository, and themselves as sole voting trustees. They deposited 70,000 shares of common stock owned by them though their names did not appear as the owners. This was to maintain control of the corporation for their own personal aggrandizement for a period of 10 years from April 1, 1930. Under the second agreement with the bankers, the defendants caused the Columbia Pictures Corp. to issue an additional 50,000 shares of the common stock."

Loeb further explained that he read the statements set forth in two prospectuses of Columbia and relied on these statements to purchase from the bankers on July 28, 1930, voting trust certificates for 6,300 shares of common stock at $32 per share. He said he paid the bankers $66,150 for that transaction. He further charged that Jack Cohn and Brandt bought for their own account certain shares of Class A stock of the Fox Theatres Corp., which in time became practically worthless and that they eventually falsely stated to the defendant corporation that they had purchased the stock for the defendant corporation and received large sums of money in return.

Loeb also charged that the defendants retained for themselves large profits and bonuses and that jealousies and quarrels arose between the individual defendants. He pointed out that Brandt later withdrew from the corporation and that the defendants, Cohn, acquired his stock.

The motion made by Loeb for examination before trial of the defendants was set for Jan. 9. Nathan Burkan filed the answers of the defendants.

Cochrane Denies Ad Intended in "Susan"

ST. LOUIS, Dec. 17.—R. H. Cochrane, vice-president of Universal, has sent a spirited reply to Fred Wehrenberg's protest against a closeup of a Ford car in "The Affair of Susan."

It wasn't "deliberate advertising," Cochrane wrote, because long before contracts contained provisions against advertising Universal had rejected advertising offers "because it was the decent thing to do," and had adhered to the policy for 25 years.

"I saw 'The Affair of Susan,'" the letter continued, "when it first reached this office, and I detected nothing offensive in the use of the automobile because the story called for it, and I am quite certain that most of the fans and exhibitors of the country who have seen the film feel as I do about it. However, since you have registered an objection, the closeup shot particularly mentioned comes out."

Roxy Finance Report Turns Out a Mystery

Mystery shrouds a financial report issued by Amott, Baker & Co. for the Roxy in which it was stated the theatre showed a net profit of $152,730 for the 48 weeks ended Nov. 14. This was said to have been before bond interest, fees and taxes and was compared with a net profit of $5,844 for the year ended Dec. 13, 1934.

At the offices of Proskauer, Rose & Paskus, attorneys for Howard S. Cullman, trustee of the theatre, it was stated yesterday that no report had been made or filed. It was added that no auditors' checkup will be made until the end of the year. The same office could not identify Amott, Baker & Co.

Trem Carr Resigns His Republic Post

(Continued from page 1)

clude his series with Republic next spring.

It is understood that the details were agreed upon by H. J. Yates before he left for New York last Friday. W. Ray Johnston, Republic president, left by plane for New York tonight.

Gives Xmas Benefit

SPARTANBURG, S. C., Dec. 17.—The Criterion gave a benefit performance recently for the Salvation Army Christmas cheer fund.

17 Firms Sued

London, Dec. 17.—Legality of the K.R.S. ban on booking combines which is to be tested Thursday in a suit filed against the association by Gaumont Super Cinemas now involves 17 distributors who have been sued individually by the latter company.

Ascap Case to Go Off Court Calendar Soon

(Continued from page 1)

less than two weeks to November. A second postponement to Jan. 7 was taken next. Details of the new delay, which ultimately may mark the ending of the case, will be worked out later this week at a conference with Federal Judge John C. Knox, to be attended by attorneys for the Government and Ascap.

As Warners continued its negotiations for the licensing of radio broadcasters reports were current that the company would not levy a music tax on exhibitors using Warner pictures. Ascap has almost definitely indicated that it will not reduce the music box tax to exhibitors as a result of the withdrawal of the Warner firms, but neither that organization or Warner officials would make a formal statement yesterday on the policy to be pursued.

It was also reported that the Warner licensing rates being asked of broadcasters amount to 40 per cent of the Ascap rates for sustaining programs and two per cent of a networks' gross for commercial programs.

The Ascap board is scheduled to hold its final meeting of the year tomorrow.

Report Weisman in New Circuit Talks

(Continued from page 1)

tinuing a checkup on the books of about 144 theatres in the local territory with no indications when the job will be completed. Hallgarten & Co. is said to be interested in underwriting a preferred and common stock issue to be divided among exhibitors whose houses are acceptable.

Weisman has been a pivotal figure in the independent circuit. Several months ago he drafted a plan for acquiring the houses, but exhibitors did not respond because of the clause which provided for their contribution to a fund of $100,000. Under the new plan, theatre owners will not be asked to contribute financially, but instead will be given stock.

Singer Theatre Deal Off

Harry Singer, who had planned to join his brother, Mort, in the operation of the Singer circuit, has changed his mind and is now angling for a production berth. Harry Singer has had a wide experience in the exhibition field and is understood to have given it up permanently.

Film Company Changes Draw Sabath Study

(Continued from page 1)

Equipment reorganization and that of Paramount Publix, both of which were begun some time ago. The pending reorganizations of the Paramount theatre subsidiaries, M. & P. Theatres and Olympia Theatres, will also be explored by the committee, it was said.

Harley L. Clarke, former president of Fox Film, who was scheduled to testify before the committee yesterday on both the Fox and G.T.E. reorganizations was excused until tomorrow to permit Garsson and Meyer Kraushaar, attorney for the committee, to complete their questioning of Paramount officials begun Monday in closed hearings. John D. Hertz, Paramount director and partner in Lehman Bros., which has investments in Paramount, RKO, Twentieth Century-Fox and Warners, in conjunction with the Atlas Corp., was on the stand both Monday and yesterday. He will be followed today by Adolph Zukor, John E. Otterson and members of the Paramount board, Garsson said.

The questioning of Clarke tomorrow will also be during a closed session, but the hearing will be opened to the press and public when Kennedy, former SEC head, testifies on Friday.

Springer Moves, But Denies Cocalis Rift

(Continued from page 1)

yesterday stated that because of the crowded quarters at the Symphony Theatre, it was found necessary to open his own office.

"Relations between Springer and myself are better now than they have been," Cocalis said. He added the 15 houses have never been operated in conjunction with the Springer & Cocalis circuit in which both partners have 20 houses. Springer operates 13 on his own.

Cocalis holds that his new office is centrally located and more convenient and that he will continue his spot at the Symphony. Springer could not be reached for a statement.

Mrs. Hazel Cohn Dead

HOLLYWOOD, Dec. 17.—Mrs. Hazel Lent Cohn, wife of Al Cohn, well-known writer and Collector of the Port of Los Angeles, died at her home here today from a heart ailment. She had been afflicted for three years.

Mrs. Cohn passed away in her sleep. She is survived by three children, Jack, Dorothy and Adrian, and also her mother and a brother. She was 48, and lived in North Hollywood.

George Browne Here

George Browne, president of the I.A.T.S.E., arrived from Washington on Monday and plans to leave here the end of the week for the coast where he will attend a general meeting of the organization in connection with the reinstatement of former I. A. men who joined the I.B.E.W.

CHARLES "BUDDY" ROGERS

JUNE CLYDE

IN

DANCE BAND

• DIRECTED BY MARCEL VARNEL





MOTION PICTURE DAILY

CINCINNATI.

"Dance Band" was $800 to the good with a gross of $2,300 at the Strand.

Business elsewhere was either dull or just average.

"DANCE BAND" (F.D.)
STRAND—(1,300), 15c-25c, 7 days. Gross: $2,300. (Average, $1,500)

•

he young Maestro and all the lovely lassies
n gay musical comedy, as rival boy
nd girl bands meet for jazz honors in
yncopated fun! And that new dance craze "Val-
araiso" which is sweeping the country!

FIRST DIVISION

AN ALLIANCE PRODUCTION

U. A. Executive Hails Rebirth Among Ind'p'ts

By A. W. KELLY
Vice-President, United Artists

I suppose you will be flooded by the deluge of optimistic forecasts for 1936.



We are all optimistic in this business, and for the past several unfortunate years, even when things looked mighty discouraging, I know that your annual symposium of forecasts was full of the words of far-seeing prophets who predicted sunshine beyond the clouds.

What are they going to say this year?

Things are so very much better and the outlook so splendid that there scarcely can be any doubt that 1936 will fulfill the vision that has been forecast in your columns for the last several years.

One of the most encouraging things that I see ahead is the rebirth of the independent theatres and the great activity among independent producers. There never has been and there never will be a monopoly of brains in this business or in any other business.

Expert showmanship in the theatre and in the studio will still be the greatest contributor to the advancement of our business, and with better times bringing increased rewards for intelligence and hard work, it looks to me more than ever like a fair field for all and special favors for none.

American producers, who evidenced their world viewpoint in 1935 by turning out more pictures with universal audience appeal than ever before, will take another step toward internationalization in 1936 by extending their production activities abroad.

This will have the immediate effect of making London, one of the ranking cosmopolitan cities of the world, an important production center, second only to Hollywood. In my opinion, a better grade of product will result from this division of the production burden.

Loew's Sees 250,000 For Orphans' Shows

Loew's estimates 250,000 orphans will see the Christmas shows arranged for their benefit throughout the circuit. Forty-five cities will be included. In New York alone it is figured that 50,000 free tickets will be distributed. In some instances the films will be shown in hospitals for cripples.

In Cleveland, Toledo, Washington, Baltimore, Columbus, Boston, Louisville, Nashville, Atlanta, Syracuse, Rochester, Kansas City, St. Louis and other spots the circuit is playing Santa Claus in cooperation with newspapers and institutions. In a half dozen cities toys are being collected.

Encouraging Signs Noted For New Year

By MAJOR ALBERT WARNER
Vice-President, Warners

Prospects have never been more encouraging for the industry than they are today as we stand on the threshold of the New Year. The general quality of pictures reached a new high average level in 1935 and I am confident that this progressive improvement in the standards of writing, acting, direction and production will continue.



We now enlist as a matter of course the cream of the world's creative talent and the screen offers to these originative minds a scope that is boundless, an art that moves freely in time and space and unifies all the other arts. Great pictures are coming.

Box office receipts have proved in the past year that the public is eager to welcome first-rate screen entertainment. The business of all of us is to furnish films of the highest quality. Prosperity for the industry will follow.

Myers Warns Over Pitfalls of Boom

(*Continued from page* 1)

through. Inflation, repudiation and chaos usually follow in the wake of an empty treasury.

While the prospects of increased net earnings in 1936 are rosy, these will not keep pace with gross receipts. The present recovery has the aspects of a boom with its concomitants of high living costs, high operating costs, and the temptation to expand not wisely but too well. Also the States are prowling about for more revenue; and if the processing tax is declared unconstitutional, Uncle Sam will be out with his blackjack. When the Government "spends its way to prosperity," someone must pay.

The moral is that we must now apply the lessons of our recent experience; we must treasure the good things that come to us in 1936, consolidate our positions, strengthen our reserves, and perfect our organizations. Any recklessness in 1936 may be rued in 1939. Those who are planning mergers, expansions and other get-rich-quick devices may well consider the thin ice on which we are skating and ponder the lessons of 1929. Production should be increased to meet the mounting demand; but theatre construction should be held in check as theatres are enduring and will outlast the boom.

Has New Marquee

CHARLOTTE, N. C., Dec. 17.—The Criterion has installed a new marquee at a cost of approximately $2,000.

Family Surprise

New Orleans, Dec. 17.—Warren J. Sales, owner and manager of the Garden, determined a few days ago to surprise his family. He bought a new automobile. His idea was to drive it up to the house, toot the horn and invite all to pile in for a spin.

All went well till a few blocks from home. Then a pre-war flivver jammed the shiny new car. Damage conservatively placed at $150.

Grainger Is Bullish Over '36 Business

By JAMES R. GRAINGER
Gen'l Sales M'g'r, Universal

With the increase of attendance at theatres throughout the country, which naturally reflects itself in better film rentals for producing and distributing companies, and as I can see no indication of such attendance diminishing in the near future and in view of the fact that all companies have made rapid progress in turning out better box-office pictures, I look for 1936 to be a banner year for our industry, and that covers all branches—production, distribution and exhibition.



Stresses Need for New Personalities

(*Continued from page* 1)

stories, as there has been a tendency in the past year to use players in the same cast combination too often. Color will receive further consideration with a good possibility of becoming an important factor in production.

The production situation, of course, is to a measure dependent upon theatre attendance. But there was a great improvement in that direction the past year and I look to an even greater jump in attendance for the year 1936.

Hamrick Takes House

SEATTLE, Dec. 17.—John Hamrick has acquired ownership and management of the de luxe Roxy in Tacoma, formerly owned by Jensen-VonHerberg circuit. Ned Edris, city manager for Hamrick in Tacoma, is a partner in the new theatre company, to be known as John Hamrick Tacoma Theatres, Inc. Edris will supervise the operation of the new theatre together with Hamrick's Blue Mouse, Music Box and Temple in that city. The new company is not affiliated with the local Hamrick-Evergreen circuit.

New Exchange Union Discusses Program

More than 50 employes of local exchanges met last night at the Times Square Hotel to attend a meeting of the recently formed Film Exchange Employes' Union. Several speakers discussed the plans of the organization and sought to have each exchange represented 100 per cent in membership. Initiation fees are $2 a year with dues $1 annually. Bob Murray of RKO is president.

Similar organizations are said to have been formed in St. Louis and Chicago. An attempt to organize film examiners and shippers in Minneapolis some time ago failed.

GTE Groups Allowed Appeal in K. C. Case

ST. LOUIS, Dec. 17.—Attorneys for General Theatres Equipment bondholders have been given permission here by the U. S. Circuit Court of Appeals to take their case into this court. The appeal will be based upon U. S. District Judge Albert L. Reeves' denial of the bondholders' petition to enter into the bankruptcy action involving Fox Rocky Mountain and Fox Midland theatres.

The case will be set down for hearing in Kansas City during the March term provided the appeal transcripts are filed with the court by Jan. 10.

Chain Store Tax Is Aim of N. O. Group

NEW ORLEANS, Dec. 17. — Merchants here have started an agitation for enactment of a chain store tax at the coming session of the Legislature. Stores here are more than 50 per cent owned by outside concerns, it is said, and considerable backing for the bill is expected.

What effect, if any, it will have on theatres remains to be seen.

Fight Games in N. O.

NEW ORLEANS, Dec. 17. — The *Times Picayune* today deleted references to Bank Night and Buck Night from advertising, contending it is unlawful to mail publications with such material. Mrs. A. S. Tucker of the Better Films group claims the chance games turn theatres into gambling houses, and said her organization may make a national issue of the point if the Coliseum distributes $400 tomorrow.

Seek Legal Lottery

BOSTON, Dec. 17.—The Massachusetts Council for Legalizing Lotteries was chartered here today under state law. Mrs. Oren Cheney Sanborn, society leader, will seek public support for the movement. The plan calls for proceeds to go to charity.

Lease Woodside Site

The 21st Ave. Theatre Corp. has leased a site at 31st Ave., between 51st and 54th St., North Woodside, from the Dick-Meyer Corp. as the site for a theatre and business block. S. M. Strausburg will operate.

Warns Play Producers

BOSTON, Dec. 17.—Mayor Mansfield told the producers of the stage play, "The Children's Hour," which he has banned, that if they stage the show here they may lose their licenses.



THEY'RE TAKING NO CHANCES..

Photograph by Cosmo-Sileo

Third Annual Christmas Luncheon

Hotel Astor — Tomorrow

12:45 Noon — Tickets $2.00

A.M.P.A.

BENEFIT FILM DAILY RELIEF FUND

Purely Personal

JACK BARNSTYN, JACK KENNEDY, BILL FADIMAN, A. P. WAXMAN, the RITCHEY'S—fils et pere, RALPH POUCHER, HAL HORNE, BOB GILLMAN, E. H. GOLDSTEIN, BUDD ROGERS, GEORGE BATCHELERS, Sr. and Jr., HARRY SHIFFMAN, ED FAY, HARRY H. THOMAS, AL FRIEDLANDER, JULES CHAPMAN, FRANK MCCARTHY, LEO LUBIN, FRED MCCONNELL, ARNOLD VAN LEER and JAMES A. FITZPATRICK, at the Tavern for lunch yesterday.

•

MADELINE L. FOSS, who has been PAUL GULICK's secretary for the past 15 years, today marries ZEBULON V. WOODWARD at the Little Church Around the Corner. DR. RANDOLPH RAY will officiate.

•

JACK LA RUE, DOROTHY HALL and PEGGY SHANNON are the latest additions to the personal appearance roster for the Film Salesmen's annual ball to be held at the Plaza on New Year's Eve.

•

JACK KENNEDY, who keeps a paternal eye over quota production for RKO in England, returns to London Dec. 26. He has been here a number of weeks, part of the time having been diverted to a Florida vacation.

•

MORT SINGER leaves this afternoon for Chicago where he will spend a few days on business. On Dec. 20 he will head for the coast where he will spend three weeks.

•

CARL and MRS. BRISSON are in from Hollywood. They are at the Waldorf. CON and MRS. CONRAD, also in from Hollywood, are at the same hotel.

•

LEO JUSTIN, partner of WALTER READE in New Jersey, sails for the coast around the middle of January to visit his brother, SIDNEY of the Paramount legal staff.

•

JEANNE LEWIS, RKO and Goldwyn player, has arrived here and will begin rehearsals for an important role in "Seven Travelers," a forthcoming play.

•

KATHRYN PARSONS, "The Girl of Yesterday," headlines the stageshow at the Roxy, opening Friday. Also in the new show are Durayne and Dennis.

•

ARTHUR LEE's hat was run over by a taxi yesterday as he and GEORGE WEEKS were crossing 7th Ave. A nasty wind was the cause.

•

TOM MOORE, veteran Washington exhibitor, is back on his feet after a six weeks' siege of illness. An infected toe.

•

LOUIS B. MAYER arrived in town yesterday as expected with HOWARD STRICKLING, and dined at Gallagher's last night.

•

LEON LEONIDOFF back from a short Hollywood trip. He flew in to prepare for the Christmas show at the Music Hall.

•

DINTY MOORE, city manager for Warners in St. Louis, is staying over a few days. He attended the one-day zone managers' meeting here Monday.

•

BEATRICE APPELL, SAM COCALIS' secretary, will take the big leap in April. The bridegroom-to-be has no connection with the film business.

•

SPYROS SKOURAS, who was expected last week, is scheduled to return from the coast the latter part of this week.

•

FELIX F. FEIST, AL LICHTMAN and WILLIAM F. RODGERS return today from Cleveland.

•

MADY CHRISTIANS has arrived from the coast. She is at the Warwick.

•

LYNN FARNOL scheduled to arrive from the coast today. By air, as usual.

•

MONROE GREENTHAL is expected back today from his flying visit to the coast.

•

"DODO" SEADLER is on the bounding main en route to California and SI is improving his rumba.

•

GREGORY DICKSON likes to visit the Newsreel Theatre before lunch.

•

J. S. MACLEOD of M-G-M is due to return from Detroit today.

•

CHARLIE MCCARTHY laid up with the grippe.

•

SIDNEY SAMUELSON's middle name is Edgar.

•

HARRY ASCHER in town from Boston.

•

JACK BARNSTYN has set back his coast trip until the middle of January.

•

AL FAIR back from Chicago.

Overseas Preview

"The Ghost Goes West"

(London Films-U. A.)

LONDON, Dec. 17.—This film has effective satire, broadening frequently into the realm of farce. Rene Clair has handled the ingenious story with great humor and imagination.

A penniless Scottish aristocrat sells his ancestral castle to an American millionaire who transports it piecemeal to New York. The family ghost accompanies the stones and haunts the liner. The news is flashed to New York. On arrival, there is a fine travesty of a civic reception, with an empty car reserved for the ghost and other farcical scenes due to the desire of two rival magnates to tieup the ghost for publicity purposes.

A love story links the young Scot and the American's daughter with the ghost helping. There are many original touches including conversations of the ghost with his disembodied father in limbo, Scottish clan warfare, the American love of antiques and the ballyhoo which is equally well satirized.

The picture looks like one that has American appeal. Robert Donat is excellent as the ghost and modern descendant and Eugene Pallette is next best as the American millionaire father. Technical qualities at their best are scenes in which the castle is re-erected in a Florida palm grove with modern improvements.

The premiere performance at the Leicester Square theatre here tonight was attended by Queen Mary. ALLAN

Looking 'em Over

"For Love of You"

(Celebrity)

This newest importation of Celebrity has as its chief feature, which at the same time becomes a selling point, Franco Foresta, whose tenor voice is excellent, and who uses it to good advantage against a background of the canals of Venice at carnival time.

The story is inconsequential, having to do with the jealousy of his wife displayed by the singer and the efforts of the comedy team of Arthur Riscoe and Naunton Wayne, English players, to give her a good time despite him. The wife is played by Diana Napier.

The film in its entirety is made up of the complications, occasionally amusing, in which the two find themselves as a result of their attempt to cheer up Miss Napier, his singing, and the lively, gay and tuneful background of the Grand Canal. Selections are heard from "Othello," by Verdi; "The Pearl Fishers," by Bizet; Leoncavallo's "Pagliacci" and Offenbach's "Barcarolle." The theme song, "For Love of You," by Franz Vienna, is really tuneful and well sung by Foresta.

Eventually, as a result of the boys' efforts, the singer is cured of his jealousy, realizing that his wife loves him and that he has been making her unhappy. Carmine Gallone directed the film from a story by Selwyn Jepson.

Previewed without production code seal. Running time, 61 minutes. "G."

Short Subjects

"Cock O' the Walk"

(Disney-U. A.)

Something to write home about. Disney has created a prizefighting rooster riding down Main St. on a truck and a boxing ring doing his stuff. A hen deserts her admiring rooster friend to blink coyly up at the fighter. They go into a dance with tango music sounding a lot like La Cucuracha, and the fun begins.

There are big chorus numbers. Eggs do their stuff in the nests and hatch out dancing chicks. Ducks join in in formations. It's a laugh-packed travesty on musicals. Production Code Seal No. 1,227. Running time, 8 mins. "G."

"Broken Toys"

(Disney-U. A.)

Worth billing with the feature, especially during the holiday season. Grand entertainment for children and just as certain to please the grown-ups. The color effects are gorgeous. Toys answer a bugle call to service and the repairs begin. Something resembling W. C. Fields is brought to life. Zasu Pitts is filled with sawdust and becomes Mae West. Stepin Fetchit is pulled together, with lively music and dancing, and the whole troupe finally marches off to an orphan asylum to bring cheer to the inmates. Production Code Seal No. 1,680. Running time, 8 mins. "G."

Weiss Arrives on Coast

LOS ANGELES, Dec. 17. — Louis Weiss of the company bearing his name has arrived here from New York. He motored all the way. Weiss will begin production on "The Clutching Hand," which is due to be released soon after "Custer's Last Stand." The third on his program is a wild animal serial, "Jungle Perils."

Wall Street

Small Gains Revive Stocks

	High	Low	Close	Net Change
Columbia	45	44¾	45	— ¾
Consolidated	5¾	5½	5⅝	+ ⅛
Consolidated, pfd.	18¼	17¾	18¼	+ ¼
Eastman Kodak	157⅛	154½	157⅛	+1⅝
Loew's, Inc.	51½	50¾	51½	+ ½
Loew's, Inc., pfd.	107½	107½	107½	+ ⅜
Paramount	9⅝	9⅜	9½	.....
Paramount 1 pfd.	79	78	79	+1
Paramount 2 pfd.	11½	11⅜	11½	.....
Pathe Film	6⅞	6¾	6⅞	+ ⅜
RKO	5¾	5	5¾	+ ½
20th Century-Fox.	23⅞	23⅜	23⅜	+ ¼
20th Century, pfd.	33	32⅛	32⅞	+ ½
Universal, pfd	60	60	60	.....
Warner Bros.	9⅞	9⅝	9¾	+ ¼

Little Curb Activity

	High	Low	Close	Net Change
Sonotone	2¼	2⅛	2⅛	— ⅛
Trans-Lux	3⅝	3⅝	3⅝	.....

General Theatre Bonds Close Even

	High	Low	Close	Net Change
General Theatre 6s '40	19	19	19	.....
General Theatre 6s '40 ctf	19	19	19	+ ⅛
Keith B. F. 6s '46	93½	93½	93½	—1½
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	.....
Paramount B'way 3s '55	57	57	57	— ⅜
Paramount Pict. 6s '55	92¼	91½	91⅝	— ⅜
Warner Bros. 6s '39 wd	88	87¼	87¼	—3¼

(Quotations at close of Dec. 17)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 144 NEW YORK, THURSDAY, DECEMBER 19, 1935 TEN CENTS

Lubitsch Sees New Trends in Coming Films

Color, Player Changes, Musicals in Offing

By ERNST LUBITSCH
Managing Director of Paramount Production

HOLLYWOOD, Dec. 18.—This year, I believe, will see a number of important developments in the cinema, chief among them an increasing use of color, a revamping of stars' personalities and a new trend in film musicals.



Of course, the principal trend, as always, is toward better pictures. As our industry grows older we learn more about the making of pictures and I feel that each year has seen a very real improvement in production methods that are reflected in

(Continued on page 6)

Pictures Pile Up In Cutting Rooms

HOLLYWOOD, Dec. 18. — Pictures piled up in cutting rooms last week, making the total of 48 features and 17 shorts. Camera work fell off with 38 features and four shorts in work against 40 features and five shorts the preceding week. Twenty-two features and nine shorts are slated to start within two weeks.

Columbia had one feature in work, five preparing and five in the cutting rooms. Fox had six, three and five; Goldwyn had two, zero and zero; M-G-M, six, zero and 10; Para-

(Continued on page 4)

Rialto Opening Is Set for Christmas

The Rialto, rebuilt on its old site at 7th Ave. and 42nd St., is slated to open Christmas Day with "Fang and Claw," the new Frank Buck picture.

Arthur L. Mayer again will operate the house, which will seat 750. The price scale will be 25 cents to 1 P.M., 40 cents to 6 o'clock, 65 cents to 10 P.M. and back to 40 cents thereafter.

No IBEW Men To Be Hired In New Spots

Circuits Make This Part Of the IATSE Deal

No I. B. E. W. men will be employed in the construction and operation of new theatres planned by major circuits, it is learned, as a result of an agreement reached recently by vice-presidents of the various crafts affiliated with the A. F. of L.

About 120 members of the I. B. E. W. returned to their former theatre jobs after the settlement of the jurisdictional dispute between the organization and the I. A. T. S. E. However, where a major circuit takes over a theatre from an owner employing I. B. E. W. men, these workers are to stay on their jobs under the new management. The recent jurisdictional squabble is understood to have involved about 4,500 I. A. members. About 70 I. B. E. W. men involved were employed in Chicago theatres, a handful in St. Louis and Detroit and a number of others in less important key cities.

George Browne, president of the

(Continued on page 6)

RKO-Center Claim Hearing to Go Over

A hearing on the RKO trustee's exceptions to the allowance of the Rockefeller Center claim against the company at $8,207,000 which was scheduled to be held today will be postponed again to Jan. 7.

Proposals for a settlement or compromise of the claim have been discussed between representatives of RKO and Rockefeller Center, but it is

(Continued on page 4)

Hits Bottle Cap Ads

St. Louis, Dec. 18.—Many exhibitors printed advertising matter on the backs of the one and five-mill milk bottle tops used for payment of the sales tax.

State Auditor Forrest Smith says he won't accept them. Court action is threatened, but if it fails heavy purchases of new caps without ads are going to cost well into the hundreds of dollars.

Golden Quits Republic; No Johnston Move

Edward A. ("Doc") Golden yesterday resigned as general sales manager of Republic on the heels of Trem Carr's retirement from that company and sale of his stock interest in Republic Prod., Inc., to unnamed parties, but believed to be Consolidated Film Industries, Inc., financial mentor for the Republic organization.

Rumors that W. Ray Johnston, president of the company, was also about to withdraw were officially denied yesterday by Johnston himself who, in a statement, declared his status remains unchanged. The statement had this to say:

"W. Ray Johnston, president of Republic Pictures Corp., today announced that Trem Carr had resigned as president of Republic Prod., Inc., a production affiliate of Republic Pictures Corp. Mr. Carr has already sold his interests in both companies. His resignation has been accepted to take effect at once. Nat Levine assumed complete control of Republic

(Continued on page 6)

Industry Turnout All Set For Ampa Christmas Party

It'll be an industry turnout, that Ampa Christmas party at the Astor today, take it from the committeemen in charge—Paul Benjamin, Marvin Kirsch and Al Sherman.

No adjectives—press agents seldom use 'em—but, confidentially, they admit that it will be "the greatest ever." The list of names scheduled for seats on the dais reads like pages and pages from the *Motion Picture Almanac*.

Reading from left to right—or possibly the other way—the guests of honor will be: Will H. Hays, Jack Cohn, John C. Flinn, Martin Quigley, Charles E. Lewis, Jay Emanuel, Tom Hamlin, Pete Woodhull, Earle W. Hammons, Ned E. Depinet, Harry H. Thomas, M. H. Aylesworth, Jules E. Brulatour, Herbert J. Yates, Arthur Lee, Arthur Loew, C. C. Pettijohn, Harry Goetz, Louis K. Sidney, Harry Hershfield, Louis Nizer, John Hay Whitney, Grover Whalen, Gene Buck, Tony Sarg, Howard Dietz,

(Continued on page 8)

Radio Men Get Warning Upon Use of Music

Ascap-Warner Row Still In Air, Says N. A. B.

WASHINGTON, Dec. 18.—Reporting that negotiations for the use of copyrighted music after Dec. 31 had reached an impasse, the National Ass'n of Broadcasters today cautioned its members not to broadcast any musical number on or after Jan. 1 unless they have a license to broadcast that number, or a sufficient guarantee of indemnity from a satisfactory source.

Ten days of negotiation by the association's board of directors have been fruitless, it was stated, and broadcasters have been told they are facing an emergency which must be solved, if only temporarily, by the end of the year.

"Various elements in this situation have been changing almost hourly and giving every evidence of continuing to change even more rapidly," it was

(Continued on page 6)

ITOA Talks Plans For Third Circuit

Formation of a third circuit to compete with Loew's and RKO in Greater New York was discussed yesterday at a meeting of I. T. O. A. members at the Astor. Harry Brandt, president, acted as chairman and insisted that a new combination of independent theatres was definitely under way.

Definite signs of an increase in game nights were indicated by exhibitors who contended that their only way to combat major circuit competition was to play the various games several additional times a week.

Efforts to have Loew's and RKO discontinue game nights and duals will be made by independents, it was stated yesterday. Unaffiliated theatre owners

(Continued on page 4)

Frank Walker Gives Up Government Post

WASHINGTON, Dec. 18.—The resignation of Frank C. Walker as executive director of the National Emergency Council was confirmed at the White House today. It was added that Walker had agreed to return to Government service as soon as his business affairs permit. Lyle C.

(Continued on page 4)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 19, 1935 No. 144

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Buckley Elected Director of MPPDA

The regular quarterly meeting of M. P. P. D. A. directors was held yesterday, with Harry D. Buckley, United Artists vice-president, elected to the board, and Willis Bright, Pathe Film vice-president, elected to membership.

Discussion was held on the registration of titles, and the board authorized the making of arrangements for the registration of titles by foreign companies.

Arbitration Delayed

Four complaints alleging breach of contract and scheduled for disposition before the New York arbitration board were yesterday postponed indefinitely. Five cases are on tomorrow's calendar.

TERRITORIAL SUPPLY DEALERS WANTED

Want to hear from territorial supply dealers who are not affiliated with any other group to represent product of leading independent manufacturers! State everything in full in your reply as to present product representation and number of accounts being serviced.

BOX BT
MOTION PICTURE DAILY

Purely Personal

JAMES MULVEY, ARTHUR W. KELLY, HARRY GOLD, HAL HORNE, GREGORY DICHSON, WAYNE PIERSON, ARNOLD VAN LEER, A. P. WAXMAN, AL SELIG, ED MCNAMEE, AL FRIEDLANDER, IRWIN KLEEBLATT, JACK SCHLAIFER, WILLIAM FEITELSON, ARTHUR LEE, GEORGE W. WEEKS, GEORGE BATCHELLER, JACK GOETZ, EDWARD RUGOFF, CHARLES MOSES, MITCHELL KLUPT, CHARLES PAINE, JOE WEIL, TRUMAN TALLEY, LEW LEHR and JAMES A. FITZPATRICK at the Tavern yesterday.

•

IRA COHEN, Pittsburgh branch manager for Twentieth Century-Fox, will be in New York the latter part of the week prior to sailing on a cruise to the tropics. AUSTIN INTERRANTE, salesman in the same branch, arrives tomorrow to spend a brief vacation here.

•

J. R. MCDONOUGH arrived from the coast by plane yesterday for a visit of several days with his family here and for conferences with RKO officials. He will return to Hollywood by plane this week end.

•

PHIL REISMAN, HARRY D. BUCKLEY, GABE HESS, LOUIS NIZER, CHARLES C. PETTIJOHN, SAM DEMBOW, JACK ALICOATE, AUSTIN KEOUGH and DON MERSEREAU among those at the Algonquin yesterday.

•

JAMES COSTON returned to Chicago yesterday. MOE SILVER, DINTY MOORE and NAT WOLF have returned to Albany, St. Louis and Cleveland, respectively.

•

JOHN MANHEIMER of the I.T.O.A. yesterday returned to his desk after 10 days at home. Now BILL SMALL, executive secretary, is out.

•

AL FRIEDLANDER, scheduled to leave yesterday, takes off for Atlanta today on a three-week tour of First Division exchanges.

•

SPYROS SKOURAS arrives from the coast Friday. He's making the trip by train, something unusual for Spyros.

•

BILL BRENNER of National Screen Service returned from London on the *Champlain* yesterday. His wife accompanied him.

•

MEYER SCHINE and GEORGE LYNCH have returned to Gloversville, N. Y., after a day here on bookings.

•

A. H. SCHWARTZ and MITCHELL KLUPT leave today for Lake Placid. They will return Monday.

•

JAMES G. MULLEN of the Warner office in Argentina arrives on the *Southern Cross* today.

•

KEN (FLASH-HASH) O'BRIEN, tore a herring to shreds at the Tavern yesterday.

•

CLARENCE BROWN, M-G-M director, has a record of 20 years in the business.

•

DAVE BADER due in today on the *Georgic.*

•

HENRY FONDA will fly to New York as soon as he completes work on "The Trail of the Lonesome Pine" for WALTER WANGER.

•

RENE CLAIR, who directed "The Ghost Goes West" for ALEXANDER KORDA, will sail for this country shortly.

•

GEORGE J. SCHAEFER returned by plane yesterday from his Mexican hunting trip, non-committal on future plans.

•

UNA MERKEL will be on the Rudy Vallee hour tonight.

Basson Is Elected To Head Local 306

Joseph D. Basson was overwhelmingly voted into the presidency of Local 306 last night at the close of the all-day election at the Palm Garden. Basson was named originally when the I.A.T.S.E. relinquished control of the union in July. Other officers elected were: Frank J. Ruddock, vice-president; Herman Gelber, recording secretary; Charles Beckman, financial secretary; Frank Pircher, treasurer.

Business agents named were Bert Popkin, for New York, and Joseph Kelban, for Brooklyn. Trustees are Herman Boritz, Max Horowitz and George Magarian. Ten executive committee members and five sick committee members were also elected. All officers were elected for two-year terms.

Warner Meet Nears End

KANSAS CITY, Dec. 18.—Warners' two-day regional sales meet for southern and western managers closes today at the Muehlbach. Jack L. Warner is expected to stop off on his way east.

Home office executives, S. Charles Einfeld, Norman H. Moray and Carl Leserman leave tonight.

Kirk Mass. Censor

BOSTON, Dec. 18.—Paul G. Kirk has been named head of film and vaudeville censorship in Massachusetts. His appointment as Commissioner of the State Dept. of Public Safety by Governor Curley was confirmed today by the executive council.

No Universal Meeting

A scheduled meeting of the board of Universal Pictures Corp. was not held yesterday. Routine business only was on the calendar and decision, therefore, was made to hold the meeting after the holidays.

M. J. Sullivan Dead

HARTFORD, Dec. 18.—Michael J. Sullivan, 43, stage hand at the Bushnell Memorial, is dead at the home of his sister here. He was on duty Monday night. Funeral services will be held Friday.

Todd Rites Today

HOLLYWOOD, Dec. 18.—Funeral services for Thelma Todd will be held tomorrow at the Wee Kirk of the Heather, Forest Lawn Memorial Park. The Hal Roach studio will close for five minutes in tribute.

Sabath Hearing Is Put Over to Today

Hearings before the Sabath Congressional committee on the Paramount Publix reorganization which were scheduled for yesterday were adjourned until today when Murray W. Garsson, counsel for the committee, was called to Washington to confer with committee members there.

The postponement is expected to delay until some time next week the appearance before the committee of Joseph P. Kennedy to testify concerning Pathe and RKO financial matters. His testimony originally was scheduled for tomorrow. John E. Otterson, Adolph Zukor and members of the Paramount board are scheduled to be heard by the committee today. Harley L. Clarke, former head of Fox Film, will also be questioned by the committee.

Columbia Hearing Off Until Jan. 9

A motion was made in Supreme Court yesterday by Nathan Burkan on behalf of the defendants in a suit brought by J. L. Loeb, a New York stock broker, against Columbia Pictures Corp. to dismiss the complaint. Burkan charged that Loeb's petition did not state facts sufficient to constitute cause of action.

Justice Julius Miller postponed hearing on the case until Jan. 9, at which time counsel for Loeb will also make a motion to examine the defendants before trial.

RKO Sets Two Deals For Norway-Sweden

RKO Export Corp. has just closed two foreign deals. One is with A. S. Kinografens for distribution of the 1935-36 list in Norway. This is the same firm that distributed last year's product.

The other is the formation of a new company, RKO Radio Films A. B., Stockholm, for distribution in Sweden. The company was organized by Harry W. Leasim and Carl-Gerhard Wallman. Costa Vansted is in charge of sales.

Two Governors Laud Richards, Coolidge

BOSTON, Dec. 18.—Two governors, those of Maine and New Hampshire, were among those who paid tribute to A. J. Richards and Jake Coolidge, Paramount News men, at a dinner here.

John E. Otterson spoke from the screen and expressed his personal appreciation of Richards' work. Adolph Zukor sent a personal message.

It was the completion of 25 years' service for Richards and 30 years for Coolidge.

Rosenzweig to Build

Dave Rosenzweig, who is interested in the Rugby and Taft in Brooklyn and the Alpine and Melba in the Bronx, plans to build three new houses in the Spring. Two will be constructed in Brooklyn and one in Manhattan. The Manhattan house will seat 600, while one of the Brooklyn houses will have a similar seating capacity. The second Brooklyn unit will have 1,000 seats.





Proving his right to stardom by sensational portrayals as the 'heavy' in "Black Fury," "G-Men" and "Dr. Socrates," **BARTON MACLANE** auspiciously embarks on a starring career in a vehicle aptly called **"MAN OF IRON."** Adapted from Dawn Powell's best-seller, "Country Boy," it presents MacLane as a two-fisted, hard-hitting mill boss who made the mistake of trying to trade his overalls for a top-hat. Mary Astor, John Eldredge, and Dorothy Peterson are included in the strong cast under William McGann's direction. A First National Picture. Released December 21st.

Frank Walker Gives Up Government Post

(Continued from page 1)

Alverson was named acting director of the N. E. C. for the time being.

Reports that Frank C. Walker would retire from Government service to assume operating charge of the Comerford circuit followed the recent death of M. B. Comerford in an automobile accident but were denied at the time by Walker.

M. E. Comerford, head of the circuit, was seriously stricken last winter and has not fully recovered. Because of these circumstances it is felt that Walker was impelled to return to take charge of the business of which he was treasurer and general manager before joining President Roosevelt's recovery administration. It is expected that his time will be divided between the New York and Scranton, Pa., offices of the circuit.

ITOA Talks Plans For Third Circuit

(Continued from page 1)

are willing to drop twin bills and eliminate all games providing the major circuits agree to do likewise, a circuit owner of about a dozen houses declared yesterday.

"We are willing even to hike our admissions if Loew's agrees to do the same," the exhibitor said. "Loew's can make the third circuit or it can break it," the theatre man added. "It all depends on whether it will go single features and drop games."

Paul Moss, license commissioner, talked to the members in connection with the Federation for the Support of Jewish Philanthropic Societies. A total of $4,800 was pledged yesterday, Walter Reade contributing $2,500. It is expected $10,000 will be contributed as the organization's share. The next meeting will be held Jan. 2.

RKO-Center Claim Hearing to Go Over

(Continued from page 1)

believed that nothing definite will be decided until further progress has been made on a plan of reorganization for RKO. One of the most likely proposals advanced is said to involve re-leasing to RKO of one or both of the Radio City theatres which would relieve RKO of more than $6,000,000 of the Rockefeller Center claim representing the construction costs of the theatres, for which RKO was found liable.

Pictures Piling Up In Cutting Rooms

(Continued from page 1)

mount, nine, three and nine; Radio, four, three and four; Roach, zero, zero and one; Universal, three, four and one; Warners, seven, two and 10; independents, zero, two and three.

In the short subject division Columbia had one being filmed, two preparing and four cutting. M-G-M had two, three and four; Radio, zero, one and four; Roach, one, one and four; Universal, zero, one and one; independents, zero, one and zero.

Looking 'em Over

"Captain Blood"

(First National)

This is a big time show handled in a big way. It falls easily into the heavy money division.

The swagger, the glamour, the road to high adventure and romance penned in the Rafael Sabatini original have been caught effectively and thoroughly by Michael Curtiz. The producer, apparently recognizing the breadth and sweep inherent in the material, has gone the limit in transferring it from the pages of the novel to the screen in terms of images that arrest.

In point of production investiture, "Captain Blood" ranks in the front rank of Hollywood's recent efforts. It has the colorful background of 17th century England and the tropical West Indies, swashbuckling cavaliers and desperate-looking pirates, cutlasses and flintlocks, frigates riding the waves in a stirring series of beautifully photographed seascapes.

There is action, plenty of it, and adventure and gore; a salty tang that sets the blood atingle and enormously effective battle scenes. The picture, too, has a long and splendid cast from Errol Flynn, tall, clean-looking and good-looking Englishman as Blood; pretty Olivia de Havilland as Arabella, the romantic foil; Lionel Atwill, as the cruel Colonel Bishop, as well as Robert Barrat, Ross Alexander, Forrester Harvey, Guy Kibbee, David Torrence, Maude Leslie, Frank McGlynn, Pedro de Cordoba, George Hassell, Harry Cording, Vernon Steele, Leonard Mudie, Ivan Simpson, Jesse Ralph, Gardner James, Holmes Herbert, Donald Meek, Hobart Cavanaugh, Henry Stephenson, Basil Rathbone, J. Carroll Naish and E. E. Clive.

The narrative, no doubt familiar by this time, tells of how Peter Blood, warrior, turned physician, is innocently enmeshed in the unsuccessful rebellion of the Duke of Monmouth against King James; of Blood's banishment to the West Indies, there to be sold into slavery; of Miss de Havilland's attraction for him and Blood's ultimate escape aboard a marauding Spanish ship which bombards the town of Port Royal in Jamaica.

Blood and his men, hunted men turned hunters, become pirates along the Spanish Main under a Blood-imposed code which bars off the ravishing of women. His trail and that of the heroine, of course, cross. Comes love, Blood to the second rescue of Port Royal, his pardon by the new king, William, and the former buccaneer's appointment as the governor of the island.

Flynn, hitherto in secondary roles on the Warner lot, here gets his chance for big things. In a part which calls for no outstanding histrionics, he makes a dashing figure—so dashing, in fact, that women playgoers from this point on will no doubt prove numerous enough to make him in demand. This reviewer is afraid another matinee idol is on the way up.

Production Code Seal No. 1,542. Running time, 119 minutes. "G."

KANN

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Chatterbox"

(Radio)

HOLLYWOOD, Dec. 18.—Concentrating practically all the interest on Anne Shirley, this is a pleasing comedy-drama. The locale is rural New England and New York. It is the story of a country girl with her mother's ambition to achieve stage fame, a destiny denied her parent.

Locked out of her home by a jealous bumpkin suitor, George Offerman, Jr., in a way that makes it appear her stern grandfather, Edward Ellis, is responsible, Anne runs away. She hides in Phillips Holmes' New York-bound auto. Upon being discovered, she pleads with him to help her.

In New York, Holmes, egged on by a boarding house keeper, Margaret Hamilton, persuades Producer Erick Rhodes to give the girl a chance. The show, which Anne supposes to be a serious drama, turns out to be an audience-panicking farce. Heartbroken, the girl rushes from the stage to be reunited with Ellis, who, in the meantime, has staged a grand comedy boasting sequence with Granville Bates.

Homeward-bound, Holmes is found hiding in the car. He pleads

(Continued on page 6)

Greenthal Returns Oozing Enthusiasm

Enthusiastic over the number of pictures now being completed at the U. A. Studios, Monroe Greenthal, publicity, advertising and exploitation director, returned from the coast yesterday. He had a lot to say about "Strike Me Pink," "Little Lord Fauntleroy," "Modern Times" and "These Three."

Greenthal brought back with him some of the music Charles Chaplin has written for "Modern Times." The U. A. executive stated that a number of publishers are making efforts to get Chaplin to consent to publication of the musical numbers. Broadcasters are also anxious to play the tunes, Greenthal asserted.

Samuel Goldwyn and his wife will leave the coast en route to Europe for a vacation and conferences with Alexander Korda upon completion of "These Three" with Merle Oberon. Chaplin may come on for the opening of his picture at the Rivoli in January. The film in its present footage runs 150 minutes.

On the same plane with Greenthal were Charles MacArthur, Mary Taylor, Lynn Farnol and Countess de Frasso.

"Two Cities" on Air

Members of the cast of "A Tale of Two Cities" will broadcast scenes from the picture over a NBC hookup, with WEAF as the New York outlet at 7:30 P.M. Saturday night. Hugh Walpole will introduce the program. Those participating will be Edna May Oliver, Ronald Colman and Reginald Owen. Henry Stockwell will sing. The picture goes into the Capitol Christmas day.

Tilly Losch Signed

HOLLYWOOD, Dec. 18.—David O. Selznick has signed Tilly Losch for an unnamed starring role. Louis Golding is working on an original script.

Wall Street

Eastman Pfd. Advances 2½ Points

	High	Low	Close	Net Change
Columbia	45½	45½	45½	+ ½
Consolidated	5½	5½	5½	— ⅛
Consolidated, pfd.	18⅜	17¾	17¾	— ½
Eastman Kodak	158	156	156	—1⅛
Eastman, pfd	158½	158½	158½	+ ½
Loew's, Inc.	52⅛	51¼	52⅛	+ ⅝
Loew's, Inc., pfd.	107⅜	107	107	— ½
Paramount	9¾	9½	9½	.....
Paramount 2 pfd.	11¾	11⅝	11¾	+ ¼
Pathe Film	7	6¾	6⅞	.....
RKO	5⅜	5¼	5¼	.....
20th Century-Fox.	24⅜	24	24	+ ⅛
20th Century, pfd.	33½	32¾	32¾	— ⅛
Universal, pfd	60	60	60	.....
Warner Bros.	10	9¾	9¾	.....

Technicolor Has Fractional Loss

	High	Low	Close	Net Change
Technicolor	17⅞	17⅞	17⅞	— ⅛
Trans-Lux	3¾	3⅝	3⅝	.....

Loew's Best Gain on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	19	18¾	18¾	.....
General Theatre 6s '40 ctf	19	18½	19	+ ¾
Keith, B. F. 6s '46	93	93	93	— ½
Loew's 6s '41 ww deb rights	103⅞	103¾	103⅞	+ ⅝
Paramount B'way 3s '55	56¾	56¾	56¾	— ¼
Paramount Pict. 6s '55	91⅞	91⅝	91¾	+ ⅛
RKO 6s '41 pp	73	73	73	—2
Warner Bros. 6s '39 wd	88	87⅝	88	+ ½

(Quotations at close of Dec. 18)

It's the BIG Tops!

CHARLES BICKFORD
RAQUEL TORRES

IN ELEANOR SMITH'S NOVEL

RED WAGON

DIRECTED BY PAUL L. STEIN

with

GRETA NISSEN
DON ALVARADO
ANTHONY BUSHELL

Three ringed drama in a tent-ful of excitement!





FIVE STARS
•
2000 EXTRAS
•
A WHOLE MENAGERIE OF ANIMALS

AN ALLIANCE FILM

FIRST DIVISION

RRY H. THOMAS, PRESIDENT • EXECUTIVE OFFICES • RKO BUILDING • RADIO CITY • NEW YORK

Federal Tax On Payrolls Starts Jan. 1

Employers in the industry having eight or more workers beginning Jan. 1 will be subject to a tax for unemployment insurance and old age pensions, says *Motion Picture Herald*, out today.

The assessments are under the Social Security laws passed at the last session of Congress, and apply to all employers. Immediately, the levies will be made in nine states and the District of Columbia, and Government officials expect other states to conform to the Federal laws within a few months.

Saying that the great majority of theatre men are either unaware of the far-reaching scope of the legislation or do not know what it means to them as employers, the *Herald* gives a comprehensive outline of the regulations.

Levied on Entire Payroll

The Federal taxes for unemployment compensation are levied on the entire payroll in New York and other states. For 1936 the tax will be one per cent of the payroll, increased to two percent in 1937 and three per cent for 1938 and thereafter.

The tax for Federal old age benefits is based on wages paid up to $3,000. During the calendar years 1937 to 1939, the rate is one per cent on employers and a similar rate on employes; for the years 1940 to 1942, the rates are 1½ per cent; for the years 1943 to 1945 they are two per cent; 1946 to 1948, two and a half per cent; and for the years following Dec. 31, 1948, they are three per cent.

The states having unemployment compensation laws and which are immediately affected are New York, Wisconsin, Massachusetts, New Hampshire, California, Oregon, Washington, Alabama and Utah. These states and the District of Columbia where such laws have been enacted represented 35 per cent of the entire payroll of the country, and the states which are expected to adopt such legislation in the next few months will bring this total to more than 50 per cent, according to A. J. Altmeyer, member of the Social Security Board.

Unemployment compensation is provided for in the Federal Social Security Act.

Radio Men Warned On Use of Music

(*Continued from page* 1)

declared in the association's report, made public here today.

"The best information which can be obtained at this time seems to indicate some doubt as to whether or not contracts for renewals with Ascap (guaranteeing substantially the same catalogue) contain sufficient assurance of protection to stations desirous of broadcasting Warner Bros. music or the music of several other publishing houses formerly in Ascap. No one can now definitely state what copyrights will remain in Ascap after Jan. 1. It is impossible to know at the moment from whom it will be necessary to secure copyrights effective Jan. 1."

No IBEW Men To Be Hired In New Spots

(*Continued from page* 1)

I. A., arrived from Washington o Monday and plans to leave for the coast the end of the week to call a general meeting of the membership. Organization details and dues will be discussed. It is also said that former I. A. men who left the organization to join the electrical workers union will be reinstated at the coast session.

All major operator contracts must be approved by Browne before signing, it is said. Before Local 306 signed an agreement with RKO and Loew's last October, the 10-year arrangement was sent to Washington. Th pact provides for arbitration on new salaries every two years and specifically states that there shall be no lockouts, walkouts or strikes.

Arrangements with Skouras and Randforce are understood to have been completed by Local 306 whereby houses of each circuits in the same classification pay the same scale Heretofore, it is said, Randforce had been getting a reduced figure for the larger houses in the circuit.

It is said that Browne did not ask the A. F. of L. affiliates for the ruling against I. B. E. W. men on new theatres.

Clarify Union Deal At Producer Meet

HOLLYWOOD, Dec. 18.—Pat Casey called a meeting of all producers and I.A.T.S.E. representatives here today and almost every phase of the closed shop agreement in studios was ironed out. The only crafts not entirely settled upon were soundmen and grips. Division of work among soundmen will be arbitrated between Tracy of the I.B.E.W. and George Browne, I.A.T.S.E. head, within 90 days.

The grips' difficulties will be settled within the next few days by Steve Newman, I.A.T.S.E. studio representative and a representative of the carpenters' union. The agreement brings projectionists, laboratory workers, property men and all branches of the camera department except first cameramen under I.A.T.S.E. jurisdiction. First cameramen will not have to hold union cards. Several problems pertaining to projectionists will be settled by Browne on his arrival here after Jan. 1.

Numbers Are Set

Motor Vehicle Commissioner Harnett has ended the annual suspense for the low-number automobile license addicts.

Here is what some get:

UU-6	**UU-7—Rudy Vallee**
5U-1	**—Wm. Randolph Hearst**
UU-2	**—Rubinoff and his violin**
RR-6	**—S. L. Rothafel**
U-1	**—Morton Downey**
N-1	**—S. R. Kent**
7-B	**—Irving Berlin**
X-3	**—Eddie Dowling**
YY-2	**—Ed Wynn**
GG-1	**—John Golden**

Golden Quits Republic; No Johnston Move

(*Continued from page* 1)

Prod., activities. This does not in any way change Johnston's personal status with Republic Pictures Corp. or Republic Prod., Inc."

While Republic had nothing to say about Golden's successor and efforts to reach both Johnston and Herbert J. Yates were unavailing, the report was afoot that Budd Rogers would succeed to the sales manager's post.

Golden is understood to be set on his new affiliation, but is not prepared to talk about it.

Carr to Rest

HOLLYWOOD, Dec. 18.—Trem Carr is very much pleased over his deal with Republic, he says. One of his first moves to carry out his agreement to stay out of independent production for a year and a half will be to take a two-month vacation trip to Europe. He hasn't had a vacation in 10 years, he says.

Monogram can be resumed, he says, and he wouldn't be surprised, he indicated, if it reappears in the independent field at the end of his retirement period. He has had three offers from major studios, he says, but will rest before deciding.

Fred Steele resigned today as Republic studio comptroller, and was replaced by Max Schoenberg, recently in the bookkeeping department.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 4)

with Anne for a chance. The climax is the promise of a happy farm home marriage. Miss Shirley handles the role with a fine artistry which augurs well for her future. Ellis, Bates, Hamilton and Offerman add much to the show's homy comedy values. Holmes appears ill at ease and Rhodes has little chance to display his known talent.

Produced by Robert F. Sisk, the picture is based on a play by David Carb, with screen play by Sam Mintz and direction by George Nichols, Jr. It is a suitable all-family attraction and should appeal in secondary and smaller houses. Production Code Seal No. 797. Running time, 70 minutes. "G."

Lubitsch Sees New Trends in Coming Films

(*Continued from page* 1)

the films we see on the screens of the world.

This coming year will be no exception. Pictures on the whole are being made on a larger scale and likewise they are being made better. Mere bigness of production is naturally no guarantee of quality. But it must be remembered that the industry has no precedent to be guided by; it is comparatively new as industries go, and it is sailing uncharted seas. And I believe in general it is succeeding admirably in attaining the goal of world-wide, quality entertainment.

One thing that has impressed me deeply in my own years in the industry is that stars must keep changing their personalities if they are to remain stars.

As to color, I think its use in a natural way will be advanced considerably by a number of pictures now in production.

Musical pictures can hardly be called a new trend, but they are being dealt with in a new way. The increasing number of pictures containing so-called "better" music is a decided trend, as is the growing use of opera stars in leading roles.

Opera Problem Settled

I feel that the grand opera problem has settled itself. Grand opera, as such, can never be put on the screen, but excerpts from the better operas can be used effectively as sequences in pictures. Grand opera is an outworn medium and does not provide popular entertainment. I don't believe theatergoers want grand opera any more than they want Shakespeare, but they do want good music, well presented.

As for production methods, one new and marked improvement is a general abstinence from the use of photographic effects known as "tricks." The day is definitely near at hand when producers will depend entirely upon acting and direction to gain a desired effect, to the exclusion of tricks with the camera.

I feel I should be pardoned for expressing the belief that production in the future must depend more upon the director. Most of my own years in the industry have been spent as a director and the fact that I am now looking after the whole studio's production has not altered my opinion that the director is a most important factor in guaranteeing the success of a picture.

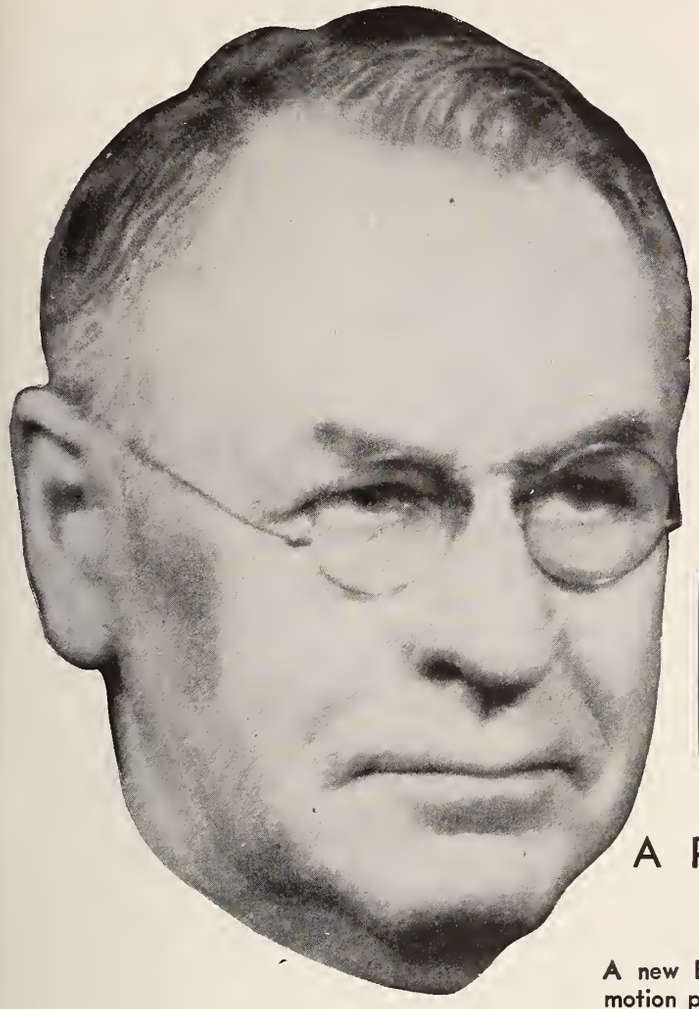
I am very happy over the industry's prospects. More people are going to the theatre; more and better pictures are being made. The future is exceedingly glowing.

Arthur Coming East

ST. LOUIS, Dec. 18.—Harry C. Arthur will leave Friday for New York with his son, Tom, to spend the holidays in the east.

When in New York Arthur will confer with Jack Partington on vaudeville bookings for the Missouri. Tentative date for opening of acts at the house is down for Jan. 3.

ANSWERS ALL PROJECTION PROBLEMS!!



Sixth Edition of

F. H. RICHARDSON'S

BLUE BOOK

OF

PROJECTION

A PRACTICAL GUIDE TO GOOD PROJECTION AND QUICK TROUBLE-SHOOTING

A new Bluebook by Richardson is always an event of signal importance to the motion picture industry. It is being issued at this time to meet the truly urgent demand of thousands of users of the old Bluebooks for an accurate, modern evaluation of the changes and refinements in the art and science of sound reproduction and projection including all the apparatus. Richardson's expert knowledge of the craft he has taught and followed for more than three decades makes this latest treatise, in the opinion of leading authorities, the most comprehensive, most useful projection manual ever published.

700 Pages of Text, Charts and Data

The new Bluebook contains 700 pages and 153 illustrations—photographs and schematics of every description. It is 6x9 in size with large readable type for easy visibility in the projection room under all conditions. It is entirely original from cover to cover, not a line of type from any of the many previous editions being used. Its low price of $5.25 and its handiness in one volume are among the many innovations.

1 IN ONE HANDY VOLUME
The new Bluebook is complete in one handy volume. It is a great improvement over the former expensive and cumbersome three-volume sets.

2 COMPLETE and UP-TO-DATE
The new Bluebook does a three-fold job: (1) it gives a detailed description of the construction, wiring and functioning of every piece of sound and projection apparatus used in a modern projection room. (2) It gives all the instructions for the operation and maintenance of this equipment and (3) it contains a complete trouble-shooting department as a first-aid in breakdowns.

3 QUICK-FINDING INDEX
An extremely simple but comprehensive indexing system makes the new Blue Book a truly great aid to working projectionists. Whatever problem comes up in the day's routine is covered on the instant with hardly more than the twirl of your thumb. Projectionists of long experience in the projection room will be first to appreciate this remarkable time-saver.

4 QUICK TROUBLE-SHOOTER
And it is, within its 700 pages, a practical trouble-shooter, which alone entitles it to a place in every projectionists tool kit.

Collaborator on Sound:
AARON NADELL

$5.25

WITH POSTAGE PREPAID

QUIGLEY BOOKSHOP
1790 Broadway New York

GENTLEMEN:
Please send me F. H. Richardson's new BLUEBOOK OF PROJECTION, Sixth Edition. Enclosed find remittance of $5.25. Foreign price, $5.50.

Name _____

Street _____

City _____

State _____

"In Person" Cleveland's Best, $9,000

CLEVELAND, Dec. 18.—"In Person," "To Beat the Band" and "Frisco Kid," playing a second week, were three of the five local first runs that topped averages in spite of heavy snowstorms and holiday shopping, bringing the total take for the week within $1,000 of normal.

"In Person" grossed $9,000 at Warners' Hippodrome, where $8,000 is average.

"To Beat the Band," combined with the Major Bowes stage unit, took $250 over par at the RKO Palace where the average is $15,000.

"Frisco Kid" went to $3,250 in four days of its second week at the Allen, where average take is $3,000 for the week. "Rainmakers" in three days at the Allen didn't fare so well with $1,000 gross.

"Show Them No Mercy" finished the week at Loew's Stillman with the house average of $4,000, while "Peter Ibbetson" at Loew's State dropped $3,500 below the house par of $12,000.

Total first run business was $41,000. Average is $42,000.

Estimated takings for the week ending Dec. 13:

"FRISCO KID" (W. B.)
ALLEN—(3,300), 30c-35c-42c, 4 days, 2nd week. **Gross:** $3,250. (Average, $3,000)
"RAINMAKERS" (Radio)
ALLEN—(3,300), 30c-35c-42c, 3 days. **Gross:** $1,000. (Average, $3,000)
"PETER IBBETSON" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,500. (Average, $12,000)
"SHOW THEM NO MERCY" (20th-Fox)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)
"TO BEAT THE BAND" (Univ.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Major Bowes' Amateurs **Gross:** $15,250. (Average, $15,000)
"IN PERSON" (Radio)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $9,000. (Average, $8,000)

K. C. Charity Show Run in 22 Theatres

KANSAS CITY, Dec. 18.—Twenty-two independent theatres participated in the show last week for the benefit of the Salvation Army. Admission was by canned goods or unwrapped toys.

Arthur H. Cole of Paramount and President E. Rolsky of the I. T. O. arranged for the exchanges to supply film. Harland Holmden of the I. A. T. S. E. supplied all the operators. Kansas City radio stations began announcing the shows Dec. 6.

United Film Ad Service furnished special trailers with a Salvation Army background, and Film Delivery made the delivery of them. Approximately 16,000 seats were devoted to the shows.

The theatres participating were Paseo, Murray, Strand, Roanoke, Central, Gillham, Ritz, Circle, National, St. John, Sun, Tivoli, Colonial, Southtown, LaSalle, Mokan, State, Baltis, Admiral, Lindbergh, Westport and Hollywood.

Goetz Has Four Scripts

Harry M. Goetz has four scripts under consideration for the first Broadway play of Reliance Pictures. Others will follow, if the first one pans out, for the purpose of testing film material.

"Parish" and Bowes' Troupe Big Hub Draw

BOSTON, Dec. 18.—"I Found Stella Parish," with a new edition of Major Bowes' amateurs on the Metropolitan stage, was the top draw of the week. The $29,000 take went over normal by $7,000.

"Thanks a Million," heading a dual bill with "Guard That Girl," was $1,000 to the good on a $13,000 take at Loew's Orpheum, but slipped in with only a par $12,000 at Loew's State. Other houses felt the Christmas shopping competition.

The RKO Boston's first week without vaudeville showed a big drop.

Total first run business was $79,000. Average is $80,500.

Estimated takings for the week ending Dec. 13:

"MAN OF IRON" (F. N.)
"MUSIC IS MAGIC" (20th-Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)
"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $10,000. (Average, $12,000)
"THANKS A MILLION" (20th-Fox)
"GUARD THAT GIRL" (Col.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000)
"THANKS A MILLION" (20th-Fox)
"GUARD THAT GIRL" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $12,000. (Average, $12,000)
"I FOUND STELLA PARISH" (F. N.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $29,000. (Average, $22,000)
"MAN OF IRON" (F. N.)
"MUSIC IS MAGIC" (20th-Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)
"THE RETURN OF PETER GRIMM" (Radio)
"SWEET SURRENDER" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $4,500. (Average, $12,000)

Yaeger, Bank Night Head, Buys 5 Spots

DENVER, Dec. 18.—With the purchase of five theatres in this territory, making his total six, C. U. Yaeger, Bank Night originator and owner, seems to be rapidly organizing a circuit. Rumor has it that he is looking for more locations.

During the past two months Yaeger has bought and sold one South Dakota house and has purchased five others: the Gem, Golden, Col.; Rialto, Brighton, Col.; Granada, Del Norte, Col.; and two houses at Lamar, Col.

Yaeger also owns the Roxy in the colored section of Denver.

Yaeger has bought the former Pathe exchange and has centered his companies there.

"High Hat" to Start

HOLLYWOOD, Dec. 18.—Cameo Pictures plans to place "High Hat" before the cameras immediately. The cast will include Clarence Muse, Franklin Pangborn, Frank Luther and the Freta Shaw Choir. Imperial Pictures will release.

N. O. Tax Total $34,873

NEW ORLEANS, Dec. 18. — City amusement tax receipts are running around $11,000 a month. The total for the past three months has been $34,873, divided as follows: September, $11,537; October, $11,751; November, $11,791.

"Mr. Hobo" Beats Out Lincoln Slump

LINCOLN, Dec. 18.—"Mr. Hobo" turned in a good showing here last week by garnering $2,600 in nine days at the Varsity. This is $900 over normal.

The Orpheum's mixed program of a dual half the week and vaudeville and film the other half turned in a profit by going $800 over par to a total of $2,500. The films were "The Payoff," "Crime and Punishment" and "The Gay Deception" and the stage show consisted of a "Vaudeville Varieties" unit.

Business was dull elsewhere, with "Rio Rattler" and "Rainmakers" getting $900 at the Colonial and "The Last Days of Pompeii" taking $2,300 at the Lincoln.

Total first run business was $11,300. Average is $9,850.

Estimated takings:

Week Ending Dec. 10:
"MR. HOBO" (G. B.)
VARSITY — (1,100), 10c-15c-20c-25c, 9 days. **Gross:** $2,600. (Average, 7 days, $1,700)

Week Ending Dec. 11:
"RIO RATTLER" (Reliable)
"RAINMAKERS" (Radio)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $900. (Average, $850)

Week Ending Dec. 12:
"LAST DAYS OF POMPEII" (Radio)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,300. (Average, $2,200)
"PAYOFF" (F. N.)
"CRIME AND PUNISHMENT" (Lenauer)
"GAY DECEPTION" (Radio)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days, Stage, first half. "Vaudeville Varieties" unit. **Gross:** $2,500. (Average, $1,700)

Week Ending Dec. 13:
"I FOUND STELLA PARISH" (F. N.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $8,000. (Average, $3,100)

"Person" a $3,500 Hit in Louisville

LOUISVILLE, Dec. 18.—Gross honors here went to "In Person" last week at the Brown where the $3,500 gross was above normal by $1,500.

"Splendor," heading a dual bill with "Grand Exit" at Loew's State, pulled $5,400, up by $900. "In Old Kentucky" was still outstanding in its third week at the Strand, where par was left $600 behind on a take of $3,100.

Total first run business was $22,900. Average is $18,500.

Estimated takings for the week ending Dec. 12:

"MARY BURNS, FUGITIVE" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $3,800. (Average, $3,500)
"SPLENDOR" (M-G-M)
"GRAND EXIT" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,400. (Average, $4,500)
"IN OLD KENTUCKY" (20th-Fox)
STRAND—(1,500), 15c-25c-40c, 7 days, 3rd week. **Gross:** $3,100. (Average, $2,500)
"IN PERSON" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $3,500. (Average, $2,000)
"MISS PACIFIC FLEET" (W.B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,600. (Average, $2,500)
"HOT OFF THE PRESS" (Victory)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Eddie Peabody, King Brawn, Rochelle Brothers & Bebe, Don Zelaya, Mary Vanda Dancers. **Gross:** $3,300. (Average, $3,000)
"KING SOLOMON OF BROADWAY" (Univ.)
"ALICE ADAMS" (Radio)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,200. (Average, $1,400)

"Monte Carlo" On Dual K.C. Lead $4,600

KANSAS CITY, Dec. 18.—In a week of falling takes "The Man Who Broke the Bank at Monte Carlo" and "Little America" at the Uptown turned in the best showing with a take of $4,600, above par by $1,100.

The only other first run to make the grade in the midst of the Christmas shopping rush was the Newman which took $8,000, up by $1,000, with "Mary Burns, Fugitive."

Total first run business was $32,400. Average is $37,000.

Estimated takings:

Week Ending Dec. 11:
"SPLENDOR" (U. A.)
MIDLAND—(4,000), 25c-40c, 7 days. **Gross:** $7,900. (Average, $11,500)
"IN PERSON" (Radio)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $5,100. (Average, $8,000)

Week Ending Dec. 12:
"MARY BURNS, FUGITIVE" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)
"GRAND EXIT" (Col.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Ross Wyse, Jr., Tyler, Thorn & Post; Raymond Wilbert; Gene Gory and Roberta, and John Paul Jones. **Gross:** $6,900. (Average, $7,000)

Week Ending Dec. 13:
"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
"LITTLE AMERICA" (Para.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $4,600. (Average, $3,500)

Industry Set for Ampa Xmas Party

(*Continued from page* 1)

Lew Lehr, Victor Ridder, Lily Pons, Morton Downey, Whitford Drake, Eddie Dowling, June Knight, Una Merkel, Margot Grahame, Gambarelli, Elias Sugarman, Adolph Zukor, Amedee J. van Beuren, Ed Sullivan and Red Kann.

The entertainment will be varied and plentiful. Donald Heywood and his vocal orchestra, a chorus of 40 voices, and Ralph Stone and his radio recording orchestra will furnish music.

Jack Alicoate will be master of ceremonies and will have something to say about *The Film Daily* Relief Fund. Gordon White will preside.

Those who try to buy tickets at the Astor ballroom will be out of luck, White says. They're all sold and there is no room for any more tables. An attendance total of 1,200 is anticipated.

Lyon, Nugent Signed

HOLLYWOOD, Dec. 18.—Republic has signed Ben Lyon and Edward Nugent for the leading roles in "Dancing Feet," musical. Joan Marsh has the leading feminine role, and Nick Condos has been signed for specialty dances. Colbert Clark will supervise and Joseph Santley will direct.

Hilton Reaches Coast

HOLLYWOOD, Dec. 18.—James Hilton, author of "Lost Horizon," has arrived at the M-G-M studios. He may be assigned to do a treatment on "Camille" for Greta Garbo.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 145 NEW YORK, FRIDAY, DECEMBER 20, 1935 TEN CENTS

Briskin Goes to Radio As Head of Production

Demands for Change Being Met—Thalberg

New Year Will Make It Evident, He Says

By IRVING G. THALBERG
Producer for M-G-M

HOLLYWOOD, Dec. 19.—The public has ordered a change in the motion picture industry. It has been demanding a new entertainment diet and it must be obvious to anyone that the producers are responding to that demand



For the past two years this change has been coming along slowly. The new year will find it an established fact.

For too many reasons those responsible for the making of screen entertainment have underestimated
(*Continued on page 10*)

Fox Lets Right Hand Know About His Left

ATLANTIC CITY, Dec. 19.—All-Continent Corp., controlled by Eva Fox, wife of William Fox, today purchased at public auction here for $855,000 three blocks of securities, rights and credits which had been assigned to All-Continent by William Fox as collateral and security for debts owed by Fox to that corporation.

Included in the transaction were 108,000 shares of old Class A Fox Film stock; 9,000 shares of Twentieth Century-Fox preferred; 4,500 shares of Twentieth Century-Fox common and some additional securities sold in a single block for $600,000. Real es-
(*Continued on page 10*)

Budd Rogers or Fier May Succeed Golden

Decision whether Budd Rogers or Jack Fier will be successor to Edward A. Golden, who resigned Wednesday as general sales manager of Republic, will be made either today or tomorrow by W. Ray Johnston, it is understood.

Rogers has been Golden's assistant since Liberty Prod. joined the Republic setup. Before the merger, he had
(*Continued on page 10*)

Ascap's Rates As Is Under Proposed Deal

With all music publisher members of Ascap renewing their memberships yesterday for a five-year period, the Ascap board authorized the society to offer exhibitors five-year music licensing contracts at the present rates and with a guarantee against increases during the life of the contract.

This stand by the organization means that no reduction in the music tax will be made by Ascap after Jan. 1 as a result of the loss to it of the Warner music catalogues through the resignation from Ascap of that company's music publishing subsidiaries. The guarantee against increases in the rates during the next
(*Continued on page 10*)

KRS Booking Ban Off Until Jan. 21

By BRUCE ALLAN

LONDON, Dec. 19.—K.R.S. booking combine ban was lifted today until Jan. 21, when another hearing in the litigation filed by Gaumont British Corp. and Gaumont Super Cinemas, Ltd., will be held.

The K.R.S., in court today, agreed to the deferred date, at the same time undertaking to instruct its distributor
(*Continued on page 10*)

Distributors Not to Quit Mexico Field

Major distributors are receiving the cooperation of the Mexican Government in their efforts to settle trade difficulties there and, consequently, will not withdraw from operation in that country at this time, it was stated yesterday by Major Frederick L. Herron, in charge of foreign activities for the M.P.P.D.A,, following a meeting of foreign distribution managers yesterday.

Information that the Mexican Government was cooperating was contained in a report submitted to the meeting by A. L. Pratchett, Paramount representative at Mexico City. However, it was disclosed in the report that labor organizations in Mex-
(*Continued on page 14*)

Film Cycles Over, Sears Tells Staff

KANSAS CITY, Dec. 19.—The so-called cycle era in pictures is a thing of the past, Gradwell L. Sears, southern and western sales manager for Warners, told his sales forces here today.

"There is less talk about cycles because every producer is on the alert to find new material," he said, "and
(*Continued on page 10*)

Optimism Is Highlight of Big Ampa Christmas Party

By J. M. JERAULD

There was something different about the Ampa Christmas party this year—a subtle difference at first that became emphasized by repetition as speaker after speaker referred to it, whether seriously or lightly, in the blend of persiflage and thoughful discussion that always fills the programs of these affairs.

That difference was its optimism. It was expressed aptly by Will H. Hays in a couplet about the man gazing down tracks wondering what the engine does when it gets to the place where the rails meet, only to find they do not meet when he gets the viewpoint of the engineer.

"Clouds have cleared away from the heads of many," he said, "and they are clearing away for others."

The arrangements committee wasn't joking when it announced in advance
(*Continued on page 12*)

Spitz to Be President Of Picture Company— McDonough, a V. P.

Sam Briskin, formerly general manager of Columbia studios, today will be elected vice-president in charge of RKO Radio production when this company's board meets.



At the same time, Leo Spitz, who was elected to the presidency of RKO on Nov. 14, when M. H. Aylesworth was named chairman of the board, will be designated president of RKO Radio, succeeding J. R. McDonough, who will become a vice-president. Ben B. Kahane will continue as head of RKO Studios, Inc.

Briskin left for Hollywood yesterday after conferring with Spitz. Following the board meeting this afternoon, Spitz will entrain for Chicago where he will spend Christmas with his family, departing from the Windy
(*Continued on page 14*)

Penn MPTO to Stay In Spite of Merger

PHILADELPHIA, Dec. 19.—Despite merger moves among the independent exhibitors of the territory which were climaxed today with the first meeting and election of officers of the newly formed I.M.P.T.O. of Eastern Pennsylvania, South Jersey and Delaware, two exhibitor bodies will continue. Lewen Pizor, president of the M.P.T.O. unit, announced definitely that his group would stay in existence regardless of the forming of the new group.

I.E.P.A. men are in the majority
(*Continued on page 14*)

Exhibitor Wins in Anti-Trust Action

PITTSBURGH, Dec. 19.—Samuel Friedman, Sharon, Pa., exhibitor, was awarded triple damages, totaling $24,000, plus attorneys' fees, in his anti-trust action against eight companies, by a jury verdict in Federal district court here today. The case had been on trial for nine days, the jury return-
(*Continued on page 14*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 20, 1935 No. 145

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Federal Admission Tax Figures Rise Swiftly as Theatres Gain

By BERTRAM F. LINZ

Washington, Dec. 19.—Arrival of boom times for the nation's theatres was today reported by the Bureau of Internal Revenue with the announcement that admission tax collections in November totaled $1,866,915, a jump of $378,000 over October and more than $423,000 above November of last year.

The report for last month contrasted sharply with that for November, 1934, when a drop of $53,000 from October was announced.

For the five months of the fiscal year ended with November, the bureau reported, admission tax collections aggregated $7,119,811, an increase of $937,625 over the $6,182,186 reported for the same period last year.

See $130,000 for "Rebel" in 11 Days

Opening yesterday at the Music Hall, "The Littlest Rebel" will probably garner about $130,000 in the 11-day run. For the first six days the Shirley Temple picture is expected to take in around $40,000 and for the last five days the anticipation is that the picture will get something like $90,000.

"In Person" last week at the house ended with approximately $56,000. The Center with "Your Uncle Dudley" ended with about $10,000. "The Great Impersonation" at the Roxy was fair at $32,000, while the Palace was off with $7,000 on "Thanks a Million" and "Personal Maid." "Millions in the Air" was below the Paramount average, getting less than $10,000.

Managers in Jersey Form Organization

Hudson County, New Jersey, theatre managers met in Jersey City at midnight, Wednesday, and organized the Hudson County Theatre Managers' Association at the Plaza Hotel. Plans for this event have been pending for some time. The organization in the near future hopes to become a chapter of the Variety Club.

Officers installed at the recent meeting are George Dumont, Loew's Jersey City, president; Morris Hatoff, State, Jersey City, first vice-president; Solly Posner, Orient, Jersey City, secretary, and M. Yarbo of the Capitol, Union City, treasurer. The organization will meet every two weeks and plans for a big event in March are being made ready. Managers outside Hudson county will be admitted as non-resident members.

Keough Is Heard by Sabath's Committee

The Sabath Congressional committee continued its closed hearings on the Paramount Publix reorganization yesterday with Austin Keough testifying. Efforts will be made to open hearings on Pathe and RKO financial affairs today, as originally scheduled, according to counsel for the committee. Joseph P. Kennedy, former Pathe head, will be the first to testify if the hearing proceeds today as planned.

Part of the questioning of Keough at the closed hearing yesterday is understood to have been in connection with the reorganization of the Paramount New England theatre subsidiaries, Olympia and M. & P.

Para. Properties' Claim Is Expunged

A claim of $2,098,000 filed against Paramount Publix in its reorganization proceedings by Paramount Properties, west coast subsidiary, was expunged under an order signed yesterday by Federal Judge Alfred C. Coxe. Paramount held a counter claim against the subsidiary for more than $2,000,000. Expunging of the claim was provided for in a plan of reorganization for Paramount Properties which was consummated recently on the coast.

Judge Coxe also signed an order authorizing the settlement of a suit brought against A. C. Blumenthal by the Paramount trustees to recover on a financial settlement made with Blumenthal by Paramount in 1932, prior to the company's receivership. In that year Blumenthal instituted a bondholders' action against the company, which was subsequently settled by the purchase of his Paramount securities at par, although their market value was considerably less at the time. Blumenthal agrees to repay $3,750 to Paramount under the settlement of the suit brought against him by the Paramount trustees.

The U. S. Circuit Court of Appeals yesterday set Jan. 6 for hearing of the appeal of Sir William Wiseman, former Paramount director, from a ruling by Judge Coxe that the Paramount trustees had the right to subpoena Wiseman in their recovery action in which former officers and directors of Paramount are defendants.

Set "Rose" Benefit

Mrs. Vincent Astor has named an entertainment committee of Lucrezia Bori, Elsa Maxwell, George Burns, Grace Allen, Eddie Duchin, Jimmy Durante, Abe Lyman, George Jessel and Eve Symington in preparation for the opening of Gladys Swarthout's "Rose of the Rancho," her first film, at the Paramount Jan. 7. The committee has taken the entire house that night at advanced prices, proceeds to go to the Musicians' Emergency Relief.

Derr Firm Dissolved

HOLLYWOOD, Dec. 19.—The company formed by Charles Sullivan and E. D. Derr was dissolved today, following the failure of Jesse Goldburg to raise finances in New York. Six films had been planned.

Levine to New York

HOLLYWOOD, Dec. 19.—Nat Levine left here tonight by plane for New York, seeking stories.

D. A. Levy Elected Film Board's Head

David A. Levy, M-G-M branch manager for New Jersey, has been elected president of the New York Film Board of Trade, succeeding Moe Streimer of United Artists. The session was held at the Film Board's headquarters in the Paramount building. Edward Schnitzer was nominated for the post, as well as Streimer.

Robert Fannon of Republic has replaced Jack Bellman of the same exchange as first vice-president. Harry Decker, Warner Brooklyn branch head, is the new second vice-president, succeeding Fannon.

Jack Bowen, New York branch head of M-G-M, retains the title of treasurer, as does Joe Lee of Fox, sergeant-at-arms. Leo Abrams of Universal, who declined to run for the presidency, was elected secretary, a post formerly held by Levy.

No date for induction has been set, but this probably will be held the week of Jan. 13, as is the custom.

Due to illness of his mother, Henry Randell, Brooklyn branch head for Paramount, could not attend. Schnitzer and Streimer were reported on the sick list and, likewise, were absent.

File Plagiarism Suits

Two suits were filed in New York City courts yesterday by writers who charged that producers had stolen their stories.

Allen Caruthers of Queens brought a suit for $1,000,000 in N. Y. Supreme Court against RKO Radio Pictures, Inc. He charged that in 1923 he wrote "The Sooners." He says that the defendants plagiarized material portions of this in "Cimarron." He asks for an accounting and for surrender of all the supposedly infringed films.

In another infringement action, Francis Hackett brought a damage suit against Alexander Korda, producer, London Films, Ltd. and United Artists. In the complaint filed by Sammy E. Holtzman in the Federal Court, Hackett charged that on April 12, 1929, he wrote a book entitled "Henry VIII" which was copyrighted by Horace Liveright, Inc. The copyright was later assigned to him on Dec. 18, 1933. Prior to the production of "The Private Life of Henry VIII" by the defendants, he claims that his book was read by Alexander Korda. In 1933 the defendants produced "The Private Life of Henry VIII," using his copyright matter, his plot, characterizations and dialogue. He is asking for an injunction and accounting as well as damages.

Walker in Harness; Back to Comerford

SCRANTON, Pa., Dec. 19.—Frank C. Walker announced today he had returned to the vice-presidency of the Comerford circuit and that he plans no changes in personnel or policies. He will spend the bulk of his time in Scranton and the balance in New York, thereby, for the time being anyway, stepping out of the political scene in Washington.

Three on Broadway

"Dangerous" has been booked to open at the Rivoli Christmas Day. With "Captain Blood" at the Strand and "A Midsummer Night's Dream" continuing at the Hollywood, Warners will have three on Broadway next week.

WANTED

Freelance

Sound Service Men

Must be capable of servicing independent manufacturers' sound equipment. Liberal commissions paid for any sales closed from leads furnished by manufacturers. Send complete details in first letter including territory covered.

BOX BT

MOTION PICTURE DAILY

NOW AVAILABLE
for
Personal Appearances
IN THEATRES
"JAFSIE"
DR. JOHN F. CONDON
The most enigmatic and widely publicized personality in America.
Dr. Condon played his SECOND engagement for E. M. Loew circuit in Lynn, Mass., week of Dec. 13, TO TERRIFIC GROSSES! You can cash in on the tremendous newspaper publicity. NOW.
Wire or write for details
Management of
LESTER LOCKWOOD
City Island, N. Y., N. Y.



"MISTER" HEPBURN . . . TO YOU!


SHE'S A BOY!.. Another
astonishing characterization to delight your patrons . . .
who always expect the unexpected from the screen's
dramatic firebrand . . . See her as a daring, carefree
young fellow, ready for any adventure . . . and as a
breathlessly beautiful woman . . . recklessly in love!
KATHARINE HEPBURN in "SYLVIA SCARLETT"

KATHARINE
HEPBURN
as
SYLVIA
SCARLETT
with
CARY GRANT ★ BRIAN AHERNE
EDMUND GWENN

Directed by George Cukor
Pandro S. Berman Production

Two of the biggest attractions of the year for Christmas and New Year's! —That's RKO-RADIO'S holiday gift to the showmen of America . . . Key city theatres from Coast to Coast are presenting as their greatest of all holiday shows, KATHARINE HEPBURN in SYLVIA SCARLETT, and LILY PONS in I DREAM TOO MUCH * * * Two productions with big ATTRACTION VALUE as well as great ENTERTAINMENT VALUE . . . For instance, that million dollars' worth of publicity showered on Katharine Hepburn when she had her hair cut short to play this role . . . Front page stuff for the newspapers . . . Photos in all the roto sections . . . Stories in all the fan magazines . . . The question on every lip:

*"Wonder how she'll look as a boy," . . . You have the answer . . . in the most amazing role ever played by the screen's most amazing star. * * * And in the Pons picture . . . A SENSATIONAL NEW STAR . . . not only a charming new personality that all fans will love to love . . . but a glorious girl with one of the most wonderful voices in all the world . . . You can depend on rave reviews from your local critics (the New York reviewers went overboard with praise) . . . You can depend on actual APPLAUSE every time you show the picture . . . You can depend on top-bracket business . . . with the picture that held over for two weeks at Radio City Music Hall!*

LILY PONS

in

"I DREAM TOO MUCH". . . . with

HENRY FONDA

ERIC BLORE · OSGOOD PERKINS

Directed by John Cromwell

Pandro S. Berman Production

Music by

JEROME KERN

Composer of "Roberta"



LILY PONS *in Jerome Kern's* "I DREAM TOO MUCH"

WHAT A GLORIOUS GIFT TO THE WORLD! . . *the liquid gold of a magic voice . . . pouring forth from the screen the gay and glowing melodies of four popular song hits . . . in a dream of romance set to the soul-stirring music of*

JEROME KERN

composer of "Roberta"





"JOCKEY ON THE CARROUSEL"



"I'M THE ECHO"



"I'VE GOT LOVE"



"I DREAM TOO MUCH"

RKO-RADIO PICTURES

GIGANTIC COAST TO COAST AD CAMPAIGN IN LOCAL NEWSPAPERS TO ANNOUNCE XMAS AND NEW YEAR'S OPENINGS OF LILY PONS IN "I DREAM TOO MUCH"

★

Sensational Big-Space Ads In Papers Totaling Millions in Circulation To Run In Key Cities —Ads To Carry Theatre Date-Lines

★

Smash announcements! . . . Full pages . . . three-quarter pages . . . half pages . . . quarter pages . . . *double trucks* . . . blanketing the nation to jam the theatres playing Lily Pons in "I Dream Too Much" . . . Great big, punch-packed ads in newspapers from Coast to Coast.

Ads geared to the gaiety of the season . . . Tuned to the theatre-going spirit of holiday crowds . . . Aimed straight at the heart of folks who are looking for a REAL EVENT for their holiday entertainment.

A campaign urging fans to "OPEN YOUR HEART THIS CHRISTMAS OR NEW YEAR'S TO A SOUL ABLAZE WITH SONG!" . . . Heralding in showman's headlines, copy and layout the arrival of a sensational new screen star . . . and each ad carrying the local theatre date-line!

A mighty mass attack of *paid newspaper advertising!* . . . Big guns booming their barrage in the key spots . . . the thunder of their seat-selling smash working for theatres lucky enough to have holiday dates for the screen's new star of stars . . . and making all America talk about "I Dream Too Much" for months to come!

Advertising weight alone enough to assure sensational openings everywhere . . . for a picture destined for long runs and record attendance wherever it plays!

★

—THAT'S RKO-RADIO'S REAL HOLIDAY GIFT TO THE SHOWMEN OF AMERICA!

Demands for Change Being Met—Thalberg

(Continued from page 1)

the average public intelligence. The cold, box-office figures of the past two years prove that fact conclusively.

Formula stories, which have formed the great bulk of the untold thousands of pictures produced during the past decade, no longer will suffice. The so-called average picture no longer will do even average business. It takes an important picture to interest those who are now shopping for their entertainment — important stories played by important stars.

There are some 20,000,000 adults in the United States today who have graduated from high school during the past two decades.

Those 20,000,000 no longer can be lured through the doors of the country's theatres by mediocre attractions. They want intelligent, exciting entertainment for their money.

I do not mean that every picture will have to be based on one of the classics. By the same token the fact that a story has become a classic should not, and will not, keep it from the screen.

Many of the classics would not make exciting motion pictures and are not suited for the medium. Others are ideal.

I feel certain that 1936-37 will see a greater number of important pictures produced than during any other similar period and I am just as certain that there will be fewer of formula variety than in the past. And it will be the finest thing that could happen to the industry.

Fox Lets Right Hand Know About His Left

(Continued from page 1)

tate, credits due and maturing from American Tri-Ergon Corp. and other considerations sold in another block for $250,000, while a block of capital shares of Fox Chicago Realty Corp. brought another $5,000.

The sale was conducted by Paul M. Salsburg, president of the Atlantic County Bar Ass'n., as agent for All-Continent designated by former Circuit Judge Clarence L. Cole of this city. The latter declined to name whom he represented.

The All-Continent bidder, who declined to identify himself, was not opposed by any other bidder. Attendants at the auction characterized the prices as "a steal" and speculated as to reasons why the lone bidder did not hold his offers down to half the amount paid. No money or checks changed hands at the public sale, which led to the belief among those present that All-Continent would merely exchange the debts owed it by Fox for title to the securities it had bid in at the auction. It was assumed that Fox's indebtedness to All-Continent, thus, was in the neighborhood of $855,000.

Seek Fox Quiz Jan. 6

Federal Judge William Bondy yesterday took under consideration an order directing William Fox to submit to examination on his financial status, to be conducted Jan. 6, in Toronto, by attorneys for the Capital Co., a San Francisco theatre holding company which holds an unsatisfied $297,000 judgment against Fox, based on a theatre lease. Fox, who has been cited for contempt of court by Judge Bondy for failure to answer a subpoena served on him some time ago by Standard, may purge himself of the contempt citation by complying with the terms of the order as they may be when signed by the court.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Riffraff"

(M-G-M)

Hollywood, Dec. 19.—There's a lot of entertainment in this and just as many good selling angles. With a lusty comedy beginning it opens with as much hectic excitement as a bunch of exploding fireworks. It slows down in the middle when turning tensely dramatic and winds up with a real human interest sock. The action is vivid; dialogue sharp and pointed. Both qualities are exactly what would be expected from hardboiled waterfront fisher folk, the characters with which "Riffraff" deals.

Jean Harlow is queen of the canneries; Spencer Tracy the best of the tuna fishermen. Each is that way about the other, but both demonstrate their affection by trying to show which is the bigger heel. Tracy, settling a strike, marries Jean and then gets delusions of grandeur. Turning labor agitator, he is bounced from the union and fired by boss Joseph Calleia, who has a yen for Miss Harlow.

Running out on his wife, he hits the hobo jungle camps. Miss Harlow returns to the waterfront hovel of her father, Roger Imhof, and her sister, Una Merkel. Jailed for a theft which she had hoped would help Tracy, she escapes after her baby is born. Jean and Tracy both return to the waterfront at the same time. Through the kindness of J. Farrell McDonald Tracy gets a job as watchman on an oil tanker and makes a hero of himself frustrating a "Red" plot to dynamite the ship. Brought together with Jean, who has been in hiding, he is delighted with his child and happy that she must return to the pen, after which both can make a fresh start.

Tracy and Miss Harlow are glove-fitting in their respective roles and are aided by excellent comedy and dramatic support accorded by Calleia, Miss Merkel, Imhof, Mickey Rooney, McDonald, Paul Hurst and Vinc Barnett.

The picture is based on a story by Frances Marion and is done in her colorful style. She collaborated with F. W. Haneman and Anita Loos on the preparation of the punchy screen play. J. Walter Rubens' direction assures that where vigorous, meaty, but human, entertainment is appreciated "Riffraff" should place.

Production Code Seal No. 1,768. Running time, 90 minutes. "G."

Budd Rogers or Fier May Succeed Golden

(Continued from page 1)

been general sales manager for M. H. Hoffman's company. Fier has been with Nat Levine for some time representing the producer in the sales field. Levine has replaced Trem Carr, former production head of Republic and who sold his interest in the company earlier in the week.

Golden's resignation becomes effective tomorrow. He is understood set on another affiliation, but will probably take a vacation before taking up new duties.

Johnston could not be reached yesterday.

Fairbanks Named

Hollywood, Dec. 19.—Robert Fairbanks today was officially named studio manager of the Twentieth Century-Fox Westwood studio. Various executives have managed the studio since the resignation of J. J. Gain.

Film Cycles Over, Sears Tells Staff

(Continued from page 1)

an example of no repetition of any one idea can be found in the 14 top Warner pictures to be released within the next four months," Sears declared.

In order of release, the films are "Dangerous," "Captain Blood," "Ceiling Zero," "Petrified Forest," "The Story of Louis Pasteur," "Colleen," "The Singing Kid," "Anthony Adverse," "Sons O' Guns," "Charge of the Light Brigade," "Green Pastures," "Hearts Divided," "Walking Dead," and "Over the Wall."

"The whole industry can be proud of itself for its handling of musicals," Sears added.

"Today the public is not surfeited with musicals which are here to stay." He gives as his reason the fact that about eight are released a season, or on an average of one every six weeks, which, Sears holds, gives theatres a chance to vary and balance programs.

Sears conducted individual sessions today with District Manager Carl Leserman and branch heads. S. Charles Einfeld, advertising, publicity and exploitation director, conferred with the men last night. Discussions were held tonight on the program for the next six months.

Sears, Norman H. Moray, Leserman and Einfeld plan to fly to Chicago tomorrow for talks with B. & K. officials. They will return to New York on Monday.

Ascap's Rates As Is Under Proposed Deal

(Continued from page 1)

five years for exhibitors accepting the long term pacts is offered by Ascap by way of a compensating benefit for loss of the Warner music, variously estimated to comprise from 15 to 20 per cent of the Ascap active catalogue. The five-year pacts to be offered could be canceled by exhibitors on one year's notice.

Heretofore, the Ascap contracts with exhibitors have been for one-year periods and have been automatically renewable unless canceled by either party.

The renewal of the publishers' memberships for five years includes the music companies controlled by M-G-M, Paramount and Fox, in fact all of the Ascap members with the exception of the retiring Warner companies. The action also marks the withdrawal of a number of publishing companies from their position of seeking a one-year renewal of their Ascap membership, which was believed to have been for the purpose of observing the results obtained by Warners from independent licensing. The holdouts, included Leo Feist, Robbins, Irving Berlin, E. B. Marks, Carl Fischer and G. Schirmer.

Jack Bregman of Robbins was elected an Ascap director at yesterday's board meeting, filling the vacancy created by the resignation of Herman Starr, Warner vice-president. This gives M-G-M its second representative on the Ascap board, Jack Robbins being the other.

KRS Booking Ban Off Until Jan. 21

(Continued from page 1)

members that they are at liberty to book at will until the January hearing.

The action was heard in Chancery Court before Justice Eve with Sir Patrick Hastings appearing for the plaintiffs. He asked an injunction against K.R.S. and 30 individual firms to restrain them "from directly or indirectly preventing the members booking films to the plaintiffs" for the three London theatres controlled by H. & G. Kinemas, Ltd., which are the hub of the controversy. The plaintiffs are charging the K.R.S. with restraining trade and that each and all of them were using unlawful means to prevent films from reaching theatres.

B. Morton, K.C., appearing for the defendants, said the plaintiffs had filed evidence only on Wednesday and that he had had no time to prepare his answer. He added that his clients, for reasons which would be put in evidence, had not been supplying the disputed theatres with product since October.

A. J. Gale and Phil Hyams of H. and G. Kinemas, were accepted as agents empowered to make bookings under the respite until Jan. 21.

Mayer to Leave Tuesday

Louis B. Mayer and Howard Strickling plan to leave for the coast next Tuesday.

"KING OF BURLESQUE"

IS IT A DRAMA?

IS IT A COMEDY?

IS IT A MUSICAL?

IS IT A GIRL SHOW?

IS IT A SPECTACLE?

We have all the answers, but this picture has so much of everything you can't classify it — except as . . .

"THE KING OF SHOWS WITH THE KING OF CASTS!"

A FOX PICTURE

Darryl F. Zanuck in charge of production

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

See MOTION PICTURE HERALD OF DEC. 21st AND KNOW HOW BIG IT IS! *(Even the six-page ad can't half do it justice!)*

Optimism Is Highlight of Ampa's Party

(*Continued from page* 1)

all the tickets had been sold. Tables yesterday were arranged in balconies. Crowds stood outside and tried to argue their way into the Astor ballroom. Not more than half a dozen of the industry leaders and stage and screen figures who had promised to attend failed to do so.

The party, as usual, was held by Ampa and the *Film Daily* Relief Fund.

The entertainment was wisely arranged so that it preceded the speaking. Ralph Stone's radio orchestra played for a half hour, with solos by Verna Carega and Frances Nola, and songs from Donald Heywood's vocal orchestra of colored singers.

Gordon S. White, Ampa president, sounded a keynote when he said the party "reflected the gathering momentum of prosperity" before he introduced Jack Alicoate as toastmaster.

Alicoate went right at the job and said that "lest there be some misunderstanding about the fact that those present had work to do and because the place was bulging with stage and screen and industry personalities" they would be limited to three minutes each with a whistle when they had 30 seconds to go and a gong when their time was up. Lew Lehr was the only one to get the whistle and just missed the gong.

Tony Sarg Is First

Tony Sarg was presented first because he "exemplified the spirit of Christmas."

Sarg admitted that he does the industry a service each year by staging the Macy parade, a newsreel feature.

Alicoate eyed the list of celebrities on his left and began talking about Lee Shubert's "meal ticket," a "promising young man who was still promising to pay him $360 he had owed him since the Army-Notre Dame game."

Howard Dietz responded by pointing out what a pleasure it was to do that kind of business with a Gentile.

Many hundreds had received relief from the *Film Daily* Relief Fund, he said, "and many hundreds more were clamoring every day for relief from the *Film Daily*.

"The *Film Daily* has been an institution in this industry ever since I have been in it," he went on. "In fact, the industry has been an institution ever since I have been in it. The *Film Daily* started as *Wid's Weekly* many years ago with three pages of news and one page of advertising and now Alicoate had built it up to three pages

(*Continued in column* 4)

At Ampa's Christmas Party



Gordon S. White, Jack Alicoate and Adolph Zukor.



Martin Quigley and Lily Pons.



Eddie Dowling, M. H. Aylesworth and Will H. Hays.



Lew Lehr, Margot Grahame and Arthur M. Loew.



Arthur A. Lee, Harry H. Thomas and Harry M. Goetz.

of advertising and one page of news, and most of that news is about an impending golf tournament. It has an ABC circulation—Alicoate's Big Count.

"And there's another daily in the field—MOTION PICTURE DAILY—edited by a man whose name sounds like an Indian's whazzis—Red Kann. It's the same thing in different type. It has a great circulation manager. He sends the paper wherever you happen to be—Palm Beach, Hollywood, Atlantic City, Europe. He never takes the names off the list and the paper is forwarded. I get about seven MOTION PICTURE DAILIES a day."

"If Goethe was right that a man can express only that which is within himself," Alicoate retorted when Dietz had finished, "Dietz must be full of applesauce, sawdust and bologna."

Zuckor Gets Ovation

Martin Quigley was introduced as the dean of trade publishers.

"He's not as old as he looks," Alicoate explained; "it's only because he is serious."

"This annual event is a highlight of the year's activities in the industry," Quigley said. "It is to me a definite expression of a remarkably fine side of this industry. The *Film Daily* Relief Fund is to me a recognition of the fact that attainment of major and minor success must be attended by an element of luck. For those who have not had this luck the fund goes to their aid. For those who have a share in extending this aid it is a satisfying experience."

Alicoate dropped his banter in introducing the next speaker.

"If a man's riches can be measured by the number of friends he has," he said, "the man I am about to present to you is the richest man in this business. I present Adolph Zukor."

Zukor arose and bowed and received an extended ovation.

Lew Lehr tried his speech both ways —in his famous dialect and in his best Manhattanese. He was right in the middle of a story when the whistle blew, but it did no good.

Nizer in Good Form

Louis Nizer was in splendid oratorical form. He likened the party to a Christmas tree where the industry hangs its heart each year and recited a number of cases where the *Film Daily* Relief Fund had brought comfort to those in need during the year. He rendered an accounting, he said, "without cold figures and statistics."

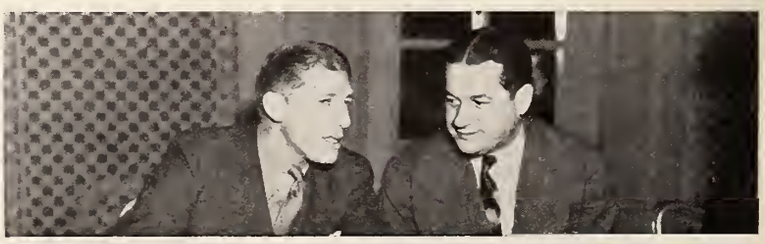
Councilman-elect Charles C. Pettijohn of Harrison, N. Y., explained how he managed Alicoate's campaign last year and Alicoate lost.

"This year," he went on, "Alicoate was my manager and I won. That shows Alicoate's a poor candidate and I'm a good manager, and also a good candidate in spite of a bad manager. I can't explain it, because the women vote in Harrison. I see my boss here and also the chairman of our

(*Continued on page* 14)



Maria Gambarelli, Earle W. Hammons and Charles C. Pettijohn.



Howard Dietz and Arthur W. Kelly.


9000 Attend Townsend Plan Rally
THE CLEVELA
TOWNSEND IDEA GAINING FAST IN VOTE DRIVE
Becomes Major Political Threat in Two Years; Spreads Rapidly in South
$200 A MONTH
TOWNSEND OLD-AGE PLAN
SEE THE NEW MARCH OF TIME
TOWNSENDITES OPEN NEW DRIVE
Seek to Convert Legislators to Plan; Deny Hookup
DR. TOWNSEND RAPS PARTIES
Pleads for End of Political Lines in Providing Social Security
ASHTABULA, O., Nov. 23—Presi-
Franklin D. Roosevelt must
Townsend Pension Plan
DOPE SMUGGLERS CAPTURED!
SEE THE NEW MARCH OF TIME
NARCOTIC SELLERS CAPTURED IN SOUTH
Federal Agents Seize 14 Men
and $75,600 in Heroin in New Orleans.
ALLEGED LEADER OF BIG NARCOTIC RING BROUGHT IN
Capture of Baldo Pausina
Climax to 13 Arrests, Dope Seizure
WIDESPREAD RAIDS NET 13 ARRESTS ON NARCOTIC CHARGES
Men Held May Include Suspects on Many Charges, Police
Coast Guardsmen Seize Alleged Dope Ring
CHINESE BATTLE INVADING TROOPS
Fighting is Reported
Manchukuoan
Forces in Kuyu
PEIPING RIOTERS
2,000 Students Assail
Police
by Autonomists
ORT GUN-RUNNING PLOT
Planned to Help Upset th
ernment of Honduras,
It is Alleged.
JAPS MASS FOR
GRAB IN CHINA
TROOPS READY
BRITAIN WARNS JAPAN ON CHINA
Hoare Tells Commons Tokyo
May Lose Prestige of World
Aggression.
NANKING SENDS 'AUTONOMY' BID TO NORTH CHINA
Minister of War Arrives in Hopeh in a Move to Balk Japanese Plans.
VIRTUAL INDEPENDENCE
Governor Suddenly Recovers
CHINA-JAPAN CRISIS!
SEE THE NEW MARCH OF TIME
NOTICE TO ALL THEATRE EMPLOYES
We will play the new MARCH OF TIME No.9 shortly. Exploitation possibilities this month are better than ever. And this theatre is going to sell it harder than ever!
One episode in the new issue covers the Townsend Plan. So keen is the interest in this that Townsendites around town are already clamouring to see it... Remember the grosses we had on the G-Men pictures! This March of Time tells a true story of the Secret Service smashing the biggest dope ring in history... And as for the Japan-China crisis! Watch the front page of any paper any day!
Between now and the time MARCH OF TIME No. 9 is played, will employees please call it to the attention of patrons whenever possible. They will be interested and it will mean box-office to the theatre.
THE MANAGEMENT

Sam Briskin Radio's New Studio Head

(Continued from page 1)

City on Dec. 26 for the coast. McDonough will leave for Hollywood tomorrow.

Entrance of Briskin into the company is regarded in line with the company's plans to add manpower. He has already conferred with McDonough here. The duties of both men will be defined by Spitz during his fortnight's stay on the coast.

Briskin will not produce himself under his new assignment, but will most likely act as general manager, while McDonough will assume the assignment of executive head.

Production plans for the balance of this and the first part of next season's program will be discussed by Spitz, Briskin and McDonough when the three meet at the studios next week.

Block Was Re-registered

Percy N. Furber, president of Trans-Lux Daylight Picture Screen Corp., denies his company has filed application with the SEC to register a new block of shares, as reported in MOTION PICTURE DAILY on Dec. 3 from its Washington bureau.

"Under the name of Rowe and Co., Archie M. Andrews had deposited in the Central Hanover Bank and Trust Co., 168,852 shares and these were purchased in February of this year—68,000 shares being purchased by our company and the balance by private individuals," he declares. "Owing to the uncertainty of what the new regulations created by the SEC meant, our board at first decided to cancel the 68,000 shares purchased and so notified the Curb Exchange, but at a later date when the SEC regulations were made a little clearer our board decided to merely put the stock back into the treasury. Before doing this, however, we had to request the Curb Exchange to re-register the 68,000 shares and the SEC had to approve of the registration, which was done. Your statement mentions 60,000 shares and that they are in addition to the 785,160 shares already registered, whereas it is 68,000 shares and only a part of the 785,160."

Furber also states Leslie E. Thompson, president of the Trans-Lux Movies Corp., does not participate in the profits of the company, as reported. Faulty telegraphic transmission was responsible for the latter error.

Grainger to Hollywood

James R. Grainger, general sales manager of Universal, yesterday left with Mrs. Grainger for Hollywood on his decade-old custom of spending the holidays with his son, Edmund. He expects to spend a week at the studio after the first of the year on the balance of the company's current schedule and preliminary discussions on the 1936-37 program.

No Change at the Roxy

Notwithstanding the death of Sydney S. Cohen, there will be no change in the management of the Roxy, Howard S. Cullman, trustee, states. Cohen was a partner in Artco, which has a management contract with Cullman, and also had been an advisor to the bondholders' protective committee.

M-G-M Re-Signs Three

HOLLYWOOD, Dec. 18.—Nelson Eddy, Jean Harlow and Robert Taylor have new M-G-M contracts.

Penn MPTO to Stay In Spite of Merger

(Continued from page 1)

among officers elected today and all are Philadelphians except one. The M.P.T.O. unit will continue its charter with affiliate members upstate, although it may lose some city support.

Officers named by the new unit today were: president, Charles Segall; vice-presidents, Harry Fried and Ray O'Rourke; treasurer, Dave Milgram; secretary, George P. Aarons; board of managers, Morris Wax, chairman; William Butler, Columbus Stamper, Herbert Elliott, Harry Fried, David A. Barrist, O'Rourke, Milgram, Leo Posel, David Shapiro, Samuel Somerson, Ray Schwartz, Mike Lessy, Abe Sablosky, Luke Gring, Milton Rogasner, Ben Fartel, George Cravenstein, Joseph Conway, Ed Jeffries and Harold Cohen.

Papers Drop Game Ads

NEW ORLEANS, Dec. 19.—All four daily newspapers here, following the lead of the *Times Picayune*, have refused to insert Bank Night, Buck Night or other chance game phrases in theatre advertising, claiming it is violation of Federal law.

Exhibitor Wins in Anti-Trust Action

(Continued from page 1)

ing a sealed verdict after 12 hours of deliberation.

The defendants were: M-G-M, Columbia, Vitagraph, Universal, Fox, Educational, United Artists and RKO. Friedman had alleged the defendants had conspired against him in restraint of trade by withholding film service from his theatres in Sharon and Farrell. He contended the Pittsburgh Film Board of Trade referred the matter to a board of arbitration, which decided against him. He contended the arbitration clause in the standard contract he signed was illegal. He contended he was compelled to quit business when the distributors stopped his film supply.

Picquet Sets Jan. 26-27

PINEHURST, N. C., Dec. 19.—Charles W. Picquet, president of the Theatre Owners of North and South Carolina, Inc., has again set back his annual convention to Jan. 26-27. New York executives are expected, but Picquet figures the original date of Jan. 12 conflicts with the dinner-dance planned by the Variety Club of Philadelphia.

Optimism Is Highlight of Big Ampa Christmas Party

(Continued from page 12)

finance committee, so I want to make it clear right now that my salary as councilman is nothing a year. They can remember that in figuring out the expenses for the next 12 months.

Harry Hershfield said he knew he would be called to talk only to the men "who were not working." He was referring to the disappearance of many of the diners.

Eddie Dowling, the last speaker, made a plea for tolerance as the exemplification of the spirit of Christmas.

Among those on the dais were: Tom Hamlin, H. J. Yates, Arthur Loew, Margot Grahame, Louis K. Sidney, Ed Sullivan, Martin Quigley, Arthur Lee, Eddie Dowling, Adolph Zukor, Harry Hershfield, Arthur W. Kelly, Howard Dietz, Jay Emanuel, John Flinn, Pete Woodhull, Lew Lehr, W. Ray Johnston, Charles E. Lewis, Una Merkel, Gambarelli, Lily Pons, C. C. Pettijohn, Will H. Hays, Grover Whalen, Merlin H. Aylesworth, Earle W. Hammons, Gordon White, Louis Nizer, Harry H. Thomas, Harry Goetz, Tony Sarg and Red Kann.



All photos by Cosmo-Sileo.

Clock formation, the group including Lou Irwin, Bob Goldstein, Frank Fay, Herbert R. Ebenstein, Harold Rodner, Joseph H. Moskowitz and Jack Connolly.

Distributors Not to Quit Mexico Field

(Continued from page 1)

ico have adopted an arbitrary policy which is proving the chief stumbling block in the distributors' efforts to resume normal operations. The action of the unions has kept Mexico City offices of the distributors closed since mid-September, despite the contention that only a minority of the organized workers favor a strike and national labor laws in Mexico require a majority vote on a strike.

Pratchett's report, however, offered encouragement on the basis of the Mexican government's willingness to aid in effecting a settlement and for this reason no action is being taken by the distributors on a withdrawal from Mexican operations.

Attending the meeting, which was held at the M.P.P.D.A., were George Weltner, Paramount; Mort Spring, M-G-M; Joseph Seidelman, Columbia; Robert Hawkinson, RKO; C. A. Kirby, Universal; Joseph Hummel and Karl McDonald, Warners; Irving Maas, Twentieth Century-Fox; Thomas Mulrooney, United Artists, and L. J. Wooldridge, Educational.

Pratchett leaves for Philadelphia today to visit a son attending school there and will return to Mexico City shortly.

Bader's Plans Indefinite

Dave Bader, who resigned last week from Universal, stated his immediate plans are indefinite upon his arrival yesterday on the *Georgic* from London. He plans to go to the coast after the first of the year and then back to England.

This year will be the first Christmas he will spend with his family in seven years.

Wall Street

Twentieth-Fox Issues Gain Fractionally

	High	Low	Close	Net Change
Columbia	44¾	44	44	—1½
Consolidated	5¾	5⅜	5¾	+ ¼
Consolidated, pfd.	18¼	18	18	+ ¼
Eastman Kodak	155½	154¾	155½	— ½
Eastman, pfd	158½	158	158½	.....
Loew's, Inc.	52⅛	51⅝	51⅝	— ½
Paramount	9½	9⅜	9⅜	— ⅛
Paramount 1 pfd.	79¼	78	78	—1
Paramount 2 pfd.	11½	11⅜	11⅜	— ⅜
Pathe Film	7½	6¾	7¼	+ ⅜
RKO	5⅜	5⅛	5⅛	— ⅛
20th Century-Fox.	24⅞	24⅛	24¾	+ ¾
20th Century, pfd.	33⅛	32½	33	+ ¼
Warner Bros.	9⅞	9⅝	9¾	.....

Little Curb Change

	High	Low	Close	Net Change
Technicolor	17¾	17¼	17¼	— ⅝
Trans-Lux	3⅝	3⅝	3⅝	.....

RKO Bonds Regain 2 Points

	High	Low	Close	Net Change
General Theatre 6s '40	18¾	18⅝	18⅝	— ¼
General Theatre 6s '40 ctf	18½	18¼	18½	— ½
Keith B. F. 6s '46	92½	92½	92½	— ½
Loew's 6s '41 ww deb rights	103⅞	103¾	103⅞	.....
Paramount Pict. 6s '55	91¾	90⅝	90⅝	—1⅛
RKO 6s '41 pp	75	73	75	+2
Warner Bros. 6s '39 wd	87½	86¾	87	— ¾

(Quotations at close of Dec. 19)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 146 NEW YORK, SATURDAY, DECEMBER 21, 1935 TEN CENTS

New Hammond Sound Device Gets Patents

Has 24; More Expected; Film Use Aimed At

MAGNOLIA, Mass., Dec. 20.—Twenty-four patents have already been been awarded on his new dynamic multiplier sound system and seven or eight more are anticipated, John Hays Hammond, Jr., told MOTION PICTURE DAILY this afternoon at his home here.

The sale to Atlas of RCA holdings in RKO may change plans for marketing the device in the film industry. Hammond is a director of RCA, which has leased the device for use in the new D22 type phonograph.

Ownership and other rights remain with Hammond, who is a son of the famous mining engineer.

This sound system, on which Ham-

(*Continued on page 4*)

Court Orders Fox To Answer Queries

An order requiring William Fox to submit to oral examination as to his financial status on Jan. 6 was signed yesterday by Federal Judge William Bondy on the application of the Capital Corp. of San Francisco, which holds an unsatisfied $297,000 judgment against Fox.

The examination may take place at Toronto, where Fox is now said to be under medical attention, or at any other place mutually agreeable to the attorneys involved. Fox has been cited for contempt of court for failure to answer a subpoena served on him by the Capital Corp., but may purge himself of the citation by appearing for examination on Jan. 6. If he fails to do this, sentence for contempt will be designated by the court, it was said.

At Atlantic City on Thursday title to negotiable assets owned by Fox passed to All-Continent Corp., which is controlled by Mrs. Fox, at a public auction, for $855,000.

Budd Rogers Named

Budd Rogers, former sales manager of Liberty prior to the the company's amalgamation with Republic, yesterday was named general sales manager of the latter organization to succeed Edward A. Golden who steps out today.

Basson Choice Means Pushing Union Merger

Local 306 Head Had This As Campaign Issue

Sweeping endorsement of Joseph D. Basson's administration at the election of Local 306 Wednesday means early action on amalgamation of the three operators' unions in the local area, it was stated yesterday. One of the highlights of Basson's election campaign was the promise of quick action on the Allied, Empire and Local 306 merger.

Alex Polin, who competed with Basson for the presidential post, was vehemently against the coalition of unions and so expressed himself in campaign literature.

With the union's endorsement of his policies, Basson plans to get down to work without further delay. Of the 1,850 members, 1,630 voted. This figure is said to be the largest recorded at an election and indicative of renewed interest among members. Frank Pircher won as treasurer in a close contest with James Ambrosio, with 681 votes to Pircher's 733.

The executive board, in addition to

(*Continued on page 4*)

RKO Sets Lineup

Leo Spitz was elected president of RKO Radio Pictures and Sam Briskin vice-president in charge of production at a special meeting of the company's board yesterday. J. R. McDonough, who has held the presidential post, has been named executive vice-president.

The Briskin post is a newly created one and in line with the company's plans to add manpower where feasible.

Officers continuing in their executive positions are M. H. Aylesworth, chairman of the board; Ned E. Depinet, vice-president, and B. B. Kahane, vice-president.

***Motion Picture Daily* exclusively reported these changes yesterday.**

Money Glut Causes Heavy English Bid

By BRUCE ALLAN

LONDON, Dec. 12.—Illustrating the glut of money at present available for investment in the U. K., the applications for an issue of 325,000 preference £1 shares at a premium of 2/- in National Provincial Cinemas, Ltd., amounted to £8,000,000. The

(*Continued on page 4*)

See Higher Ideals in' 36; Personality Need Stressed

By JACK L. WARNER
Vice-President of Production, Warners

HOLLYWOOD, Dec. 20. — Coming events cast their shadows before them.



As the end of the year approaches one's thoughts naturally turn toward the new year and the inevitable question, "What will the New Year bring?"

There are no hard and fast rules to guide one in making predictions as to the trend in motion pictures during 1936. News events of the day, topical stories, great economic upheavals, disasters that erupt like volcanos without warning, may en-

(*Continued on page 4*)

By JESSE L. LASKY
President, Pickford-Lasky Productions

I feel that the screen's biggest need today is a fresh crop of engaging personalities, to revitalize it and maintain a firm grip on the public, as well as to achieve another upswing.



I am more interested in discovering and developing new talent than in anything else. I believe that through our new company we will be able to carry out this ambition, and I am keener in my enthusiasm than ever before.

Ascap Trial Is Taken Off Court's List

Future Moves Believed To Be Indefinite

The Government's anti-trust suit against Ascap was marked off the Federal court calendar yesterday subject to reinstatement on notice to the defendants.

As stated in MOTION PICTURE DAILY of Dec. 18, this action does not mean the abandonment of the case by the Government, but is interpreted in some legal quarters as indicating that the Attorney General's office may drop the case unless new developments in the near future impel its continuance.

The withdrawal of the Warner music subsidiaries from Ascap, effective Jan. 1, is believed to have influenced the Federal action and, if the

(*Continued on page 4*)

First Pix Theatre Open; Plan Others

With the opening of the first Pix theatre in White Plains recently, plans are under way to expand in suburban territories, John Clarke, president of Pix Theatres, Inc., stated yesterday. Several units are contemplated in the local area, but no definite sites have been selected.

"The reaction of the first Pix unit has been excellent," Clarke said, "and we intend to feel our way before making further moves."

All Pix units will seat 300, Clarke stated. In the White Plains theatre, RCA apparatus and an air conditioning system have been installed. E. S. C. Coppock, general manager of Pix, is managing the first unit with L. D. Macgonigal as assistant.

"Our theory is that there is a place for a small high grade theatre, even if it plays second and third run," the president of the company asserted. Parking space is provided at the first theatre, located at 355 Mamaroneck Ave. Admission prices are 35 cents for afternoons and 55 cents evenings.

"U" Deal Nears

Chicago, Dec. 20.—James R. Grainger, Universal distribution head, en route to the coast, said here today the Universal deal with the Standard Capital-Charles R. Rogers syndicate will be closed soon after Jan. 1.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 38 December 21, 1935 No. 146

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues; *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Registration Asked On Columbia Issues

WASHINGTON, Dec. 20.—The Securities and Exchange Commission announced today the receipt of applications from Harry Cohn et al, voting trustees on the New York Stock Exchange of 135,000 voting trust certificates for no par Columbia common and a like amount of no par common, to be registered on notice of issuance, and from Columbia Pictures for registration of 75,000 shares no par $2.75 preferred convertible stock, all issued.

Columbia also filed an application for registration on the New York Curb Exchange for 135,000 shares of no par common unissued.

Details of the company, together with salaries and holdings of officials, have previously been made public.

Gans to Leff-Meyers

Lou Gans will return to the Leff-Meyers circuit as manager of the Freeman, Bronx, starting New Year's Day. He will replace Murray Pearl, resigned. Gus Birnbaum has been transferred from the Lido to the De Luxe and Mort Allen switches with Birnbaum.

Moon Goes to Radio

Russell Moon yesterday joined RKO Radio and will act as the company's publicity contact at the Rialto for "Fang and Claw," which opens Christmas Day.

Purely Personal

WINFIELD SHEEHAN and wife, MARIA JERITZA, left for Hollywood by train yesterday for an indefinite stay. SHEEHAN said he had nothing to say at the time of his departure about his future plans.

•

FRED BAEHLER of the *Motion Picture Herald* staff was suddenly taken ill with acute appendicitis early yesterday morning and is recovering from an emergency operation at the Polyclinic Hospital.

•

POLLY WALKER, RUDOLF SEIBER and his wife, MARLENE DIETRICH, with their daughter arrived here today on the *Bremen.* Also on the boat is NOEL F. BUSCH of *Time.*

•

JAMES BLAKELEY, Paramount player, arrived yesterday via United Airlines from the Coast. He will spend the holidays with his mother here.

•

NAT LEVINE arrived from Hollywood by air yesterday and went into a huddle immediately with HERBERT J. YATES and W. RAY JOHNSTON.

•

VICTOR J. and MRS. SCHOCHET sail for South America today on the *Western World.*

•

MORT SINGER delayed his departure to Chicago but left yesterday afternoon.

•

Y. FRANK FREEMAN is due back from Atlanta on Sunday.

•

COLE PORTER has left for the coast to join the M-G-M music staff.

•

HARRY RICHMAN will arrive from the coast by plane today.

•

. . . London

REGINALD SMITH of P. D. C. on the sick list.

W. C. JEAPES, new president of the Kinema Veterans, limited to those in the trade in 1903, presented with a chain of office at the annual dinner. It will hang in the trade's convalescent home when the last veteran is dead!

NORMAN FILE, recently in control of United Artists' shorts department, now general manager of Reunion Films.

FRANCIS MEYNELL, publicity chief of U. A., lecturing on Disney to the English-Speaking Union.

ALFRED L. WERKER here to make "His Majesty's Pyjamas" for MAX SCHACH.

DUKE OF KENT, guest of honor at banquet of London & Home Counties Branch of C. E. A.

N. L. MANHEIM planning simultaneous premieres of "Magnificent Obsession" in European capitals and may include Sydney, Australia.

MAX and MRS. MILDER of Warners' planing to Budapest on vacation-business.

JOHN DOWNING confining himself to publicity for Herbert Wilcox Prod., SALLY SUTHERLAND taking over the B. & D. work.

DAVE BADER took a gold watch to New York—presented to him as farewell gift from Universal colleagues.

J. H. RILEY, W. E. chief engineer in London, lectured on sound technique to London and Home Counties Joint Electricity Authority.

Lavarre-Warner Suit Rulings Announced

In connection with a suit for $50,000 damages brought by William Lavarre against Warner Bros. Pictures, Inc., the Appellate Division of the N. Y. Supreme Court handed down two rulings yesterday. In the first decision the court said: "Order denying defendant's motion for summary judgment unanimously affirmed with $20 costs and disbursement charges." In the second decision the court ruled, "Order granting plaintiff's motion for examination before trial of the defendant unanimously modified. The date for examination is to be fixed."

These appeals were taken from orders in the Supreme Court. According to the complaint, Lavarre, who is a novelist and scenario writer, charges that prior to Sept., 1932, he was engaged by the defendant to prepare a story for William Warren entitled "Bedside Manner." He later finished two other stories for production—"The Fated Woman" and "Gambling Lady." He is suing to recover for value of his services for which, he says, he has not been paid.

Consolidated Sued By Du-Art on Pact

A suit for $500,000 damages was filed in Federal Court yesterday by Du-Art Film Laboratories, Inc., and Arthur Gottlieb against Consolidated Film Industries, Inc. The complaint charges that prior to Jan., 1935, the plaintiffs did all of the developing and printing for Universal Pictures Corp. and that in the middle of Dec., 1934, the defendants, conspired with Universal Pictures Corp. to bring about the repudiation of three agreements between the plaintiffs and Universal Pictures Corp.

The complaint further charges that the defendants obtained the work for themselves from Universal. No answer has been filed as yet.

Pep Club Dances

The Paramount Pep Club held its annual dance at the Astor last night when Eugene J. Zukor, president, and other officers were installed. John E. Otterson, Adolph Zukor, H. A. Fortington and other high executives were among the approximately 500 in attendance.

Budd Adlam's orchestra supplied the music. Varied entertainment was part of the evening's program.

Hutchinson Ill

Walter J. Hutchinson, newly appointed head of the Twentieth Century-Fox foreign activities, is confined to his bed by doctor's orders. His return trip to London thus becomes indefinite.

Admit Lambert, Meyers

Major Isaac Lambert, chief counsel for KAO, and his assistant, Robert P. Meyers, yesterday were admitted to the bar of the Federal Court, Southern District of New York.

Casey to New York

HOLLYWOOD, Dec. 20.—Pat Casey left here for New York last night for the Christmas holidays, following the producer-I.A.T.S.E. closed shop negotiations.

Durante Does Book

J. Schnozzle Durante could not tolerate "the jibes and innuendos that were shot at me like poisoned darts from a prairie bowman," so he has written a book. Quite a book.

It has a forewoid, a preface and an introductory, seven songs, six of which start moderato and one allegro moderato, with woids and music by Jimmy Durante, as well as cartoons, pictures, and Durantesque stories.

Most anything can happen these days.

Boston's Giveaway Ban Causing Worry

BOSTON, Dec. 20.—Mayor Mansfield's ban on cash giveaways has exhibitors worried here as well as in surrounding towns. Those outside the city limits fear other mayors may act.

Mayor Mansfield's action is regarded as a result of the recent agitation against Beano which was led by exhibitors.

Amend Pay Night Suit

KANSAS CITY, Dec. 20.—Following dismissal in the Wyandotte County District Court of an order restraining A. L. Dare, operator of the Rosedale, Kansas City, Kan., from giving away $140 under his Pay Night promotion, Elsie Jackson has amended her original petition and the suit becomes one to recover the $140 from Dare and the Rosedale.

Frease Tries Giveaway

SAN FRANCISCO, Dec. 20.—After about a year of fighting off the installation of giveaways Phil Frease, operator of a number of houses in the bay region, has installed Bank Night in his Redwood houses. This makes giveaways practically unanimous in this territory.

Sue Over Bank Night

LINCOLN, NEB., Dec. 20.—The newest Bank Night furore is at Norfolk, Neb. Suit for $225 has been brought by A. F. Kuzelka for a pot which he claims was refused him after he had complied with the rules. The Grand, defendant, says he did not answer in the allotted two and a half minutes.

Puts in Prize Scheme

TAMPA, Dec. 20.—Butler Gore, who recently reopened the Broadway, found the customers wouldn't come in even under a 10c-15c scale without some kind of a prize. He has installed Movie Sweepstakes.

Denver Bans Wheels

DENVER, Dec. 20.—First restrictions on theatre giveaways have been applied by Chief of Police Marland, who has banned wheels for drawing numbers.

J. L. Warner Arrives

Jack L. Warner, Sylvia Sidney, Spyros Skouras and his two nieces arrived from the coast yesterday. Arthur Goldberg, assistant to Leo Spitz, entrained at Chicago and arrived with the party. He will return to the Windy City today.

Short Subjects

"Simple Simon"
(*Celebrity*)

A Simon that is not so simple, but on the contrary the reverse as he is chased about this clever and pleasing effort in the ComiColor cartoon series. The start has Simon angling for a fresh pie with his pet duck from the second story of his rooming house. Discovered, he is thrown out and, while wandering, sees a parade of Mother Goose characters going to a fair. He pauses and samples the wares of a sweets peddler. He has no money and is chased by the owner. At the fair his duck wins a contest and the judges seek the owner who thinks they are after him. Afer more exciting chase he is caught and given the prize money. Colorful, exciting and well-done, this is good entertainment. Production Code Seal No. 1,620. Running time, 8 mins. "G."

"Humpty Dumpty"
(*Celebrity*)

Another of the ComiColor series, this has the same high degree of merit as preceding numbers. With new and clever twists and fitting lyrics it tells of a modern descendant of the famous egg. While it has the usual villain stuff, a new angle is used. There is the romance of two eggs and their billing and cooing on a omelet spoon backgrounded with a dancing chorus of eggs. The villain snatches the heroine and drops her into boiling water where she gets hard boiled. The hero has the same good luck and comes back to annihilate the villain who, falling from the stove, breaks open after being burnt and a collection of skunks issues forth. A worthwhile and genuinely entertaining offering. Previewed without production code seal. Running time, 8 mins. "G."

Warner Upstate Men In a General Shift

Several shifts among Warner New York state managers have been made by M. A. Silver, division head.

Sander Lazar, formerly with the Albany office, has been transferred to the Jamestown district in charge of publicity and exploitation. Jules Curley, from the Philadelphia and Newark theatres, replaces him.

Murray Lafayette, formerly with RKO in New York, is now managing the Lincoln, Troy, replacing William Mattingly, resigned. I. S. Kay, from the American, Troy, has been transferred to the Ritz, Albany, replacing Robert Rosenthal, resigned. Jack Swartout, formerly at the Griswold, Troy, an independent house, gets the American.

Walter League, from Paramount, has replaced Walter McDowell, resigned, at the Palace, Jamestown. Dell Evans, from the Warner New York office, replaces Joe Leese as assistant contact man at Albany. Leese comes to New York. Henry Earle, until recently with the RKO Strand, Syracuse, is now assistant to William Haynes at the Stanley, Utica.

Ricketson Signs Pact

DENVER, Dec. 20.—Rick Ricketson, operating head of Fox Intermountain, has finally signed the five-year contract with National Theatres. He has just returned from a two-week tour of the circuit's theatres.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Ceiling Zero"
(*Warners*)

HOLLYWOOD, Dec. 20.—Here is a film to delight the hearts of showmen. It is swift, telling drama every inch of the way and is given compelling human qualities by a splendid cast. Strong appeal both for men and women is woven into a tale of love at an airport.

James Cagney brings brash gusto to a part of a daredevil pilot and relentless girl chaser. Two men only have his loyalty—Pat O'Brien, superintendent of traffic at the air line, and Stuart Erwin, fellow pilot.

Cagney feigns illness to keep a date with a student flyer, June Travis, sending Erwin in his place. Bad weather closes down, and Erwin, attempting to land with his radio out of commission and the ceiling zero, with a fog hanging on the ground, crashes to a spectacular death. The film ends with Cagney grounded, taking a mail plane against orders, testing new ice breaking equipment and crashing after radioing important information.

O'Brien, warmly human, reaches new heights of audience appeal. Gary Owen, as pilot made dim-witted by a crash, and Isabel Jewell, as the domineering, adoring wife of Erwin, drew individual applause for superb scenes at a preview.

Every supporting part stands out, due to the work of Barton MacLane, Henry Wadsworth, Martha Tibbetts, Craig Reynolds, Richard Purcell, Carlyle Moore, Jr., Addison Richards, Edward Gargan, Robert Light, James Bush and Pat West.

Howard Hawks' direction deserves high praise for its tension, speed and dramatic emphasis. Commander Frank Wead made a brilliant screen play from his play of the same name.

Emphasize the danger-packed exploits of pilots on and off the ground and the romance.

Production Code Seal No. 1,709. Running time, 95 minutes. "G."

Looking 'Em Over

"Fang and Claw"
(*Van Beuren-Radio*)

Always interesting, at times exciting, and produced with an expert knowledge of showmanship values—these are usually the characteristics of Frank Buck's jungle films. This one is no exception. It is excellent child entertainment, and also has a definite appeal for adults, particularly those who have not seen his preceding films.

Buck's future problems as a producer will consist largely in finding new stunts for animals to perform on their native heaths, or is it veldts?

In this one he captures three pythons in three different ways, each more exciting than the preceding one. First he grabs one by the tail and pulls it out of some bushes with the help of his native boys. Then he throws a burlap bag over its head and grabs it by the neck while they tie it on a pole. A second python is shot out of a tree and dropped into a net. A third entwines itself around the head guide and is unwound with plenty of struggling. Buck knows how to build up his scenes.

Tigers are captured in various ways and one is lowered over a cliff. A rhinocerous with an injured ear is operated upon. A crocodile is tied to a pole after much lashing about. In one sequence a tiger pursues a native into his cabin and then up a tree before being shot.

There are the usual comedy touches with bears and monkeys.

Buck's narrative runs through most of the film, with orchestral accompaniment to fill in the silent places and build the effects.

The photography by Nicholas Cavaliere and Harry E. Squire is excellent, and Winston Sharples did a good job on the music.

Production Code Seal No. 0,736. Running time, 68 minutes. "G."

"Curiosity Shop" Here

"The Old Curiosity Shop," produced from a script by Margaret Kennedy and Dexter Fellows, with a new youngster, Elaine Benson, 14 years old, in the lead, will open at the World tomorrow. The scenes were made in the actual locales described by Charles Dickens, it is claimed.

Delay 5 Arbitrations

Five cases scheduled for arbitration at the New York Film Board of Trade were postponed yesterday indefinitely. Four other complaints on last Wednesday's calendar likewise were put over. All have to do with alleged breach of contracts and have been filed by distributors.

Phillips Cuts Trip For St. Louis Case

Louis Phillips, Paramount attorney, is cutting his vacation short and will return from a tropical cruise on Dec. 30. He had expected to return Jan. 6.

Phillips has been working closely with William R. Gentry and Samuel W. Fordyce, St. Louis attorneys, on Paramount's defense in the criminal and equity actions instituted by the Government against Warners, Paramount and RKO in connection with the product situation at the Ambassador, Missouri and New Grand Central in St. Louis.

With the equity case set for hearing before Federal Judge Joseph West Molyneaux of Minneapolis on Jan. 6 in St. Louis, Phillips will return the end of the month, spend a few days in New York working with Austen C. Keough and Irving Cohen, his assistant, on preparations and then leave for the Mound City, probably Jan. 2 or 3, for final conferences with Gentry and Fordyce.

Plan K. C. Benefit

KANSAS CITY, Dec. 20.—Christmas for 2,500 underprivileged children will come Saturday when they see Walt Disney's "Broken Toys," "Music in the Air" and an act from WHB. Santa Clauses are the Kiwanis Club and Loew's Midland.

Give Benefit Shows

CHARLOTTE, Dec. 20.—Charlotte theatres are cooperating with local newspapers in giving benefit performances for the city's unfortunate youngsters. The Carolina and Imperial will each present a special performance Saturday.

Aid Little Theatre Plan

HARTFORD, Dec. 20.—E. M. Loew has donated theatre and films for a toy matinee sponsored by the Little Theatre Saturday morning. Poli Theatres, owners of a building on Main St., are permitting the Little Theatre to use a large room for rehearsals.

Wall Street

Universal Off 2 Points on Board

	High	Low	Close	Net Change
Consolidated	5¾	5½	5½	— ¼
Consolidated, pfd.	18½	18	18⅛	+ ⅛
Eastman Kodak .156	155½	155½	.....	
Eastman, pfd ...158	158	158	— ½	
Loew's, Inc.	51¾	51⅛	51⅛	— ½
Paramount	9½	9⅜	9⅜	.....
Paramount 1 pfd.	77	77	78	—1
Paramount 2 pfd.	11½	11⅜	11⅜	.....
Pathe Film	7⅜	7¼	7¼	.....
RKO	5¼	5	5⅛	.....
20th Century-Fox.	24¾	24	24	— ¾
20th Century, pfd.	33⅜	32½	32½	— ½
Universal, pfd ..	58	58	58	—2
Warner Bros. ..	9⅞	9⅝	9¾	.....

Losses Mark Curb Day

	High	Low	Close	Net Change
Sentry Safety ...	½	½	½	— ⅛
Sonotone	2	2	2	— ⅛
Technicolor	17½	17	17	— ¼
Trans-Lux	3⅝	3½	3⅝	.....

Paramount Bonds Gain 1¼ Points

	High	Low	Close	Net Change
General Theatre 6s '40	18⅞	18⅝	18⅝	.....
Keith B. F. 6s '46	92	92	92	— ¾
Loew's 6s '41 ww deb rights	104½	104¼	104½	+ ⅝
Paramount Pict. 6s '55	91½	90½	91½	+1¼
Warner Bros. 6s '39 wd	87¼	86½	86½	— ½

(Quotations at close of Dec. 20)

Ascap Trial Is Taken Off Court's List

(Continued from page 1)

resignations become permanent, few legal minds see any possibility of a continuation of the trial of the anti-trust charges against the society. However, if the Warner companies renew membership in Ascap within the next few months, the same sources believe that the Government will continue the trial. The official reason given for striking the case from the calendar is that it is being done to provide time in which to complete stipulations of facts which, agreed to by both sides, would shorten the trial if and when it is resumed. However, attorneys for Ascap assert that it should not take more than six weeks to complete the stipulations and postponements of the trial have been taken twice for longer periods without striking the case from the calendar. A good portion of the stipulations has already been completed.

The agreement to strike the case from the calendar was made yesterday at a conference with Federal Judge Henry W. Goddard attended by Arthur Schwartz of the Nathan Burkan law firm, counsel for Ascap, and C. W. Roberts, representing the Attorney General's office.

Warners yesterday stated that the services of "about 50" persons mainly in the professional and arranging departments of the company's music publishing subsidiaries would be dispensed with after Jan. 1 as a result of the Warner resignations from Ascap. It was stated that the move is made necessary by the elimination of the "old-fashioned" methods of song-plugging, "especially on the radio" and the loss of the music publishing companies' Ascap revenue.

The Warner statement added that heads of the music publishing departments affected would be retained, together with certain key men, and that in the future the music publishing enterprises would be conducted as an "independent and self-sustaining business." "Until the new basis on which these companies will be conducted has been firmly established," Warners said, "it is obviously necessary to make all possible retrenchments."

The Warner companies affected are Harms, Inc., M. Witmark & Sons, Remick Music Corp., T. B. Harms Co., and their subsidiaries.

Money Glut Causes Heavy English Bid

(Continued from page 1)

company is a subsidiary of Union Cinema Co., Ltd.

* * *

Members of the Electrical Trades Union closed down production of four films at B.I.P. studio, Elstree, over the week-end, by a lightning strike declared to be due to fear of non-union labor being used to depress wages. A settlement was reached with John Maxwell, and work was resumed.

* * *

Council of the C.E.A. on Dec. 11 had before it the printed draft of the new standard contract for which the exhibitors' body will endeavor to obtain the consent of distributors.

It Happened in K. C.



Warner men greet Jack L. as he passes through Kaycee bound for New York. Front row, left to right: S. Charles Einfeld, Jack Warner, Grad Sears, Norman Moray and New Levi, the latter from Los Angeles. Barely visible is Bill Warner, Kansas City branch manager. Back row, left to right: Allan Glenn, A. W. Schwalberg, E. J. Tilton, Fred Jacks, Pete Stewart and Harry Maislich.

Fourteen Theatres Pool K. C. Giveaway

KANSAS CITY, Dec. 20.—Fourteen independent theatres have entered a pool agreement whereby they will offer $100 in cash giveaways each night under the Sweepstakes plan, beginning sometime within the next week or two. Under the plan, which was designed to meet Fox Midwest competition with Bank Night, the "award" accumulates $100 each night a winner is not present in any of the 14 theatres.

A conference telephone system is being installed and will enable rapid dissemination of the name and address of the winner from the theatre where the drawing is held to the other theatres. Advertising via trailers, handbills, etc., is being worked out, and a special wording will be used in newspapers. Fox Midwest now uses "Special Added Attraction Tonight" to call attention to its Bank Night. Something of this kind will be used by independents. Newspapers are not allowed by postal authorities to print a definite statement regarding a cash giveaway. This gives independents two more units in Kansas City, Mo., than Fox Midwest.

The theatres, listed in the order in which they will conduct the drawing, are the Murray, St. John, Lindbergh, National, State, Admiral, Central, Prospect, Westport, Ritz, Baltis, Strand, Roanoke and Sun.

Pool theatres will not conduct money giveaway promotions other than Sweepstakes after the start, but probably will continue premiums at least until contracts run out.

Goldwyn to Use Rotos

HOLLYWOOD, Dec. 20. — Monroe Greenthal has won Samuel Goldwyn's agreement to use half-page rotogravure ads in 24 newspapers for "Strike Me Pink." The plan is to place the copy for Jan. 12, approximately a week before the film is generally released.

Hollywood Pictures Win Point in Suit

Five judges of the Appellate Division of the N. Y. Supreme Court yesterday handed down a ruling in which motion to consolidate two suits against the Hollywood Pictures Corp. was denied. The judges unanimously affirmed with $20 costs a ruling of the lower court to the same effect. The plaintiffs in one action are Alexander Marks, and Louis Geller, who brought a stockholders' action against Hollywood Pictures Corp., Hollywood Film Exchange, Jack Bellman, Louis Schneider and Samuel Friedman.

In this action the plaintiffs seek to compel the defendant to account to them for their official acts as officers and directors of the defendant corporation. The plaintiffs claim they are owners of 25 per cent of the capital stock of the corporation. In the other action, a stockholders' suit is brought by Jack Bellman, Samuel Friedman and Louis Schneider against Adolph Pollak, Alexander Marks, Louis Geller and Hollywood Pictures Corp. The court ruled that these suits are not to be consolidated as the issues involved are dissimilar. The suits are pending on the Supreme Court calendar.

1,000 Use Sweepstakes

About 1,000 theatres throughout the country are now featuring Movie Sweepstakes, Joe Vergesslich, general manager, states. He recently returned from a tour of the country and holds that more theatres today are playing various games than ever before. William E. Raynor is the New York manager.

Laemmle Coming East

HOLLYWOOD, Dec. 20.—Carl Laemmle will leave for New York the day after Christmas to attend the opening of "The Magnificent Obsession" at the Music Hall Dec. 30. He will arrive in New York Dec. 29, and will stay for several weeks.

Warner Sees Higher Ideals During 1936

(Continued from page 1)

tirely change an established trend in motion pictures.

But, based upon observations of the type of motion pictures and the way they have been received by the public and press during the past year, I venture to say that the trend in 1936 will be toward finer pictures, finer in thought, purpose and production.

Motion pictures themselves, radio, the automobile, the newspapers, have served to spread enlightenment throughout the world to such a degree that the public is ready for bigger and finer screen entertainment.

No longer can anyone use the much-abused saw that the mentality of the public is that of a child of 10. Any producer who attempts to cater to an audience with the mentality of a child of 10 will have a rude awakening when the returns on his pictures are in.

Hammond Patents New Sound Device

(Continued from page 1)

mond has been working for the past eight years, incorporates automatic variation of amplification in parallel with the sound itself, in contrast to the present linear type of amplification which remains at a constant degree, although the subject matter may vary from pianissimo to fortissimo. A second important element excludes parasitical noises which form scratchy sounds as a background at times for most reproduction.

It is held to be of definite value to film recording and also film rejuvenating. When it reaches a stage of development permitting distribution Hammond expects it to be available in a small device costing perhaps no more than $15, which may be attached to present reproducers.

Basson Choice Seen As Pushing Merger

(Continued from page 1)

Basson, Frank J. Ruddock, vice-president, and Herman Gelber, recording secretary, consists of Louis Boritz, Dick Cancelare, Samuel Clare, Steve D'Inzillo, Maxwell Horowitz, Charles Kielburn, Morris Kravietz, Benjamin Sher, Edgar T. Stewart and Harry E. Storin.

Installations will be held Jan. 8 at a place to be designated.

British Showings Gain

WASHINGTON, Dec. 20. — During October the British Board of Film Censors passed 213 films, of which 64 were 3,000 feet or longer and 149 shorter, according to a report to the U. S. Department of Commerce.

This was an increase of 39 pictures over October, 1934. In the latter period, 67 pictures over 3,000 feet in length were passed, and 107 pictures less than that length.

Hartford Indifferent

HARTFORD, Dec. 20.—Theatre managers here do not intend to oppose starting of a FERA theatre project here, because a civic theatre project has been under way for the past six months without hurting business.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 147 NEW YORK, MONDAY, DECEMBER 23, 1935 TEN CENTS

Films Taking Long Stride Forward–Hays

Says Technical, Social Artistic Values Gain

By WILL H. HAYS

Technically, artistically and socially, motion pictures continued, in 1935, the steady advance they undoubtedly will maintain throughout the year ahead. Progress in these things is to be desired, but our chief source of gratification is that motion pictures took a long stride forward in entertainment value, the chief function of this industry.



The business of education principal-

(*Continued on page 7*)

J. M. Seider Again Head of Prudential

WILMINGTON, Dec. 22.—Officers and directors of Prudential Theatres, Inc., have been elected at the first annual meeting at the Hotel Dupont.

They are: President, Joseph M. Seider; vice-president, Leonard Edwards; treasurer, Isadore Seider; secretary, Morris Seider; assistant secretary, Edward Seider. These men also constitute the board.

ASC Voids 5-Year Pact with Studios

HOLLYWOOD, Dec. 22.—A.S.C. executives formally announced the voiding of the five-year pact with studios at two meetings here Friday night, one of first cameramen, the other of second cameramen and still-men. It was predicted A.S.C. would have a closed shop agreement similar to that of the I.A.T.S.E. on first cameramen.

Tax Bills Signed

Columbus, Dec. 22.—Governor Martin L. Davey late Friday signed the three per cent sales tax bill and another bill extending the three per cent admission tax, both of which are in force, to March 1, 1937.

U. S. Says Dropping Ascap Case Merely Postponement

By BERTRAM F. LINZ

WASHINGTON, Dec. 22.—Removal of the Ascap case from the court calendar was said by officials of the Department of Justice today to be due to inability of counsel to agree upon a stipulation and is merely a postponement of the trial.

Lawyers for both sides have been engaged for some time in an attempt to draft a stipulation which would cover the facts in the case, and save the time and expense of putting witnesses on the stand to present such matters.

Inability to come to an agreement is understood to be due in large measure to the uncertainties as to the result of the withdrawal of Warners from the music organization. Officials in Washington denied that the latest action in the case meant that it would be dropped, explaining that delays frequently occur in the preparation of stipulations, the facts of which must be acceptable to both sides.

British Films Feel Decisive Shift in Year

By BRUCE ALLAN

LONDON, Dec. 13.—In a longer retrospect than is at present possible 1935 will probably be seen as one of the decisive years in the stabilization of the British market. It was a period in which many developments reached something like finality and which may have set the pattern for trade events for many years to come. Certainly 1936 offers no immediate prospects of change to compare with those which faced the industry, and particularly the importer, in January, 1935.

In April the maximum obligation which can be imposed on distributors under the existing Films Act came into force in the form of a 20 per cent quota of British films. In October the exhibition quota reached the same figure. There, failing further legislation, the matter will rest until the Act expires in 1938.

Definitely, the serious character of his British film obligation has been realized during 1935 by the American importer. With a British film to sell or to shelve for every four American pictures in his program, he has at last decided that shelving simply will

(*Continued no page 10*)

"Opera" at $36,000 In Its Second Week

Second week of "A Night at the Opera" at the Capitol ended with a nice take of $36,000, despite the pre-holiday slump. "Show Them No Mercy," which tallied $32,500 for the first week, garnered $26,000 in its second at the Rivoli.

United Artists Theatres Corp. will

(*Continued on page 7*)

New Hearing Is Called in Sale Tax Row

The city finance department on Saturday granted the request of the local exchanges for a new hearing on the department's attempts to apply the city sales tax to film rentals and set Jan. 10 for the hearing.

It is understood that at that time attorneys for New York distributors will offer new arguments on why the sales tax should not apply to local exchange revenue derived from theatres in New Jersey, up-state New York and other localities outside the city limits. Arguments have already been made by the exchange men against application of the sales tax to film rentals originating within the city, but no decision has been made yet by the finance department as a result of that hearing. It is believed, however, that the city will hold this revenue to be taxable and distributors are prepared already to appeal the decision.

Thus far the city has levied a complete assessment only against the United Artists exchange and this is being contested by the distributors as a test case. The assessment was for $20,100 and interest and was levied against the entire revenue of the exchange, regardless of whether it originated outside the city limits, and covered a two and one-half months period.

Book Day and Date Despite Protection

KANSAS CITY, Dec. 22.—Fox Midwest's purchase of "prior run protection" based on zones set up by the circuit, does not seem to have done away with day and date booking, particularly on Sunday. It was this that

(*Continued on page 7*)

Legal Battle On Merger of Unions Seen

Independents Seeking to Protect Contracts

Despite pre-election promises made by Joseph D. Basson, president of Local 306, for quick action on amalgamation of Empire, Allied and Local 306, legal moves are reliably reported to be pending which will forestall such an alliance.

Independent circuits holding long term contracts with Empire are understood to be viewing a possible merger with no relish, it is stated. The reason is said to be that benefits under the Empire pacts would be wiped out if that union is permitted to come under dominance of Local 306, an I.A.T.S.E. affiliate.

The several legal actions are reported pending in Kings County

(*Continued on page 7*)

Theatre Men Fight Cocalis Expansion

Irked by Sam Cocalis' theatre building and buying in the last few weeks, Jack W. Springer, Laurence Bolognino, Sam Rinzler, Louis Frisch and Harry Brandt jointly issued a statement Saturday that unless Cocalis stops invading their territories they will build cooperatively against him.

The latest move reported on the part of Cocalis is said to be the closing for a site near Bolognino's Ogden in the Bronx. In rebuttal, Springer, Bolognino, Rinzler, Frisch and Brandt

(*Continued on page 7*)

Weisman Delays His Return from Coast

Milton C. Weisman, who is on the coast conferring with Joseph M. Schenck and A. C. Blumenthal, has extended his stay and will not return until Jan. 2. He was scheduled to arrive from Hollywood late last week.

Weisman is understood to be talking over matters in connection with United Artists Theatres Corp., which controls Metropolitan Playhouses. All sources close to Weisman are silent on the discussions in progress.

No Paper Wednesday

Motion Picture Daily **will not publish on Christmas Day.**

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 23, 1935 No. 147

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Paramount's "Mars" To Be Done in Color

HOLLYWOOD, Dec. 22.—Paramount will film "A Journey to Mars" in color, though the process has not been determined. For some time, Paramount has been experimenting with a new color method. It is understood that, if the process is perfected in time, it will be used. Otherwise the film will be made in Technicolor. John Colton and James Creelman are preparing the story. W. J. Christie of the Mount Wilson Observatory will aid on the technical end.

Pathe Profit $5,608

Profit of Pathe Film Corp., and subsidiaries for the seven-week period to Oct. 5, was $5,608.98, according to the consolidated statement. No dividends were received from Dupont Film during the period.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane, New York
Los Angeles, 510 W. 6th Street, Cal.

Insiders' Outlook

. . . on what they want for Christmas

LEO SPITZ—Subway line to Hollywood.
J. R. MCDONOUGH—A new contract.
M. H. AYLESWORTH—A RKO reorganization plan.
TREM CARR—New republics to conquer.
JACK COHN—New invectives for coast telephone conversations.
J. CHEEVER COWDIN—Universal.
CHARLIE ROGERS—Ditto.
WILLIAM KOENIG—Ditto once more.
JIMMY GRAINGER—More dates on "Magnificent Obsession."
WILLIAM FOX—Assortment of disguises to thwart subpoena servers.
DAVE SARNOFF—That second option lifted by Atlas-Lehman.
SAM GOLDWYN — A simplified speller.
LOUIS B. MAYER—A Republican president.
IRVING THALBERG—Pay dirt in "Good Earth."

▼

HERMAN STARR—Coupla licensing agreements with radio networks.
E. C. MILLS—Coupla new publishers for Ascap.
DAVE PALFREYMAN—New clothes for his reduced chassis.
COLUMBIA—Another Briskin.
EARLE W. HAMMONS—Ditto.
RADIO—Big men and little women.
JOAN CRAWFORD—Roles like Shearer's.
KENNETH MACGOWAN—"Hamlet."
BEN SCHULBERG—Crime and punishment that pay.
MAE WEST—Less contract trouble.

▼

JOHN BOLES—Any chance to sing.
FRANK LLOYD—Pitcairn Island.
ED KUYKENDALL—Some shiny, new local arbitration machinery from distributors.
JOHN E. OTTERSON—Death machine for reporters.
CHARLIE PETTIJOHN—Industry demand for Film Boards.
FRANK KOLBE—Pictures to put Pathe's name on.
PETE WOOD—Passes to affiliated theatres in Ohio.
AL JOLSON—Will Hays.
WILL HAYS—Al Jolson.
JESSE LASKY—A personal star without a foreign accent.
CARL LAEMMLE, JR.—"Yes" from Thalberg.
MARLENE DIETRICH—A trip to Spain.
WINNIE SHEEHAN—"The good old days."
CONNIE BENNETT—More poundage.
PATSY KELLY—Catchup, chili sauce, red peppers and spades.
STAN LAUREL—Yacht harbor in his front yard.
OLIVER HARDY — Diet allowing steaks, pies, candy and ice cream.
PARAMOUNT—New set of bankers?
UNIVERSAL—Peace and quiet.
SIDNEY SKOLSKY—More pills.
JOHNNY JOHNSTON—Appreciation.
JOE SCHENCK—More stock.
DARRYL ZANUCK—Likewise.
WALTER HUTCHINSON—London.
MARY PICKFORD — A publishing plant.
FRED ASTAIRE—Solo starring film.
GINGER ROGERS—Gowns by Schiaparelli, not Frankie Gordon.
CHARLEY CHASE—New crop of good-looking leading women.
HAL ROACH—More polo ponies, new comedy faces, good stories, less double features.

▼

CLAUDETTE COLBERT—A doctor in the house.
JOHN M. STAHL—A stop watch.
GARY COOPER—Physique like Joel McCrea's.
BING CROSBY — Jock Whitney's stable.
BEN KAHANE—A new contract.
JACK WARNER—Bill Koenig.
HUNT STROMBERG — Anti-nervous tablets.
EVERY WRITER—Same as last year: a new plot.
TRUMAN TALLEY, MIKE CLOFINE, AL RICHARDS, CHARLIE FORD, JACK CONNOLLY—Action in East Africa.
WALTER WANGER—Better polo rating.
GEORGE SKOURAS—Junior Skouras in February.
HERSCHEL STUART — Affirmative nod from Leo Spitz.

▼

GEORGE J. SCHAEFER—For the artists to unite on him.
TWENTIETH CENTURY-FOX—Another Mr. and Mrs. Dionne.
UNITED ARTISTS—Modern times.
SOL WURTZEL—More Frank Perretts.
WARNER BAXTER—Mexican accent.
SHIRLEY TEMPLE—Love from Uncle Terry.
VIC MCLAGLEN—Parades for his Light Horse Troop.
CLARK GABLE—More attention from debutantes.
KAY FRANCIS—A new suitor.
FREDDIE BARTHOLOMEW—Mastery of Hollywood lingo.
RUBY KEELER—Singing kids.
M-G-M—A good tale from all cities.
MARGARET SULLAVAN—Vince Barnett's ribbing talent.
DICK POWELL—Soup from Campbell.

▼

ARTHUR W. KELLY—Overages on Chaplin.
CHARLIE CHAPLIN—Concert stage engagements.
SPYROS SKOURAS—Less Chase.
CHARLIE MCCARTHY—Love from Zanuck.
DON MERSEREAU—Subscription to *Esquire*.
LYNN FARNOL—Caribbean cruise.
I.B.E.W.—Confusion to I.A.T.S.E.
MILTON WEISMAN—The Independent Theatre Circuit, Inc.
W. G. VAN SCHMUS—Pictures made especially for the Music Hall.
HARRY BRANDT—Quick recovery for Billy.
JOE MOSKOWITZ—Six months more in Canada.
GEORGE HIRLIMAN—That M-G-M contract.
BOB GOLDSTEIN—Abe Lyman.
FRANK FAY—Barbara.

▼

LOUIS BLUMBERG — Simpler contracts.
HAROLD B. FRANKLIN—Just one more chance.
CHARLIE BUNN—An electric eye that will see.
MILTON SCHWARZWALD — Charlie Ford's approval.
GRAD SEARS—No more Dreaming.
ABE LEHR—Hollywood by Christmas.
UNA MERKEL—Peace and quiet.
HERMAN ROBBINS—No more publicity.
LEP FRIEDMAN—That new apartment.
JACK ALICOATE—$360 from Dietz.
HOWARD DIETZ — More business with Gentiles.
MAURICE MCKENZIE—His health.
SAM KATZ—Another "Broadway Melody."

▼

HARRY BRAND—Letters about Marc Lachmann.
ROXY—Chance to come back.
ARTHUR LEE, GEORGE WEEKS, ABE WAXMAN—Loew dates.
FREDERICK L. HERRON — More quotas.
DICK BARTHELMESS—His play rings once.
BEN HECHT—The smart people in charge.
CHARLIE MACARTHUR—Four stars for "Victoria Regina."
EDDIE SILVERMAN, EMIL STERN—Flyer in production.
ALBERT WARNER—Federation's success.
DAVE BERNSTEIN—Ditto.

▼

HEATHER ANGEL, RALPH FORBES—Refrigerator camping basket.
GENE RAYMOND—Fur-lined driving gloves.
PRESTON FOSTER—A one candlepower toy boat.
ARTHUR LOEW—Optimism in Ben Goetz's report.
HARRY M. WARNER—That Russell Hardy does not recall him to St. Louis Jan. 6.
GEORGE J. SCHAEFER—Ditto.
NED DEPINET—Likewise.
HERMAN STARR—Also.
GRAD SEARS—Me, too.
HARRY C. ARTHUR—More first runs in St. Louis.
JACK PARTINGTON — Bigger, also better, F. & M. shows.
HOWARD S. CULLMAN — Bigger Roxy grosses.
"SPANKY" MCFARLAND—Real auto, real rifle, real tough guy role.
ANN HARDING — A good story break for another holiday.

▼

"WOODY" VAN DYKE—Plenty good cheer.
JEAN HARLOW—Her book in print.
ARTHUR MAYER—That the Rialto opens Wednesday.
LOCAL EXHIBITORS—That Loew's drops doubles and games. RKO, too.
JIMMY DURANTE — One "Jumbo" each year.

(Continued on page 11)

TERRITORIAL SUPPLY DEALERS WANTED

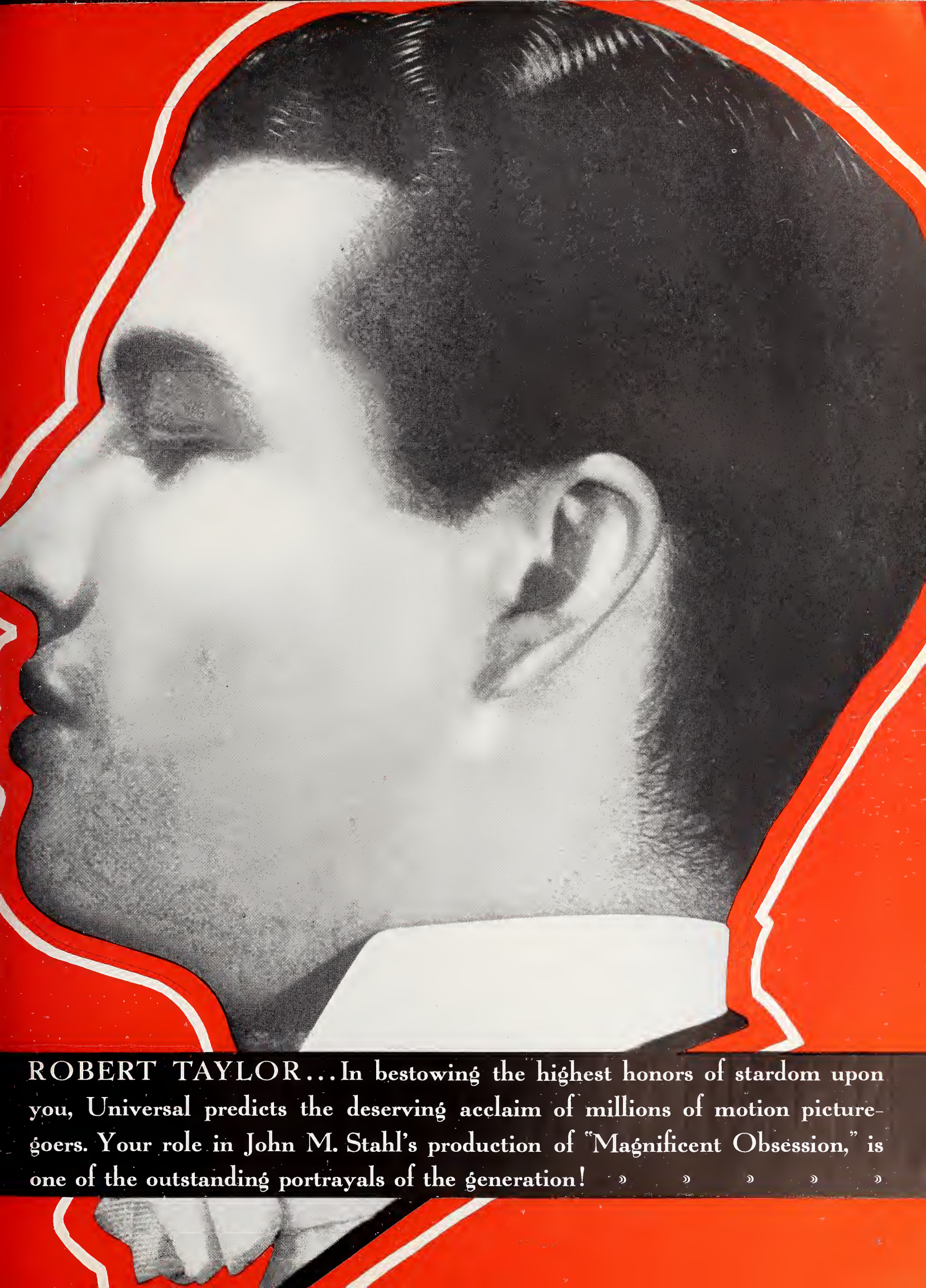
Want to hear from territorial supply dealers who are not affiliated with any other group to represent product of leading independent manufacturers! State everything in full in your reply as to present product representation and number of accounts being serviced.

BOX BT
MOTION PICTURE DAILY


Congratulations!



IRENE DUNNE...The world will clamor at your feet; you will be enshrined in the heart of every motion picture lover. Your performance in John M. Stahl's Universal production, "Magnificent Obsession," will rank as one of the greatest of all time! » » » » » » » »



ROBERT TAYLOR... In bestowing the highest honors of stardom upon you, Universal predicts the deserving acclaim of millions of motion picture-goers. Your role in John M. Stahl's production of "Magnificent Obsession," is one of the outstanding portrayals of the generation! » » » » »

Carl Laemmle
has the honor to present

IRENE DUNNE and
ROBERT TAYLOR in
JOHN M. STAHL'S
PRODUCTION
with

CHARLES BUTTERWORTH
BETTY FURNESS
Arthur Treacher, Ralph Morgan
Henry Armetta, Sara Haden
Beryl Mercer, Cora Sue Collins
Lucien Littlefield, Theodore von Eltz

A UNIVERSAL PICTURE
from the famous best-selling
novel by Lloyd C. Douglas...
[Now in its 40th edition!]

MAGNIFICENT OBSESSION

Screenplay by George O'Neil, Sarah Y. Mason and
Victor Heerman. E. M. Asher, Associate Producer.

Giveaways in Bronx Are Hit By Conviction

Chance games in local theatres met another setback in Special Sessions when three judges in the Bronx found the Tremont guilty of violating the lottery laws. This is the second conviction in county courts, the first having been handed down two months ago against the Winthrop, Brooklyn.

Barnard Zimmetbaum, operator of the Tremont, had been arrested Aug. 16 for featuring "Dough Nite" and distributing cash awards. The case had been pending in Special Sessions until last Friday when District Attorney Samuel J. Foley of the Bronx moved for trial.

Confirming MOTION PICTURE DAILY's story several weeks ago, the district attorney told the three judges that he and the police would "unquestionably bear down on theatre owners who conduct these lotteries." Assistant District Attorney Walter X. Stanton said there were a number of similar cases pending in the Magistrates' Court. Melvin Albert of Weisman, Quinn, Allen & Spett represented the exhibitor.

Sentence on the Tremont will be handed down Jan. 3, following which an appeal will be taken to the Appellate Division. Hearing on the Winthrop appeal is set for Jan. 6.

Several weeks ago Judges Murphy, Noland and Gresson in Manhattan Special Sessions dismissed a Bank Night complaint against Harry Harris' Washington. Assistant District Attorney Goldman in this instance recommended such action, holding at the time that there had been no violation of the lottery laws.

Louis Weber, attorney for Skouras Theatres, recently was successful in having a Bank Night complaint against the Academy of Music thrown out when it came up before Magistrate Anna Kross.

"Opera" at $36,000 In Its Second Week

(Continued from page 1)

depart from its usual price schedule when "Modern Times," Charles Chaplin film, opens the latter part of January at the Rivoli. Orchestra seats will be scaled at 99 cents and the balcony 55 cents for all performances. The house will open at 9 A.M. and close at midnight.

Opening date, tentatively set for Jan. 16, will most likely be put back to Jan. 27. It is expected that the first week's take of the Chaplin picture will better $70,000.

"Broadway Hostess" at the Strand in six days took in about $7,000.

Conn in Control

HOLLYWOOD, Dec. 22. — Maurice Conn has bought Sig Neufeld's half interest in Ambassador Pictures, leaving him sole owner. Production already has started on the Peter B. Kyne story, "Black Gold" with Russell Hopton directing. The cast includes Frankie Darrow, Roy Mason, Berton Churchill.

Review Board Picks Year's 10 Best List

The Committee on Exceptional Photoplays of the National Board of Review has listed the 10 best American features and the 10 best imported films for the year.

The American list includes: "Alice Adams," "Anna Karenina," "David Copperfield," "The Gilded Lily," "The Informer," "Les Miserables," "The Lives of a Bengal Lancer," "Mutiny on the Bounty," "Ruggles of Red Gap" and "Who Killed Cock Robin?"

The imports are: "Chapayev," "Crime et Chatiment," "Le Dernier Millairdaire," "The Man Who Knew too Much," "Marie Chapdelaine," "La Maternelle," "The New Gulliver," "Peasants," "Thunder in the East" and "The Youth of Maxim."

Another list based on popular appeal was made up as follows: "David Copperfield," "Mutiny on the Bounty," "The Informer," "The Lives of a Bengal Lancer," "Top Hat," "A Midsummer Night's Dream," "Naughty Marietta," "Les Miserables," "Anna Karenina" and "Ruggles of Red Gap."

Theatre Men Fight Cocalis Expansion

(Continued from page 1)

have purchased a parcel at 232nd St., in the vicinity of Cocalis' Marble Hill. The joint exhibitor group declares it is prepared to start building when Cocalis begins construction in opposition to the Ogden.

Cocalis some time ago acquired the Riviera, Brooklyn, which had been operated by Randforce. The deal is said to have annoyed Randforce which was negotiating on a new lease. A similar occurrence is reported to have taken place in connection with the Park, Newark, a David Weinstock house. Weinstock is a partner of Brandt and recently filed suit in Chancery. Springer is understood to have been at odds with Cocalis on the Beacon Theatre deal.

Book Day and Date Despite Protection

(Continued from page 1)

E. C. Rhoden gave as the circuit's principal reason for the Fox buying setup this year, to which independents are objecting.

On Dec. 15 three Fox houses—Rockhill, Linwood and Gladstone—showed "The Irish in Us" day and date with four independents. Five independent houses played "Call of the Wild" with the Fox Benton on Dec. 15. "It's a Small World," double billed by all theatres showing it, was shown at the Fox Vista Dec. 15, and on the same date by three independents.

Scarlet Fever Hits Omaha Yule Trade

OMAHA, Dec. 22. — Threats of a blighted Christmas and holiday trade are staring showmen in the face as scarlet fever cases spread over the city.

Health authorities made an appeal to the Ministerial Union to keep down the number of special meetings and church gatherings until the epidemic was brought under control.

The preachers protested at being singled out and asked authorities what they were doing about theatres and stores.

Carl Dreher Again Named Award Judge

HOLLYWOOD, Dec. 22.—Carl Dreher, Radio sound recording director, has been named for a fourth term as chairman of the judges' board for scientific or technical Academy awards by Nathan Levinson, chairman of the Academy Technicians' Branch.

Those appointed to the board are: John Arnold, Farciot Edouart, Harris Ensign, Virgil Miller, William Rudolph, Lloyd Goldsmith, Burton F. Miller, S. J. Twining and Gordon S. Mitchell.

Each studio equipment company and technicians in the industry has been invited to submit nominations for devices, methods or equipment which have been developed during the past year and might be eligible for a scientific or technical achievement award.

Nominations will go before the Academy board for consideration.

Legal Battle Seen On Merger of Unions

(Continued from page 1)

courts and if papers now being prepared are signed they will definitely preclude a merger of the three operators' groups.

Alex Polin, who ran against Basson for the presidency of Local 306, vehemently opposed a merger in his campaign literature. His contention was that the union cannot take care of its own unemployed. Notwithstanding the parceling of work to a number of the men, several hundred members have yet to be given permanent jobs, it is said.

It is figured that both Allied and Empire have a good percentage of men on the unemployed lists and that if the unions were combined such a move would add to the Local 306 unemployed.

Guild Elects Faragoh

HOLLYWOOD, Dec. 22.—Francis Faragoh has been elected vice-president of the Screen Writers' Guild, replacing Nunally Johnson, who was forced to retire due to press of duties.

Sidney Buckman has replaced Harlan Thompson on the guild's board of directors. Thompson retired following elevation to producership at Paramount.

Edwin Justus Mayer has also been elected to the board of directors.

Films Taking Long Stride Forward—Hays

(Continued from page 1)

ly belongs to our schools, although entertainment pictures always are contributing to education by bringing to the doors of the least traveled of our people the great literature and music of the world and the great actors. The least privileged now may know all foreign lands and the ways of other peoples.

The business of religion is chiefly the province of the churches, although frequently motion pictures are made which have exceptional religious value.

The business of social service is principally carried on by many worthy institutions formed for that purpose, although motion pictures, by furnishing relaxation and amusement to the peoples of the nations of the earth, are of vast social service.

For all of this, the essential business of the motion picture industry of today is the production, distribution and exhibition of entertainment. That is the objective for which we constantly must strive. By the success of that effort we must stand or fall.

Therefore, with high hope and confidence we look forward to a future which promises us pictures of constantly increasing entertainment values. They will be of every type and complexion suitable to the screen. They will run the gamut from buoyant comedy to the dramatic heights attained by the great writers and composers. But, whichever and whatever they may be, they will contain the laughter and tears, the calm moments of beauty and the tense moments of suspense which go to make thrills and drama and provide the essential factor entertainment.

New Orleans Picks Up

NEW ORLEANS, Dec. 22. — There are only two dark theatres downtown at present. A year ago there were a number of them. All night clubs are open, three little theatre movements have been started, and neighborhood houses are picking up.

"MARY BURNS, FUGITIVE"
turns in a gross
20 per cent above average
for Saturday--Sunday--Monday
at the
SAENGER THEATRE, NEW ORLEANS.

It Pays to Play a Paramount Picture!

THE PICTURE IS A CINCH SMA

A DASHING GHOST WHO MADE LOVE TO EVERY PRETTY GIRL HE MET!

Overflowing with mirth and surprising situations, this romantic comedy tells the incredible adventures of a ghost who had a way with the ladies.

"REACHING



Wireless to the NEW YORK TIMES

Queen Mary sees premiere of film. "The Ghost Goes West," comedy, achieves triumph. The famous French director Rene Clair's first English film, "The Ghost Goes West," which had its premiere here tonight before Queen Mary, was a triumph for all concerned.

The performance placed another feather in the cap of Alexander Korda, London film producer, while the young actor Robert Donat gives one of his best performances in the dual role of an eighteenth-century ghost haunting a Scottish castle and the ghost's twentieth-century descendent. The play is taken from the story by the American writer Robert E. Sherwood.

Mr. Clair delightfully blended his Gael theme, rich in satire, at the expense of bo Scotland and the United States. Eugene lette came from Hollywood to play the of the American purchaser of Glourie Ca which he transplants to Florida com with the ghost. The heroine, Jean Park is from Hollywood.

One of the most amusing touche play is the New York reception, Lindbergh's, for the ghost, who ach toriety on board the ship bringing to America. Reaching a new mark ing comedy.

ROBERT DONAT

sensational star of "The Count of Monte Cristo" in a gay romantic comedy

THE *Ghost Goes West*

with JEAN PARKER · EUGENE PALLETTE

Directed by RENE CLAIR *acclaimed by many critics as the screen's most skillful director*

Screenplay by ROBERT E. SHERWOOD

an ALEXANDER KORDA Production, *the man who gave you "Henry VIII"*

a London Film

. . . KORDA HAS ANOTHER HIT!

— HOLLYWOOD REPORTER

EW MARK IN SCREAMING COMEDY!"

— NEW YORK TIMES

Hollywood REPORTER

like Alexander Korda and United
have another sizable hit on their hands.

ience filed out of theatre yelling its
s and claiming it "Korda's best since
ry the Eighth'."

he story, originally written by Lajos Biro
d transferred to the screen by Robert E.
erwood, is a brilliantly written satire, aided
y the superb direction of Rene Clair, the
gorgeous settings of Korda's brother and
the beautiful photography of Hal Rosson.

The cast is as brilliant as the other picture
ingredients, with Robert Donat adding new
laurels to his career as a picture star in the
dual role of a modern and a historical Tris-
tram. Jean Parker is both beautiful and ac-
complished in the chief feminine role, and
Eugene Pallette is a delight. These standouts
were ably supported by Elsa Lanchester,
Everley Grega, Patricia Hilliard and an un-
usually fine acting cast.

The picture is a cinch smash and will move
Korda and his London Films a step higher on
the amusement ladder.

MOTION PICTURE DAILY

"The Ghost Goes West" has effective sa-
tire, broadening frequently into the realm
of farce. Rene Clair has handled the ingeni-
ous story with great humor and imagination.

A penniless Scottish aristocrat sells his
ancestral castle to an American millionaire
who transports it piecemeal to New York.
The family ghost accompanies the stones and
haunts the liner. The news is flashed to New
York. On arrival, there is a fine travesty of a
civic reception, with an empty car reserved
for the ghost and other farcical scenes due
to the desire of two rival magnates to tieup
the ghost for publicity purposes.

There are many original touches including
conversations of the ghost with his disem-
bodied father in limbo, Scottish clan warfare,
the American love of antiques and the bally-
hoo which is equally well satirized.

The picture has American appeal. Robert
Donat is excellent as the ghost and modern
descendant and Eugene Pallette is next best
as the American millionaire father. Technical
qualities at their best are scenes in which the
castle is re-erected in a Florida palm grove
with modern improvements.

THE Film DAILY

New Korda Film Scores. "The Ghost Goes
West," produced by Alexander Korda of
London Films and directed by Rene Clair,
scored a triumph on its premiere here Tues-
day night before a royal audience that in-
cluded Queen Mary. The picture, a hilarious
comedy, has a cast headed by Robert Donat,
who makes a hit in a dual role; Jean Parker
and Eugene Pallette. Story is by Robert E.
Sherwood, and United Artists will distribute
the film.

Released thru **UNITED ARTISTS**

British Films Feel Decisive Shift in Year

(Continued from page 1)

not do. The "quickie" is not dead, but it is certainly dying. The prevailing American practice is to make or buy British pictures at a reasonably low figure, but at one which implies some degree of screen merit. Many of these pictures will lose money, but they will not be 100 per cent losses.

Back in the early summer a distinguished British industry figure, Simon Rowson, discussing Films Act revision before an exhibitors' conference, argued for a minimum cost clause for British films. Current policy on the part of American firms has already nearly made this enactment unnecessary. The importer is trying to make his British film an asset instead of a liability. One of the interesting things which may be revealed during 1936 is the extent to which American firms, committed to British production, will try to make these films fit for America.

The British market, which further improved with gradually bettering national conditions in 1935, is undoubtedly, in relation to number of theatres, the most remunerative in the world for good pictures. The practically universal operation of the system of percentage booking, under which the exhibitor pays an average of 40 per cent of receipts for his program—and 50 per cent in the case of the real big things—means that the distributor probably gets more per seat for a box-office success than in any other market in the world, not excluding the U. S.

Took Big Grosses

American producers took very big grosses out of the British market in 1935 and there is no reason to think that they will fail to do so in 1936. With all that can be said of the astonishing progress of British production—and all that is said on that point is true—it is a fact that the American film is still the most important item in motion picture entertainment in the United Kingdom. Without definite figures, comparisons would be dangerous; it is a fact which few practical film traders will dispute that when British producers can achieve with any regularity success equaling that of, say, "Lives of a Bengal Lancer," it will be time to declare that the British film has achieved predominance in its own market. Individual British films score comparable successes, but American producers, as a group, undoubtedly contribute a much greater proportion of British box-office champions than native firms.

There is, therefore, no serious danger that in 1936 the American industry need fear, in Great Britain, a depreciation of the values on which it has built its goodwill. British films are succeeding, in the main, strictly in proportion to the extent to which they acquire these American values in stars, directors and writers.

The market does, nevertheless, present some unusual problems of a strictly commercial nature. The quota situation means that one-fifth of available dates are compulsorily filled with British films. The American distributor has open to him, for American films, only 80 per cent of the market; the practical effect is much the same as if he were allowed to book only to 3,200 of the Kingdom's 4,000 houses. He approaches this artificially restricted market with a product compulsorily diluted by 20 per cent of British films. To these difficulties of marketing are added the further one that, whereas the earning powers of big pictures tend to increase, due to the public's willingness to patronize them even in very late runs, the programmer becomes a more and more difficult problem. Where it is a question of just filling a date the second-rate British picture is apt to get the business; it is not much worse as entertainment than the American, and it helped the exhibitor with his quota.

On the assumption that American distributors desire to exploit the United Kingdom like the United States as a 100 per cent market, it appears that the ultimate solution will be the production in Hollywood and London of films good enough for distribution throughout the whole of American and British theatres. Though there is frequently a violent reaction against any suggestion that Hollywood schedules should be reduced or the principle of centralization at the coast even questioned, it is probable that 1936 will see definite movements in that direction. Of special interest is the possibility of further cooperation between British and American companies on the lines which recently made London Films partner of United Artists.

It is a leading fact of the situation that the American producer wants the whole of a market which, with the removal of the Entertainment Tax on the cheap seats and a definite improvement in public buying power to encourage enterprise, will be a bigger source of revenue in 1936 than in any previous year in history.

Some Are Good

Some of these film polo players are good and some are not so good.

Take John Hay Whitney, f'rinstance. He's good. The U. S. Polo Ass'n has raised his rating for the year from four goals to five goals. That puts him up in the first six classifications, the highest being 10. John Hertz, Jr., is not bad. He raised from the no-goal group to one.

Then comes John Mack Brown. Last year he shot a goal, but this year 12 months of riding netted him a lot of exercise, but no score. The same was true of Spencer Tracy and Walter Wanger.

And Darryl Zanuck isn't even listed, showing what too much big game hunting will do to a polo player.

IEPA Plans Broadcasts

MILWAUKEE, Dec. 22.—The I. E. P. A. has worked out a scheme for sponsored broadcasts over station WTMJ in which member theatres will have tieups. The program will be called "The Laff Parade" and will go on Sunday mornings from 11:15 to 11:30, Central time.

Purely Personal

CHARLES REAGAN, western division sales manager for Paramount, will make a tour of his exchanges shortly after Jan. 1. NEIL AGNEW, general sales manager, will make a trip to all exchanges about the same time.

•

TOM PETTEY, newspaper contact for M.P.P.D.A., is back from an extended stay at the organization's Hollywood office and from visits to key cities in the south and west while en route here.

•

S. N. BEHRMAN's new play, "The End of Summer," goes to the Theatre Guild. INA CLAIRE, who appeared in "Rain from Heaven," an earlier Behrman play, will star.

•

MARGOT GRAHAME will have a busy year-end. She will leave for Palm Beach to spend Christmas, and then will hurry to the coast for New Year.

•

JACK D. TROP, eastern representative for HARRY SHERMAN, is back from a two-weeks trip to the coast where he conferred with the independent producer.

•

LORD CHARLES and LADY CAVENDISH (ADELE ASTAIRE), HENRY WILCOXON and BUDDY ROGERS arrived on the *Empress of Britain* Saturday. SAM COSLOW arrived on the same boat.

•

BOB GOLDSTEIN leaves for Bermuda today to remain away until New Year's. Now it'll be JOE MOSKOWITZ's chance to wander around town aimlessly.

•

LOUIS B. MAYER and HOWARD STRICKLING will spend Christmas with MRS. MAYER, who is convalescing in Massachusetts.

•

HAL ROACH, DAVID LOEW and HENRY GINSBERG, three swell guys, yesterday received autographed photographs from President Roosevelt.

•

JOE ORNSTEIN, cashier of the Twentieth Century-Fox exchange in Pittsburgh, was in town over the week-end, visiting old friends.

•

GEOFFREY BARKAS, GB director and explorer, spent the weekend here and left for Canada. He starts work soon on exteriors for "The Barrier."

•

Former Senator HENRY J. WALTERS of RKO is vacationing at Honolulu. He's due back shortly after the first of the year.

•

MARY ASTOR, just in from the coast, has taken an apartment at the Lombardy for the winter.

•

MOSS HART is off for the coast for the winter and a house at Palm Springs.

•

COLIN CLIVE opened at the Henry Miller in "Libel." ERNEST LAWFORD also is in the cast.

•

HARRY C. ARTHUR returned from St. Louis late Saturday afternoon.

•

HOWARD HUGHES in town again.

"Frisco Kid" Detroit Lead; Gets $23,400

DETROIT, Dec. 22.—A combination of "Frisco Kid" and five acts of vaudeville at the Michigan turned in the best showing of the week here, $23,400. This tops normal by $3,400.

"Annie Oakley" took second honors with $13,200 at the RKO Downtown, on the profit side of the line by $3,200. "The Man Who Broke the Bank at Monte Carlo" garnered $17,200, to the good by $2,200, at the Fox. "In Old Kentucky" held up to $5,100 in its third week at the Adams.

Total first run business was $74,600. Average is $65,000.

Estimated takings for the week ending Dec. 12:

"IN OLD KENTUCKY" (20th-Fox)
ADAMS—(1,770), 10c-40c, 7 days, 3rd week. **Gross:** $5,100. (Average, $5,000)

"MAN WHO BROKE BANK AT MONTE CARLO" (20th-Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross:** $17,200. (Average, $15,000)

"FRISCO KID" (W.B.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross:** $23,400. (Average, $20,000)

"POWDERSMOKE RANGE" (Radio)
"BROADWAY HOSTESS" (F.N.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 3rd week. **Gross:** $11,600. (Average, $10,000)

"ANNIE OAKLEY" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $13,200. (Average, $10,000)

"Frisco Kid" Big Noise in Buffalo

BUFFALO, Dec. 22.—"Frisco Kid" was the big noise here last week, pulling $10,085 through the wicket at the Great Lakes and busting par by $2,785.

The period was generally quiet downtown, with snow and slush covering the city. Business in other houses held at or slightly below average.

Total first run business was $38,885. Average is $34,762.

Estimated takings for the week ending Dec. 16:

"IN OLD KENTUCKY" (20th-Fox)
BUFFALO — (3,000), 30c-50c, 7 days. **Gross:** $13,000. (Average, $13,000)

"I FOUND STELLA PARISH" (W.B.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $6,300. (Average, $7,300)

"FRISCO KID" (W.B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $10,085. (Average, $7,300)

"NAVY WIFE" (20th-Fox)
"I LIVE FOR LOVE" (W.B.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $5,800)

"THE GIRL FRIEND" (Col.)
"PUBLIC MENACE" (Col.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $6,300. (Average, $6,000)

Close a Chicago Deal

Screen Broadcast Corp. has closed a deal with Atlas Educational Film Co. for representation in the central section of the country. The downtown Chicago office will be in charge of C. A. Rehm.

Form Sho-Keno, Inc.

DES MOINES, Dec. 22.—Sho-Keno, Inc., has been formed with Ray Coffin as president and Myron Blank, son of A. H. Blank, as vice-president.

GTE Lawyers to Get $25,000 on Account

WILMINGTON, Dec. 22.—Chancellor Josiah O. Wolcott directed payment of $25,000 on account to Breed, Abbott and Morgan; Wollman and Wollman, and Robert G. Starr, New York attorneys, for services as counsel to the joint debenture holders and reorganization committees for General Theatres Equipment, Inc. The chancellor recently approved a reorganization plan for the company.

The action of the chancellor followed the filing of a petition by the joint committees recommending payment of the sum and pointing out that the counsel had served for four years without compensation.

These services, the petition specified, do not include work done by Richards, Layton and Finger, Delaware counsel for the committee.

Sabath Delays Move To Call Pathe, RKO

Efforts of the Sabath Congressional committee on real estate bond reorganizations to complete its study of Paramount affairs has led to the postponement of hearings on Pathe and RKO financial revisions, at which Joseph P. Kennedy, former Pathe head, was to have testified, attorneys for the committee said Saturday.

Austin Keough, Paramount secretary, was continued on the stand at a closed hearing before the committee on Saturday. It is understood that the reorganization of Paramount's New England theatre subsidiaries figures in the committee's current studies.

A.I.C. Two-Day Meet Closes at Riverside

RIVERSIDE, Cal., Dec. 22. — The third annual two-day session of the American Institute of Cinematography Inc., was brought to a close here last night at the Mission Inn.

Among the speakers were Dr. J. L. Meriam, U. C. L. A., discussions of film appreciation courses by Marian Evans, Harold Turney and Lucy Hifle; on use of films in classroom teaching, by Annette Glick, Florence Sprenger and Mrs. Ann Harris, and on production of educational pictures, by Fred W. Orth, Marie H. Thornquist and Mrs. Ivalou B. Samis.

St. Louis Fox Plan Coming After Xmas

Reorganization plans for the Fox, St. Louis, will not be sent out to stockholders by the bondholders' protective committee until after Christmas, it was stated yesterday at Halsey, Stuart & Co.

The plans also will be filed with the Federal Court in St. Louis, following which a date for public hearing and approval will be set.

Bill Reinke to Coast

KANSAS CITY, Dec. 22.—Bill Reinke, one of the Tower theatre partners, left for the West Coast yesterday for a two or three week vacation, during which he will visit studios.

Form W.I.S. Prod., Inc.

ALBANY, Dec. 22.—W. I. S. Prod., Inc., has been formed here by Tom Weatherly, J. H. Del Bondio and Thomas B. Culberhouse.

Insiders' Outlook

(Continued from page 2)

JIMMY CAGNEY—Contract adjustment.
GEORGE KANN—Eternal youth.
GEORGE CUKOR—His face less Scarlett
BENNETT CERF—Sylvia.
ARCHIE MAYO—Bob Goldstein and Joe Moskowitz.
JOHN C. FLINN—That variety continues the spice of life.
EDDIE BUZZELL—June all the 12 months.
HAL HORNE and MONTE PROSER—Goetz, Roach, Selznick.
JULES LEVY—A putter that works.
LOU WEBER—To break 186.
LESLIE THOMPSON—Mort Singer close at hand.

▼

ADOLPH ZUKOR—Christmas stocking without a banker in it.
FELIX FEIST—A "Mutiny" a month.
NICK SCHENCK—A southern yacht route to and from the office.
SIDNEY KENT—Florida vacation.
NEIL AGNEW—House slippers.
JACK SPRINGER and SAM COCALIS—Peace and quiet.
MILT KUSELL — Contracts with Skouras, Seider and Schwartz.
FREDDIE SCHWARTZ—A bridge between Radio City and Forest Hills.
E. A. SCHILLER—Return to activity.
JOE VOGEL—A rocking-chair saddle.
RALPH POUCHER — Something to know.
CHARLIE MCCARTHY — Anti-grippe serum.
EARL WINGART—A birthday not so near Christmas.
JOHN BARRYMORE—Barrie-less.

▼

HARRY HERSHFIELD — An iron stomach.
GERT MERRIAM—Gilded fingernails for golden gooses.
MONROE GREENTHAL—One girl at a time.
LOU NIZER—A standard 2,000 ft. spiel.
JOHN D. CLARK—Four ounce bar glasses.
AUSTIN KEOUGH — Relief on the Sabath.
HERB YATES—A Monogram-ed crying towel.
AL LICHTMAN—Parleys and parlays that can't miss.
WILLARD MCKAY—Standard contracts.
HARRY BUCKLEY—A Greek dictionary.
MOX SHOBBUS — Rest from Ali Gaga.
BOB GILLHAM—Home study course on appreciation of the dance.

▼

RAY JOHNSTON—To be less consolidated.
PEGGY REDDY—The same old Kelly.
EDWARD BOWES—Amateurs, lots of them.
PAN BERMAN—Production titles in Grandeur.
THE ROCKEFELLERS — Another Music Hall. Maybe two.
M-G-M — No mutiny but more bounty.
THE INDUSTRY—A prosperous new year.
VIC SHAPIRO—His hair restored.
EDDIE GOLDEN—Chesterfields.

▼

CHARLIE MOSKOWITZ—Less labor pains.
BOB COCHRANE—An obsession, but magnificent.
GEORGE ARLISS—Knighthood.
ARCH REEVE—A mild winter.
ELLIOTT MCMANUS—Fountain pen from Vera for restaurant checks.
SAMUEL ZIRN—Another reorganization.
SI SEADLER—Four more assistants like Howard Dietz.
HARRY ROSS — More specials to check.
BARRET MCCORMICK — Better matches at the N.Y.A.C.
SAM DEMBOW—One thousand foot trailers.
JAMES A. FITZ PATRICK—Buyer for his Westchester home.
NATE BLUMBERG—Spanish melon.

New F. & M. Unit Opens

BALTIMORE, Dec. 22.—"Hollywood Secrets," F. & M. stage unit, with Jackie Coogan, Betty Grable, the California Collegiates, Walter McGrail, Josephine Dix, niece of Richard; Chiquita and Dick Winslow opened at Loew's Century Friday to packed audiences.

Jack Partington came on from New York to attend the opening. The unit, with the aid of cameras and studio paraphernalia, shows how films are produced, how dubbing is handled and the use of the play-back.

Following a week's appearance here, the unit has been booked by a number of other Loew and independent houses.

St. Louis Aldermen Get a Two-Man Bill

ST. LOUIS, Dec. 22.—Backed by the local branch of the IATSE, a two-man-in-a-booth bill has been presented to the Board of Aldermen here by Alderman Murray of the Tenth Ward.

With an eye to the future, it is said, the projectionists are seeking to make it compulsory for the theatres of the city to grant to the union a concession they now enjoy under their working agreements.

No Appeal Foreseen In Sharon, Pa., Case

There is little likelihood of an appeal being taken from the verdict last week of the Pittsburgh Federal jury awarding Samuel Friedman, Sharon, Pa., triple damages of $24,000 and attorneys' fees in a conspiracy case against five major distributors, it was said on Saturday.

Spokesman for the defendant distributors said that no legal precedent was involved as the contracts on which the case was brought are no longer in use. It was added that the judgment involved probably was not large enough to warrant the expense of an appeal.

Sudekum Gives Projector

NASHVILLE, Dec. 22. — Tony Sudekum, president of the Crescent Amusement Co., has given a sound projector to the State Training and Agricultural School at Jordonia. It is intended as a sort of memorial to his late brother, Harry Sudekum.

Wall Street

Eastman Issues Gain on Board

	High	Low	Close	Net Change
Columbia, vtc.....	43¾	43½	43¾	— ¼
Consolidated Film	5½	5½	5½	.....
Consolidated, pfd..	18⅛	17⅞	17⅞	— ¼
Eastman Kodak.....	156	155¾	155¾	+ ¼
Eastman, pfd.....	159	159	159	+1
Loew's, Inc.....	51¾	51⅜	51⅝	+ ½
Paramount	9⅝	9½	9⅝	+ ¼
Paramount 2 pfd..	11½	11⅜	11⅜	.....
Pathe Film.....	7⅝	7¼	7⅝	+ ⅜
RKO	5⅛	5	5⅛	.....
20th Century-Fox.	24⅛	23⅞	24	.....
20th Century pfd.	32⅞	32¾	32⅞	+ ⅜
Warner Bros.....	9⅞	9¾	9⅞	+ ⅛

Technicolor Gain ⅛

	High	Low	Close	Net Change
Technicolor	17¼	17	17⅛	+ ⅛
Trans Lux.....	3⅝	3⅝	3⅝	.....

RKO Bonds Up 2 Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	18⅝	18⅝	18⅝	.....
Paramount Pictures 6s '55.....	91¾	91¾	91¾	+ ¼
RKO 6s '41 pp....	76	74	76	+2
Warner Bros. 6s '39 wd.....	86¾	86½	86¾	+ ¼

(Quotations at close of Dec. 21.)

BY ORDER OF SUPREME COURT: NEW YORK COUNTY

RECEIVER'S SALE

PEOPLE OF THE STATE OF NEW YORK, PLAINTIFF
Vs. PHOTOCOLOR CORPORATION, PHOTOCOLOR PICTURES, Inc., et al

ARTHUR ALBERT, AUCTIONEER

WILL SELL AT PUBLIC AUCTION ON

FRIDAY, DECEMBER 27, 1935, AT 11 A.M.

AT SOUTH ASTOR STREET

IRVINGTON-ON-HUDSON, NEW YORK

THE COMPLETELY EQUIPPED and MODERN PLANT FOR PRODUCING MOTION PICTURES IN COLOR

OF THE

PHOTOCOLOR PICTURES, Inc.

INSPECTION DAILY UNTIL DAY OF SALE

DESCRIPTIVE CIRCULAR MAY BE HAD UPON REQUEST

JOSEPH SHALLECK, Receiver, 1450 BROADWAY, N. Y. C.
GLADSTONE, RICHTER, COHEN & KIRSCH
ATTORNEYS FOR RECEIVER, 535 FIFTH AVENUE, N. Y. C.

Auctioneers Address: 250 West 40th St., N. Y. C. Phones: PEnnsylvania 6-6252-3

Directions—By Automobile: Saw Mill River Parkway to Cyrus Field Road. By Train: N. Y. Central R. R. to Irvington. Plant opposite station. Trains leaves 8:42 and 9:40 A.M.



"HITCH HIKE LADY"

HAS PLENTY OF BOX-OFFICE LURE"

—MOTION PICTURE DAILY

This picture has plenty of box-office lure. It scored a hit with a preview audience at the Fox California . . . has fast-moving comedy that starts with a rush and ends with a laugh . . . Alison Skipworth shows she is as good in emotional roles as she is with comedy.

—*MOTION PICTURE DAILY*

GOOD STORY AND LOTS OF LAUGHS. Will get good measure of laughter and approval from a wide range of audiences . . . its honest humor will send them home happy . . . a cast of marked merit . . . Aubrey Scotto's direction develops the story in happy vein and with commendable naturalness.

—*THE HOLLYWOOD REPORTER*

Clever treatment, expert direction and capable assistance from all departments has molded "Hitch Hike Lady" into a highly polished comedy . . . packed full of surprising situations . . . Alison Skipworth delivers outstanding performance . . . clever story construction, dialogue and direction . . . all the elements that make good box-office formula.

—*VARIETY*

HUMAN STORY WITH PLENTY OF LAUGHS WILL APPEAL TO ALL CLASSES OF AUDIENCES . . . It has a human story.

—*FILM DAILY*

featuring

ALISON SKIPWORTH
MAE CLARKE
ARTHUR TREACHER
JIMMY ELLISON
BERYL MERCER
WARREN HYMER

Directed by AUBREY SCOTTO · Supervised by VICTOR ZOBEL
Original Story by WALLACE MacDONALD
Screenplay by Gordon Rigby and Lester Cole

REPUBLIC PICTURES

JANUARY IS REPUBLIC MONTH

REPUBLIC PICTURES ARE CRYSTAL CLEAR WITH RCA HIGH FIDELITY RECORDING

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38 NO. 148 NEW YORK, TUESDAY, DECEMBER 24, 1935 TEN CENTS

Building Upon Gains Coming, Says Laemmle

Sees 1935 Improvement Continuing in '36

By CARL LAEMMLE
President, Universal

HOLLYWOOD, Dec. 23.—All that I can see for 1936 is a continuance of the increased amount and character in the moving picture business during the latter part of the current year. I see this improvement all along the line for our industry. Other businesses in almost every line are improving, their leaders are optimistic and conditions in their business circles undoubtedly warrant confidence. People in general, neither because of the New Deal nor in spite of it, are feeling more encouraged. They are spending money more freely and they must have this money or they would not be able to spend it.



A friend of mine in the automobile business has been amazed at the

(*Continued on page 8*)

John Balaban, Felix F. Feist and Gradwell L. Sears expound their views for the new year on page 8.

Studios Are Busy Despite Christmas

HOLLYWOOD, Dec. 23.—A new record for pre-Christmas week studio activity was established last week. Contrary to the customary slack spell, there was a production spurt with 45 features and four shorts before the cameras. The preceding week there were 38 features and four shorts. Only 15 features and [illegible] shorts are scheduled for production within the next two weeks, however, showing a definite drop during the [illegible] or two.

Columbia had three features being filmed, four in preparation and five

(*Continued on page*

Federal Staff Is Bolstered At St. Louis

Cummings to Send Rice For Equity Hearing

ST. LOUIS, Dec. 23.—Determined to win the civil suit pending against Warners, Paramount and RKO in the Federal Court here, Attorney General Homer S. Cummings is bulwarking the legal staff to assist Russell Hardy. He has just appointed Walter Rice of the Government's staff in Washington as assistant prosecutor for the equity hearing, definitely scheduled for Jan. 6, on an application for a temporary injunction against the three respondent companies for allegedly refusing to sell F. & M.'s Ambassador, Missouri and New Grand Central.

Harold L. Schilz, who assisted Hardy in the criminal action, is being retained for the second action and it is understood several other Government attorneys from the Capital also will arrive here the end of next week.

Hardy was here on a secret mission for several days last week, presumably conferring with Harry C. Arthur, chief Government witness, on preliminary matters in connection with the equity suit.

Harry M. Warner, Herman Starr, Gradwell L. Sears, George J. Schaefer and Ned E. Depinet, defendants

(*Continued on page 6*)

Omaha Pool Details Are to Be Set Soon

OMAHA, Dec. 23.—Details on the operation of the proposed buying pool here will be settled after the first of the year. Preliminary steps in the organization have been completed with the approval of lawyers.

Individual buying will be continued, says Charles E. Williams, M. P. T. O. president, but all contracts will be approved by the association before becoming effective.

Salesmen Nominate Ellis and Joe Lee

Jack Ellis of RKO and Joe Lee of Fox have been nominated for the presidency of M. P. Salesmen, Inc. Ellis is now in the post. Elections will be held shortly after the first of the year.

Other nominations are: Jerry Wilson, vice-president; Moe Fraum, secretary; Charles Penser, financial secretary; Saul Trauner, Bernard Kleid and Moe Sanders, treasurer.

Freund Dabbling

Hollywood, Dec. 23.—Karl Freund recently received from a scientist friend in Europe samples of film impregnated with iron dust which is supposed to make possible instantaneous magnetic recording. Freund is trying it out while he is doing the camera work on "The Good Earth."

20th-Fox Now Is Sole Owner Of National

HOLLYWOOD, Dec. 23.—Twentieth Century-Fox is now sole owner of National Theatres and subsidiaries, following the purchase of the holdings in the circuit of Chase National Bank, according to Joseph M. Schenck, chairman of the board of Twentieth Century-Fox. The purchase totaled 58 per cent, Twentieth Century-Fox already owning 42 per cent of the circuit.

Lawrence Stern and Co., of Chicago, acted for the purchaser, with the sale price reported as between $15,000,000 and $20,000,000. National Theatres owns and operates F.W.C., which has a total of 155 theatres in California, Arizona and Montana.

Kennedy Testifies For Sabath Probers

Joseph P. Kennedy, former head of Pathe and of SEC, testified before the Sabath committee on real estate bond reorganizations in closed hearings over the week-end, Murray Garsson, counsel to the Congressional committee, said yesterday. Information on the subject of his testimony was refused, but it had been stated in advance that Kennedy would be ques-

(*Continued on page 7*)

Fox Gets Leave for Appeal on Subpoena

William Fox yesterday obtained leave to appeal from Federal Judge William Bondy's order citing him for contempt of court and directing him to submit to oral examination at Toronto on Jan. 6. It is probable that a hearing on the appeal cannot be had before the U. S. Circuit Court of Appeals for more than a month.

Fox was cited for failure to answer

(*Continued on page 7*)

Expansion by Minnesota Is Being Planned

Big Circuit in Market For Houses—Friedl

MINNEAPOLIS, Dec. 23.—Minnesota Amusement Co., Paramount's northwest theatre subsidiary, is preparing to launch an expansion program throughout Minnesota, North and South Dakota and western Wisconsin, John J. Friedl, operating head, disclosed today.

Acquisition of theatres through outright purchase, partnership arrangements or leasing will be considered, it was said. Friedl has been looking over various possibilities in the territory preparatory to discussing deals which would further enlarge the circuit of 78 houses. It was stated that Minnesota Amusement would not enter any situation to the detriment of an independent exhibitor already established, but would negotiate only where present operators are interested in dis-

(*Continued on page 7*)

Brandt Refuses to Retain ITOA Post

Due to impaired health and stress of business, Harry Brandt, head of the I.T.O.A., will not run again for the presidency when that organization elects officers in February. Brandt has been the head of the unit since its formation several years ago and is anxious to drop the responsibilities of president and devote more time to business affairs.

Organization interests are after a prominent personage to succeed Brandt and are understood to have contacted two men and are considering a third.

Former Mayor Walker has been approached and is said to have turned down the proposition because of ill

(*Continued on page 7*)

Edward Golden to Cohen—Batcheller

The appointment of Edward Golden to head a new sales department for Chesterfield and Invincible Pictures was made known yesterday by George Batcheller and Maury Cohen, heads of the two companies.

Golden, who resigned as sales head of Republic Pictures last week, will organize and direct the new sales division for the two companies, it was said. Heretofore, Chesterfield and

(*Continued on page 7*)

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 24, 1935 No. 148

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall*, Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill*, Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan*, Representative. Cable address "Quigpuhco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg*, Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre*, Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti*, Representative; Sydney Bureau: 600 George Street, *Cliff Holt*, Representative; Mexico City Bureau: Apartado 269, *James Lockhart*, Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes*, Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi*, Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga*, Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Quigley's Mother Dies

CLEVELAND, Dec. 23.—Mrs. Ellen Quigley, mother of Martin Quigley, publisher and editor-in-chief of Quigley Publications, died Saturday night at her home here. Funeral services will be held Tuesday.

Rites for G. A. Skinner

Funeral services for G. A. Skinner, former vice-president of Educational Pictures, who died Saturday, were held Sunday afternoon at the Riverside Memorial Chapel.

In recent years Skinner had been treasurer of the Payne Fund. He was one of the organizers of the M. P. Research Council. He is survived by his widow, Mrs. Peggy Skinner.

See New French Laws

PARIS, Dec. 23.—French producers supported by labor and reform elements are planning new legislative assault on American film importations. The new measure which will probably be introduced at the Winter session of Parliament is expected to parallel the provisions of the attempted decree law which was blocked last fall by French distributors and exhibitors working in conjunction with American film interests.

Rob Portland Cashier

PORTLAND, Dec. 23.—Catherine Sarianni, cashier at the Paramount, was held up during the rush to see "The Littlest Rebel" Saturday night. The robber escaped with about $200.

Purely Personal

L. J. SCHLAIFER, FRANK MCCARTHY, HARRY SHIFFMAN, DAVE CHATKIN, JAY EMANUEL, DAVID LOEW, EUGENE PICKER, TOM GERETY, LEO LUBIN, IRVING GOODFIELD, TRUMAN TALLEY, LEW LEHR, ARTHUR LEE, GEORGE W. WEEKS, A. P. WAXMAN, PHIL MEYERS, CHARLES GEIGERICH, ED FINNEY, A. J. VAN BEUREN, BUDD ROGERS, E. H. GOLDSTEIN, JAMES A. FITZPATRICK, MITCHELL KLUPT, A. HOVEL and MORRIS KINZLER, among those at the Tavern yesterday afternoon.

•

LOUIS S. LIFTON, Republic exploitation manager for the past several months, will become eastern story editor for the company following his return from a two weeks story conference with NAT LEVINE on the coast. LIFTON starts the westward trip tomorrow.

•

HARRY LANGDON has been signed for the VICTOR MOORE role in the Australian production of "Anything Goes." The deal was handled by the William Morris office.

•

HAL ROACH is due from Hollywood on Jan. 6. His prospective arrival is delaying DAVID LOEW'S departure. LOEW now plans to leave about the middle of next month.

•

PHIL REISMAN, SAM DEMBOW, HERB YATES, RAY JOHNSTON, BOB GOLDSTEIN, HARRY and JACK GOETZ and EDDIE ALPERSON among those at "21" yesterday.

•

FRANK BUCK will make a personal appearance at the Rialto Christmas night in conjunction with the opening of both the new house and his own feature.

•

B. P. SCHULBERG will arrive by plane from the coast on Thursday, one day before his play, "Tapestry in Gray," opens with ELISSA LANDI.

•

WILLIAM L. PIERCE, former west coast newspaper and publicity man, has been added to the publicity staff of ED FINNEY at Republic.

•

HERSCHEL STUART left over the week-end for Dallas to spend the holidays with his family. He will return after New Year's.

•

BUDD ROGERS' wife had a birthday Sunday and the new general sales manager of Republic celebrated with a big party.

•

VINA DELMAR will leave for the coast shortly after the first of the year to do an original for CLAUDETTE COLBERT.

•

ARTHUR LOEW left yesterday for Tucson, Ariz., to visit his son and may go to the coast from there.

•

BOB GOLDSTEIN has called off his Bermuda junket. No can get reservations to his liking.

•

Y. FRANK FREEMAN was back at his desk yesterday after 10 days in Atlanta.

•

HARRY BRANDT plans to make a trip to the coast in April.

L. B. MAYER, accompanied by HOWARD STRICKLING, left late yesterday afternoon for Stockbridge, Mass., to spend Christmas with MRS. MAYER, who is visiting friends. MAYER and STRICKLING will return Thursday, remain in town for a week, and then leave for the coast.

•

CHARLES L. CASANAVE, general manager of the American Display Co., is spending the holidays in Chicago. HARVEY ROEMER, production manager, is in Cleveland.

•

LEE MORTIMER, syndicate writer, has had his option with Celebrated Pictures renewed, to write dialogue for the series, "New York Uncensored."

•

PAULA GOULD is dedicating her novel, "Constance Carey, Publicity," to NAT G. ROTHSTEIN, former director of publicity for RKO.

•

ERROL FLYNN will do a scene from "Captain Blood" on RUDY VALLEE'S program next Thursday night.

•

JOHN DAVIDSON is exhibiting his paintings at the Delphic Studios.

•

. . . New Orleans

SAM WATKINS, owner and manager of the house at Berwick, La., died here recently. He was well known throughout the territory. The body was taken to Berwick for burial.

MRS. ALEX SCHULMAN, whose husband operates the Plaza and Casino, is dead here. Deceased was a sister of MRS. HENRY LAZARUS, who operates the Coliseum, Newcomb and Wonderland.

J. C. KELLER, who operates the Liberty at Eunice, La., took in the Row last week booking his spring and current features.

•

. . . San Francisco

BOB LIPPETT, of the Kalinsky circuit, has reopened the Lincoln in Alameda. The Vogue in that town is soon to reopen under Levin management.

SHERRY MALOT, formerly with Golden State here, is now managing the Temple, suburban house.

FRANK LLOYD, M-G-M director, addressed the San Francisco Ad Club.

Sonosky Wins Contest

A. J. Sonosky, manager of the Granada, Minneapolis, was the winner of the recent ad contest on "Red Salute."

Twenty-five letters on the question "Are Superlatives Necessary in Ads?" were submitted to judges in New York. Others in the running were: Ray Englander, Poli-Palace, Meriden; D. O'Brien, Shea's, Fitchburg; Arthur D. Black, Riviera and Pine Grove, Port Huron, Mich., and Milton J. Brotman, Avaloe, Chicago.

Nat Levine Flies West

Nat Levine, production head of Republic, and Harry Grey, head of the company's music department at the studio, left by plane for the coast Sunday after conferring here for two days with Herbert J. Yates and other company officials. The talks concerned new product.

Carewe Productions Chartered on Coast

SACRAMENTO, Dec. 23.—Articles of incorporation for Edwin Carewe Prod. have been filed here by Maurine Gibson, Elsa Whitman, Velma Case, Carrie J. Akin and Mildred Jacobsen of Los Angeles.

Two other incorporations are: Selected Pictures, Inc., by David Biedermann, Arloa B. Orwin and Daniel D. Biedermann, and Reginald Denny Industries, Inc., by Reginald Leigh Denny, B. B. and E. J. Baker.

PLAINVIEW, TEX., Dec. 23.—Tower Theatres, Inc., has been chartered here by J. H. Massie and others.

TALLAHASSEE, FLA., Dec. 23.—New incorporations here are: Ralph Cohen, Inc., West Palm Beach, by Ralph Cohen, Harry Halpern and J. Herman; Kraft Studios, Inc., St. Petersburg, by W. H. Hall, C. L. Hunter and Florida Nettles; Southern Film Studios, Inc., Miami, by B. E. Newlon, W. W. Cox and Gladys Howard.

Ohio Holiday Trade Increases 5 to 35%

COLUMBUS, Dec. 23.—A survey of 33 Ohio cities just completed shows holiday business, exclusive of Saturday of last week, to be from five to 33 per cent ahead of the comparable period of last year. In the majority of cases, department store executives and other merchants say that the dollar volume has been the best since 1928, with more money being spent for luxuries.

In many situations sizable increases in wages have been made, and in others bonuses are being paid.

Film, Theatre Fund $35,000 Under Goal

With $150,000 as its quota, the Motion Picture and Theatrical Committee of the Federation for the Support of Jewish Philanthropic Societies is now shy only $35,000, donations of $115,000 having already been pledged by various interests, Albert Warner, co-chairman with David Bernstein, states.

Several meetings of theatre groups are planned this week when it is expected that the pledges to be made will exceed the required amount.

Ben Greenberg Father

WOONSOCKET, Dec. 23.—Ben Greenberg, manager of the Stadium for M. & P. Theatres, is the father of a 10-pound girl.

Son to Steinbucks

CLEVELAND, Dec. 23. — A seven-pound boy has been born to Mrs. Everett Steinbuck, wife of the manager Loew's State.

Set "Doctor" Release

HOLLYWOOD, Dec. 23.—"The Country Doctor," 20th Century-Fox film with the Dionne Quintuplets, is set for release March 20 to 300 houses.

No Paper Tomorrow

Motion Picture Daily will not publish on Christmas Day.

"AND THE SAME TO YOU!"





An Exhibitor's
NIGHT BEFORE CHRISTMAS

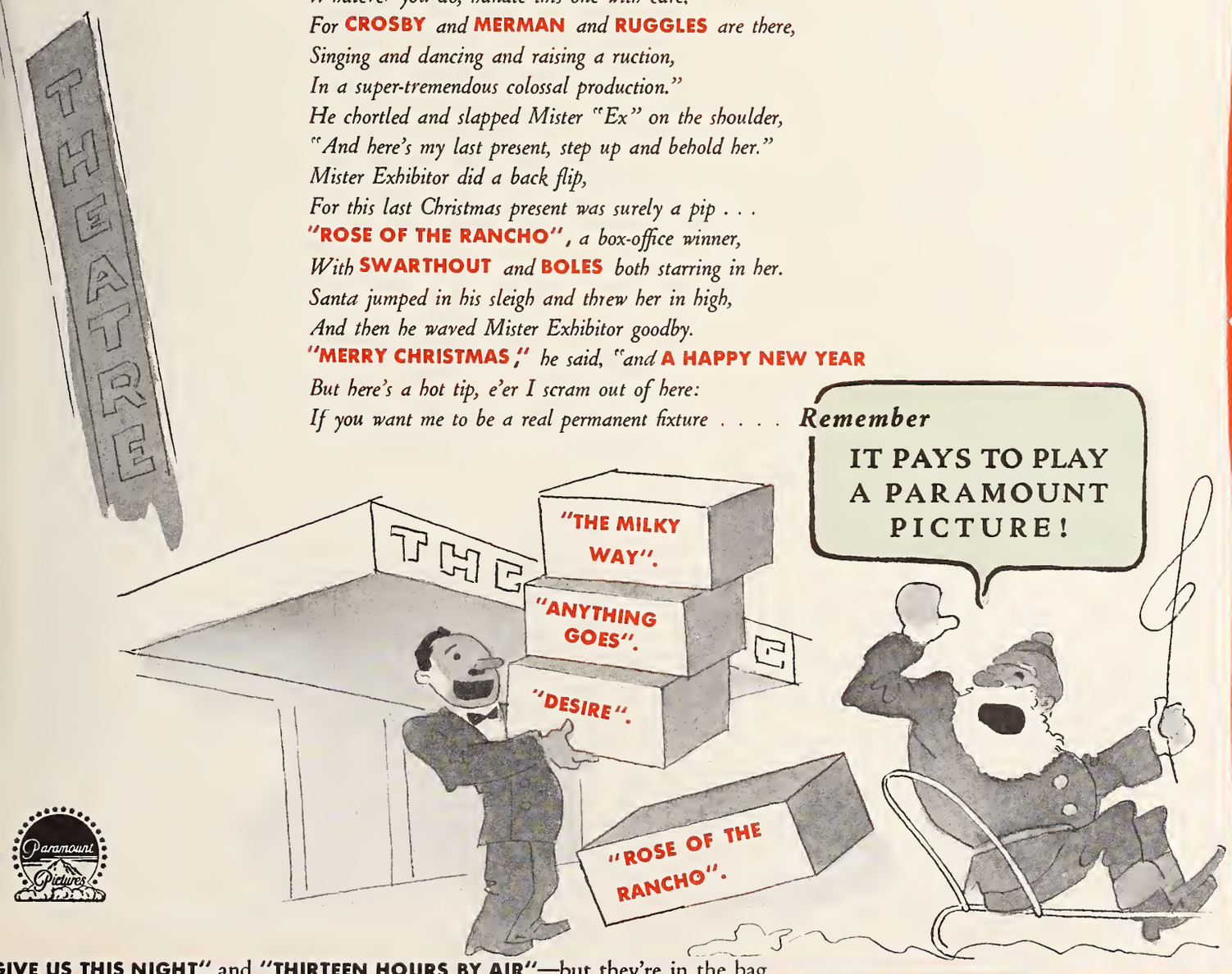
(With apologies to an old time Script Writer named Moore)



'Twas the night before Christmas, in fact, pretty late,
And Mister Exhibitor sat counting the gate.
He was adding his cash with the greatest of care,
Hoping an extra two bits to find there . . .
When out in the foyer there arose such a clatter,
He opened the door to see what was the matter.
But the night was so foggy, so gloomy and dark, he
Stepped back and switched on the lights on the marquee.
When what to his wondering eyes should appear,
But a high-powered sleigh and eight streamlined reindeer.
Mister Exhibitor widened his jaws:
"Am I going nuts, or are you Santa Claus? . . .
Either this is a gag that beats all creation,
Or I'm just a mug who don't know exploitation."
The little gink grinned like a Pepsodent ad.
"When you see what I've got, you'll think you are mad."
He reached in his bag, a convincingly neat trick,
And out came tumbling **MARLENE DIETRICH** . .
Then Santa, that jolly, pot-bellied old trouper,
Reached in again and hauled out **GARY COOPER.**
"There's a present which you and your fans will admire:
These two together in the smash hit **'DESIRE'**"

Note: We ran out of rhymes before we got to **"TRAIL OF THE LONESOME PINE"**

Santa laughed till his buttons near popped from his vest,
Then he reached in the bag and out came **MAE WEST.**
"And here", he went on, "is a honey for you,
Mae and McLaglen, the pic . . . **'KLONDIKE LOU'."**
Then out from the back of the little red sleigh,
Santa pulled a big package marked **"THE MILKY WAY".**
He ripped off the wrappings and, you've guessed it, of course,
Out came **HAROLD LLOYD** *with a peroxide blonde horse.*
Then, smirking a bit like a sawed off old gnome,
Santa pulled out a package, **"THE BRIDE COMES HOME"** . . .
"Here", he said, "Pal, grab this in a hurry,
For inside you'll find **COLBERT** *and* **MacMURRAY.**
And already the critics are starting to laud it
As the best thing that's ever happened to Claudette."
Then Santa whooped like an opera-house tenor,
And out of his pack came tumbling **JOE PENNER,**
With **OAKIE** *and* **LANGFORD** *and poker-faced* **SPARKS**
Ready for all kinds of **"COLLEGIATE"** *larks.*
Santa looked at his ticker, and scratched his round nose . . .
"I must get along . . . but here's **'ANYTHING GOES'** . . .
Whatever you do, handle this one with care,
For **CROSBY** *and* **MERMAN** *and* **RUGGLES** *are there,*
Singing and dancing and raising a ruction,
In a super-tremendous colossal production."
He chortled and slapped Mister "Ex" on the shoulder,
"And here's my last present, step up and behold her."
Mister Exhibitor did a back flip,
For this last Christmas present was surely a pip . . .
"ROSE OF THE RANCHO", *a box-office winner,*
With **SWARTHOUT** *and* **BOLES** *both starring in her.*
Santa jumped in his sleigh and threw her in high,
And then he waved Mister Exhibitor goodby.
"MERRY CHRISTMAS," *he said, "and* **A HAPPY NEW YEAR**
But here's a hot tip, e'er I scram out of here:
If you want me to be a real permanent fixture . . . .



Paramount Pictures

GIVE US THIS NIGHT" and **"THIRTEEN HOURS BY AIR"**—but they're in the bag.

Federal Staff Is Bolstered At St. Louis

(Continued from page 1)

in the criminal action, also are respondents in the civil proceedings. They are under subpoena, as are the 35 others, for the Jan. 6 hearing. It is understood that about 25 additional witnesses will be summoned by the Government the end of this week. It is reported the process servers will get busy on Friday.

In addition to the individuals to be brought here, the Government is reliably reported planning to subpoena a batch of new records and files held by Warners, Paramount and RKO. The new data will supplement that sought in the criminal action.

The reason for the new records is said to be for the purpose of bringing the equity action up to date. When the criminal suit was heard, only records for the three years to Jan. 11, 1935, were permissible because the indictments embraced this period. However, in the second suit no time limit is provided.

Federal Judge Joseph West Molyneaux of Minneapolis intends to start the equity hearing on Jan. 6, it is stated, and will not brook any delays, it is understood.

Rice Record Impressive

Rice has had a wide experience in anti-trust actions. Several years ago he successfully prosecuted 66 defendants in New York for violating the Sherman anti-trust law in connection with the poultry business. Of the 66, 20 were sent to jail. He also represented the Attorney General in an equity suit against the Sugar Institute, Inc., a case which lasted almost a year. He won a conviction in this instance. Rice represented the Government in the famous Jacob Schechter poultry case which resulted in the dissolution of the NRA.

In the poultry-NRA action, Rice was successful in trial court and was sustained by the Circuit Court of Appeals but subsequently the Supreme Court reversed the lower courts.

An interesting sidelight in Rice's entrance in the preliminary injunction proceeding is that he will again oppose Frederick H. Wood, who was counsel for Schechter in the poultry-NRA case. Wood is co-counsel with ex-Senator James A. Reed for Warners in the local matter.

Beverage Giveaways Cause Chicago Stir

CHICAGO, Dec. 23.—Beverage giveaways in theatres have caused varied reactions here, with clergymen, women's clubs and others protesting. The excitement began when the Shakespeare inserted an ad in a South Side community paper, informing patrons a bottle of brandy would be given to some purchasers of tickets and free beer would be provided for others.

Coming at a time when theatres are making all kinds of church and welfare tieups for children's shows, gathering of toys and provisions and other holiday moves, it caused a sensation.

The Ministerial Ass'n. immediately sent a protest to the paper.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Professional Soldier"

(Twentieth Century-Fox)

HOLLYWOOD, Dec. 23.—This is a 1935 fairy tale, its technique combining the Mack Sennett fun-making theory with the éclat of a Lubitsch production. It looks to be audience entertainment that will have audiences, particularly kids, volubly demonstrating their appreciation. Besides the worth of the lead names it has plenty in the way of a novel story idea, unusual backgrounds and unique situations to inspire colorful and effective exploitation. Some idea of what to expect may be gleaned from the facts that a pair of Rolls Royces are used in a chase sequence and the only excitement stimulators missing are a horse and battleship.

The locale is a mythical kingdom with the U. S. Marine Corps hymn its chief musical accompaniment. Victor McLaglen, professional soldier, is hired to kidnap the monarch as part of a revolution and plot. He finds the king to be Freddie Bartholomew, an alert youngster who thinks McLaglen and his pal, Michael Whelan, are Dillinger and "Baby Face" Nelson. Going through with the plot, which rings in an inconsequential romance between Whelan and Gloria Stuart, McLaglen's problem is handling Bartholomew, who, dressed in a football suit, wants to play baseball in cricket style. Getting the youngster to believe his tall tales of soldierly bravado, he makes good on the latter, when, escaping from jail in true low comedy style, he carries a flaming machine gun to wipe out most of the rebel army and captures the rest. He restores the king to his throne and another medal is added to the ton he already wears. The band plays "From the Halls of Montezuma."

The picture is played for smart semi-burlesque amusement in that spirit. McLaglen and Bartholomew turn in swell performances. They are ably supported by Constance Collier, Whelan, Stuart, C. Henry Gordon, Lumsden Hare and Walter Kingsford. It is based on the Damon Runyon yarn. The Gene Fowler, Howard Smith screen play is a deft mixture of whimsey, comedy, drama action and hilarity. Tay Garnett's direction effectively transfers these qualities to the screen.

Production Code Seal No. 1,778. Running time, 75 minutes. "G."

"The King of Burlesque"

(Twentieth Century-Fox)

HOLLYWOOD, Dec. 23.—Twentieth Century-Fox is hitting a handsome stride in musicals with its second tuneful film ringing a positive bong on the well-known bell.

Not satisfied with the sure profits of the dime trade in cheap burlesque, producer Warner Baxter risks his fortune in one mad gamble and moves to Broadway over the protests of his partner, Jack Oakie, and with the encouragement of soubrette, Alice Faye. Baxter, as the undisputed king of lavish musicals, is ebullient with success and self-satisfaction until he meets socialite, Mona Barrie, who is reduced to some very lavish rags from her former riches.

Then wild yearnings for the proper people stir his heart of gold and he sends Miss Barrie's fiance, Charles Quigley, to Italy to study singing. Miss Barrie, hard pressed for money, consents to a marriage with the king of burlesque and straightaway inspires him to stage three arty flops and leaves him when he is ready to draw from the breadline. Miss Faye takes Gregory Ratoff out of a sandwich board, pays him a dollar a day to pose as a millionaire "angel" with her bankroll and Baxter makes his comeback with true love triumphing and the audience glad of it.

Oakie was never funnier than in his Jolson imitation and crying jag scene. Arline Judge, determined on marriage, is a perfect foil for the rapid-fire buffoonery; Baxter makes the extremes of the mood count; Miss Faye scores in the song and dance numbers; Miss Barrie is charming and convincing as the social registerite, and Dixie Dunbar draws individual applause in a dance. Deserving high praise in the supporting cast are Herbert Mundin, "Fats" Waller, Nick Long, Jr., Kenny Baker, the Paxton Sisters, Shaw and Lee, Keye Luke and Gareth Joplin.

James Seymour adapted the screenplay from a story by Vina Delmar. Gene Markey and Harry Tugend contributed the dialogue that is generously packed with laughs; Sidney Lanfield's direction gets the full value from the comedy and Sammy Lee's dance numbers are impressive.

Associate producer Kenneth MacGowan is responsible for one king that can take a full house.

Production Code Seal No. 1,777. Running time, 87 minutes. "G."

(Reviews continued on page 7)

Short Subjects

"Lucky Stars"

(Paramount)

Pictured in threetone Technicolor the camera has captured a series of pastel-hued landscapes of the South. Presented in their natural shades, the various settings are breath-taking and awe-inspiring. Also included are scenes of a Fox hunt which relieves the tension of awed patrons. Unquestionably, a soothing tonic for any program. Highly recommended. It is classified as a Paramount Variety. Production Code Seal, 1,602. Running time, 10 mins. "G."

"Hunter's Paradise"

(Columbia)

The killing of a tiger, the slaughter of game birds, a roundup of kangaroo in Australia for future shoes and finally the roping of a mountain lion out west, most of which have been seen in newsreel shots, lend little of a new quality to this effort. There is a novel shot of a Seminole Indian capturing an alligator barehand but on the whole it appears rather bloodthirsty. Production Code Seal No. 1,672. Running time, 10 mins. "G."

Missouri October Sale Tax $866,000

KANSAS CITY, Dec. 23.—The Missouri one per cent sales tax brought in $866,000 for October, approximately $37,000 more than in September, the first month.

Missouri, in spite of the fact the sales tax is living up to what its proponents promised for it, is still in the financial woods. The half million a month relief load, the one-third of all general revenue going to the schools, etc., give rise to the conviction, according to Forrest Smith, state auditor, that the state will barely break even by the end of the year.

Wall Street

Short Gains Dominate Board

	High	Low	Close	Net Change
Columbia	44¾	44	44	+ ¼
Consolidated	5¾	5½	5¾	+ ¼
Consolidated, pfd	18	18	18	+ ⅛
Eastman Kodak	155½	154½	154½	—1¼
Loew's, Inc.	52¼	51⅝	51¾	+ ⅛
Paramount	9⅞	9⅝	9¾	+ ⅛
Paramount 1 pfd.	77⅛	76	77⅛	+ ⅛
Paramount 2 pfd.	11¾	11⅜	11¾	+ ⅜
Pathe Film	7¾	7⅜	7½	— ⅛
RKO	5¼	5	5⅛	.....
20th Century-Fox	24	24	24	.....
20th Century, pfd	33¼	32⅜	32⅜	— ¾
Universal, pfd	58	58	58	.....
Warner Bros.	10	9¾	9¾	— ⅛

Technicolor Up a ¼ on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	1⅞	1⅞	— ⅛
Technicolor	17½	17¼	17½	+ ¼
Trans-Lux	3⅝	3½	3⅝	.....

General Theatre Bond Issues Gain

	High	Low	Close	Net Change
General Theatre 6s '40	18⅞	18⅞	18⅞	+ ¼
General Theatre 6s '40, ctf.	18½	18½	18½	+ ¼
Keith B. F. 6s '46	92	92	92	.....
Loew's 6s '41 ww deb rights	104⅛	104⅛	104⅛	— ⅜
Paramount B'way 3s '55	92½	92¼	92½	+ ½
Warner Bros. 6s '39 wd	87⅛	86¾	87	+ ½

(Quotations at close of Dec. 23)

Expansion by Minnesota Is Being Planned

(Continued from page 1)

cussing a sale, lease or partnership deal with the circuit. Adequate finances have already been assured to underwrite any expansion move that may be made, according to Friedl.

"We are in the market for theatres," he said, "because we feel the time propitious for extending our activities. No 'aggression' against established exhibitors is contemplated, nor will any be tolerated," he said.

In addition, a number of houses of the circuit are to be improved. The Grand, Minneapolis, second run, will be closed Jan. 1 for remodeling. Other houses improved recently include the Miner, St. Cloud, Minn.; Orpheum, Minot, N. D.; Oklare, Eau Claire, Wis.; Avon, Winona, Minn.; Empress, Rochester, Minn., and Time, Mankato, Minn.

Y. Frank Freeman, Paramount vice-president in charge of the company's theatre department, said yesterday that he knew of no planned expansion program for Minnesota Amusement Co., but that he assumed that if desirable theatres were available on the right basis deals would probably be made by the circuit from time to time.

"The only activity involving the circuit that I know of now," Freeman said, "involves remodeling of some of the theatres."

Brandt Refuses to Retain ITOA Post

(Continued from page 1)

health. Former NRA Administrator Hugh S. Johnson is reported to have been contacted by letter in the west and has not been heard from as yet. A third possibility is George Z. Medalie, former U. S. District Attorney of New York. With the post will go a salary, it is understood.

The purpose of retaining a prominent figure is believed to be preliminary to a move on the part of the independents to wage a battle with the circuits over double bills, games and admission prices. Unaffiliated exhibitors in the local area are reported incensed no end since major circuits instituted duals all days of the week in first runs and in addition to cash giveaways via games.

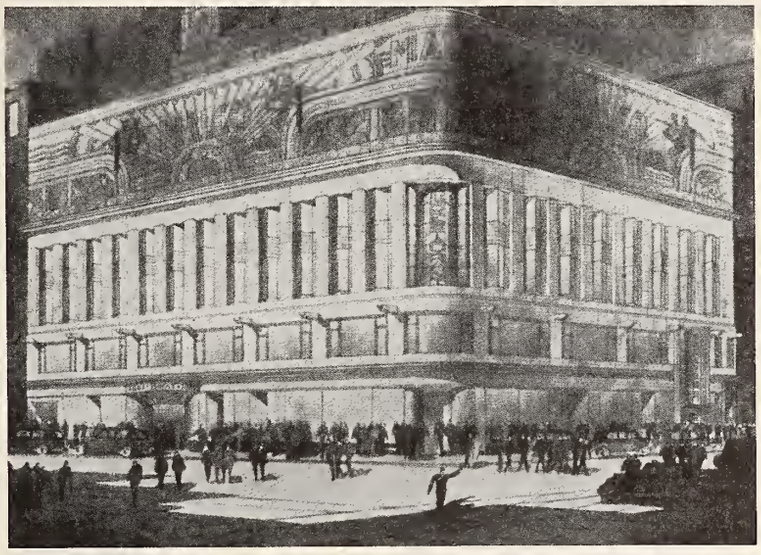
Kennedy Testifies For Sabath Probers

(Continued from page 1)

tioned on phases of the Pathe and RKO financial history.

Garsson said that the Sabath committee would continue its current study of film company reorganizations in closed hearings and that it was unlikely that any open hearings would be held until after Jan. 1. The committee's current studies include the reorganizations of Paramount Publix and its New England theatre subsidiaries, RKO, Pathe and the Twentieth Century-Fox financial reorganization.

New Rialto Opens Tomorrow



The New Rialto, on the corner of 42nd St. and 7th Ave., opens tomorrow on the site of the old Rialto. The opening attraction will be Frank Buck's latest, "Fang and Claw." Arthur L. Mayer will operate the new house as he did the old.

Modernistic in design both outside and inside, the theatre's color scheme is blue gold and terra-cotta. An intimate house with no balcony, it seats 750. Smoking is to be permitted throughout the house. It has the most modern equipment, including the latest in sight lines and acoustics. An innovation is an electric seat indicator, which may be seen upon entering the house. There will be an additional box office and entrance on the subway floor below.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Song of the Saddle"

(*First National*)

HOLLYWOOD, Dec. 23.—Here is a western to delight the fans who like villains thoroughly bad, heroes triumphantly good and plenty of thrilling riding. For good measure, there are two catchy melodies for Dick Foran to warble.

The tale starts with Foran's father shot before his eyes by a couple of evil hirelings in the pay of the local bad man. George Ernest, as the boy, and Bonita Granville, as his childhood sweetheart, score in these introductory scenes which set the stage for the romance between Foran and Alma Lloyd. While growing up, Foran treasures the determination to avenge his father's death and eventually does so after plenty of the hard riding, near disaster, double-crossing and unmitigated wickedness so essential to a good western.

Charles Middleton, Eddie Schubert and Monty Montague are the double-dyed villains. Julian Rivero, Pat West and Bob Osborne play Foran's loyal pals, and good in supporting parts are Kenneth Harlan, Victor Potel, Addison Richards, William Desmond, James Farley and Myrtle Stedman. Louis King's direction keeps the routine tale moving at a good speed. William Jacobs wrote the story and screenplay. M. K. Jerome and Jack Scholl did music and lyrics for "Vengeance" and "Under the Western Skies," both excellent. Bryan Foy produced and made a very good showing for a film in the low cost bracket.

Production Code Seal No. 1,557. Running time, 63 minutes. "G".

Eight to Get New Sound

DENVER, Dec. 17.—Western Electric has just contracted for eight new wide range installations in this territory. They are: Fox Boulder, Boulder, Col.; Westland's Chief, Greeley, and Gibraltar's Silco, Silver City, N. M.; America and Rialto, Casper, Wyo.; Princess, Del Norte, Col.; Egyptian, Scotts Bluff, Neb.; and Lensic, Santa Fe, N. M.

Wanger Gets a Musical

HOLLYWOOD, Dec. 23.—Walter Wanger has closed a deal with Jack Robbins for the screen rights to the musical comedy, "The More the Merrier." The production has not had a legitimate stage run.

No cast or director have been set. Camera work will not get under way for some time, due to precedence of other productions.

Hamrick-Evergreen Entertain Film Men

SEATTLE, Dec. 23.—Exchange managers and bookers from all the offices on Film Row were guests of the Hamrick-Evergreen circuit last week at a dinner and show at the Washington Athletic Club.

John Hamrick and Frank L. Newman, Sr., directed the affair, and Al Finkelstein and Roy Brown of Evergreen's Portland office were among the theatre executives present.

Film Row men in attendance included Jack Burke, Guy Maxey, Herndon Edwards, A. M. Goldstein, Harold Harden, Ed Lamb, L. J. McGinley, Guy Navarre, J. T. Sheffield, L. A. Samuelson, Ed Walton, Neal Walton, Butch Wingham and the bookers from the exchanges represented by the above executives.

Fox Gets Leave for Appeal on Subpoena

(Continued from page 1)

a subpoena served on him some time ago by the Capital Co. of San Francisco, which holds an unsatisfied $287,000 judgment against him for liability on the lease of the Fox, San Francisco. Attorneys for the Capital Co. have been endeavoring to question Fox on his financial status as a result of his alleged inability to satisfy the judgment. The former film head is said to be under the care of physicians at Toronto. Judge Bondy ruled last week that Fox could purge himself of the contempt charge by submitting to examination by Standard's attorneys on Jan. 6 at Toronto or some other mutually agreeable location.

Edward Golden to Cohen—Batcheller

(Continued from page 1)

Invincible sales have been handled by the First Division sales staff alone. Golden's appointment will not alter the existing distribution arrangements with First Division, but will add a direct sales effort applied exclusively to the product of the two companies, augmenting that supplied by First Division, it was said. The two companies release between 20 and 24 features annually.

Golden had been sales head of Monogram Pictures since its founding and continued in that capacity when the company was merged with other independent producers to form Republic Pictures late last winter.

Studios Are Busy Despite Christmas

(Continued from page 1)

in the cutting rooms. Fox had seven, two and five; Goldwyn, one, zero and one; M-G-M, seven, zero and 13; Paramount, eight, three and five; Radio, four, two and four; Roach, zero, zero and one; Universal, five, one and one; Warners, seven, one and eight; independents, three, two and one.

Short subject production held up. Columbia had none in work, two in preparation and three editing. M-G-M had two, three and five; Radio, zero, one and one; Roach, two, zero and four; Universal, zero, zero and one; independents, zero, one and zero.

Greatest 12 Months Stir Hope—Feist

By FELIX F. FEIST
Gen'l Sales M'g'r, M-G-M



The greatest 12 months in production have come during a period of material improvement in business conditions. Repeatedly during this period theatre attendance records have been broken. Not infrequently, grosses have attained new highs.

The history of production has been a record of steady betterment through the years; no recession would reasonably be expected in the next 12 months, even if elaborate plans did not already indicate an even more successful season than any which the producers have yet initiated. Nothing stands in the way of this except the nuisance demands for second features.

The upturn in business in 1935, while not spectacular, has been of international scope and sufficiently definite to manifest itself even in remote places and slowly responding lines of commercial activity. There is steadily accumulating evidence of restoration of confidence, of willingness to spend money more freely and of increasing ability to spend.

The door is being opened for the ushering out of Bank Nights, china nights and games of chance and the entrance of admission prices better suited to the superlative quality of the entertainment which is being offered. Production is steadily forcing a return by the theatre to the business of selling and exhibiting motion pictures.

Cocalis Issues Denial

Sam Cocalis declares that he is not interested in any theatre site near Laurence Bolognino's Ogden in the Bronx and never has been.

If he should choose to expand, however, he says, he can see no reason why any of his competitors should get excited about it, as he will carry out his plans without consulting any of them.

"I was decent enough to call up Frisch & Rinzler and tell them the owner of a Brooklyn property had offered it to me," Cocalis said, "and they apparently called a meeting to make threats. Hereafter I will carry out any plans I have without consulting anybody."

Seaford House Burns

WILMINGTON, Dec. 23.—The Palace at Seaford, Del., was destroyed by fire early this morning at an estimated loss of $50,000. The blaze was discovered near the projection booth.

The house was renovated about two years ago. It was owned by the Seaford Investment Co. and operated by M. J. McDermott and Elisha Ryan.

Gains Stir Up New Optimism, Says Balaban

By JOHN BALABAN
Chicago Theatre Operator



CHICAGO, Dec. 23.—In predicting what we anticipate in 1936, I am happy to inform you that our organization is quite optimistic. We are finishing the year 1935 with a substantial improvement over 1934. Our plans for 1936 include an appropriation of approximately $300,000, which will be spent by the Balaban & Katz and Great States circuits for the reopening of some theatres which have been closed for several years, as well as the rehabilitating and modernizing of a good many of our properties. You realize, of course, that we could not undertake such a tremendous expenditure without feeling reasonably optimistic. We are also building at this time a new theatre in Aurora, Ill., one in Edwardsville, Ill., and the new "Will Rogers" Theatre in Chicago.

Merchants throughout the state report healthy business. Factories are reopening, unemployed are returning to work and rehabilitating and modernizing of other businesses is taking place as it is in our industry.

The number of outstanding box-office pictures that were produced during the year just ending are as well known to you as they are to me, and in attempting to anticipate and make a prediction for the coming year, I must naturally assume that the studios will do their share again in delivering to us a reasonable number of outstanding box-office successes.

Warner to Build 6 Washington Houses

WASHINGTON, Dec. 23.—Harry M. Warner announced over the week end that Warners will build six new houses here at a cost of $4,000,000. Construction will begin in six weeks. This will make a total of 20 theatres in the Washington area to be operated by the company.

Plan Bank Night Test

BOSTON, Dec. 23.—Bank Night is to be allowed to operate here until a court test has been made on both the state and city anti-lottery laws as a result of a petition of George S. Ryan, attorney, to Mayor Frederick Mansfield. One exhibitor is to be arrested to get the case into court.

Olsen Big in St. Louis

ST. LOUIS, Dec. 23.—Olsen & Johnson, appearing at the Ambassador, upped the average at the house last week by $3,000, garnering $13,000 for the week.

Report Trailers Out

Chicago, Dec. 23.—A number of suburban theatres are understood to have dropped the use of trailers because of complaints by patrons that too much time is taken up by announcements of coming attractions.

New High for Films on Way, Asserts Sears



More people will see pictures during the next year than during any similar period in the history of the industry, says Gradwell Sears, in charge of western and southern sales for Warners.

This will be due largely to the excellence of pictures, he says.

"The united effort of all producers toward better product," Sears asserts, "obligates all distributors to see that pictures reach the public ably sold and makes it necessary for them to see that relations with exhibitors and the public, newspapers and centers of influence, should be of the best to build a solid foundation for future films."

"Mutiny" Holds Up 5th Portland Week

PORTLAND, Dec. 23.—"Mutiny on the Bounty," held for a fifth week at United Artists, secured another $6,000. This was over par by $1,000.

"Whipsaw" at the Broadway also proved strong draw with $6,000, over normal by $1,000. "In Person," featured at the Orpheum, meant $6,000 for the box-office, over the usual by $1,000.

Ideal Oregon weather was a factor in a better than normal week.

Total first run business was $28,000. Average is $24,700.

Estimated takings for the week ending Dec. 14:

"WHIPSAW" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"PAGE MISS GLORY" (W. B.)
"SANDERS OF THE RIVER" (U. A.)
(2nd Run)
BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $1,700)

"A FEATHER IN HER HAT" (Col.)
"STORM OVER THE ANDES" (Univ.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"IN PERSON" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"MARY BURNS, FUGITIVE" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(945). 25c-35c-40c, 7 days, 5th week. **Gross:** $6,000. (Average, $5,000)

Building Upon Gains Coming, Says Laemmle

(Continued from page 1)

money people seem to have to buy automobiles. His business is fully 100 per cent over last year. This man has delivered in the last two months more new cars than he did in nine months in 1935. When people can buy automobiles they can buy entertainment and they are doing that and they will continue to do it more and more. In spite of the fact that this is going to be a very hectic political year, politics has never had any serious effect on attendance. It has been my experience that election years have increased interest in the theatre rather than the reverse.

If there is any particular trend, I think it will be toward biographical and historical films. I am sure that every company will try out subjects of this character next year.

Personally, I fear that the music cycle is on the wane, which is a pity because the proper use of music in films is one of the most natural adjuncts to the moving picture and 1935 seemed to indicate that we were just acquiring a new appreciation and realization of this fact.

"Mutiny" $11,500 Montreal Holdover

MONTREAL, Dec 23. — Pre-Christmas distraction did not disturb "Mutiny on the Bounty," heldover attraction at the Palace, which rang up $11,500 during the week ending Dec. 14 after a first week of $15,000. The feature was held over for a third week and is continuing until Christmas Day.

"Stars Over Broadway" and "Frisco Kid" proved a good brace at the Capitol, the take being $10,000, or better than par. Loew's grossed the same total on a combo bill which had "Two Sinners" as Picture No. 1. "A Feather in Her Hat" headed the screen fare at the Princess for a result of $6,000.

Chief opposition to the film theatres is the new French revue at the Stella, musical stock at His Majesty's and either a professional or amateur hockey feature at the Forum each night.

Total first run business was $40,500. Average is $41,500.

Estimated takings for the week ending Dec. 14:

"STARS OVER BROADWAY" (W.B.)
"FRISCO KID" (W.B.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

"MON COUER T'APPELLE" (French)
"NAUFRAGE" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: "Blondes et Brunettes" Revue. **Gross:** $3,000. (Average, $3,500)

"TWO SINNERS" (Republic)
"$1,000 A MINUTE" (Republic)
LOEW'S—(3,115). 30c-34c-40c-50c-60c, 7 days. Stage: "Calling All Sweethearts" vaudeville unit. **Gross:** $10,000. (Average, $10,500)

"MUTINY ON THE BOUNTY" (M-G-M)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days, 2nd week. **Gross:** $11,500. First week: $15,000. (Average, $11,000) Held over for third week.

"A FEATHER IN HER HAT" (Col.)
"GRAND EXIT" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $7,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 149 NEW YORK, THURSDAY, DECEMBER 26, 1935 TEN CENTS

Depinet Looks For Pictures Topping Past

Box Offices to Reflect Gains in Business

By NED E. DEPINET
President, RKO Dist. Corp.

There are two things this industry can never do without—shows and showmanship. They are not separate entities, but as dependent upon one another as Siamese twins. Each year productions grow better and with them a more critical public. Each year showmanship must grow keener in order to provide the resources with which producers may make these constantly demanded better shows. Pictures must pay their own way, they must be profitable to exhibitor and producer. You can't cut



(Continued on page 10)

Darryl F. Zanuck and David L. Loew talk about 1936 on page 10.

Kent Denies Deal Is Set; Admittedly On

Sidney R. Kent, president of Twentieth Century-Fox, on Tuesday denied MOTION PICTURE DAILY's Hollywood story in that issue which stated the company's deal for purchase of the Chase Bank's interest in National Theatres Corp. had been closed, thereby making Twentieth Century-Fox 100 per cent owner of the theatre corporation. He also denied through Felix Jenkins, general counsel of the company, that Lawrence Stern of Stern and Co. of Chicago is acting for the purchaser.

HOLLYWOOD, Dec. 25.—The understanding here was on Monday evening that the Twentieth Century-Fox deal with Chase for National Theatres was set, only lacking the usual ironing out of minor details. The story was a general release from the studio

(Continued on page 4)

Defense Will Ask Dismissal At St. Louis

Move to Be Based Upon Legal Precedent

ST. LOUIS, Dec. 25.—Defense counsel in the Government's equity suit against Warners, Paramount and RKO on an application for a temporary injunction for allegedly refusing to service F. & M.'s three theatres here will move for dismissal of the action when it comes up for hearing before Federal Judge Joseph W. Molyneaux on Jan. 6, it is learned.

George S. Leisure, New York counsel, who, with Jacob M. Lashly, local attorney, represented Ned E. Depinet and RKO Distributing Corp. in the criminal proceedings, made a request for dismissal before Federal Judge George H. Moore on Nov. 12, the day after a jury acquitted all indicted parties in the misdemeanor case. Judge Moore at the time held the matter in abeyance.

With the selection of Judge Moly-

(Continued on page 4)

St. Louis Case May Last 6 to 8 Weeks

Hearing on the Government's petition for a preliminary injunction against Paramount, RKO and Warners for allegedly withholding first run films from the Ambassador, Missouri and New Grand Central in St. Louis is expected to last from six to eight weeks, according to legal opinion.

This estimate is based on the intention of the Government to go over the same ground covered in the criminal action in addition to the period from Jan. 11, 1935, the day indictments were handed down, to the present date.

Russell Hardy will have as assistant prosecutors Walter Rice and Harold

(Continued on page 4)

Theatre Men Fight WPA Project Here

Protests have been registered by the League of New York Theatres and Theatrical Protective Union No. 1 against the proposed Federal theatre project here. It is understood that the WPA has virtually completed arrangements for leasing the Manhattan, Broadway and 43rd St.

Dr. Henry Moskowitz, executive adviser to the league, has written to Frank Gillmore asking Equity to bar its members from the proposed theatre, but Gillmore says the Equity Council has taken no action as yet.

Schenck Bullish



Nicholas M. Schenck

"I feel that the notable recent increase in picture patronage is primarily a reflection of superior product rather than anything else," declared Nicholas M. Schenck, president of Loew's, Inc., and M-G-M on Tuesday. "A good many pictures have been produced during 1935 of which the industry may be proud. I believe the outlook for 1936, both from the standpoint of production and patronage, is most promising."

Canada Suits On Copyright Go Under Ban

TORONTO, Dec. 25.—The Canadian Performing Rights Society cannot take legal action against licensees or others for alleged infringement of musical copyright or for alleged violation of license agreement until Feb. 28, according to an order issued by Fernand Rinfret, Dominion Secretary of State, which prohibits the society from entering legal prosecutions.

The restraining order is linked with the recent judgment of Judge James Parker, the commissioner appointed by the Federal Government to investigate complaints from theatres that the society's fees were excessive. His decision was that the tariff of 20 cents per seat per year for theatres, as introduced by the society last January. was excessive and exhibitors are not required to pay more than the previous rate of 10 cents per seat before Feb. 28, under the latest Government order, or until a possible order-in-council is put through by the Dominion Government before that date to settle the issue.

It is understood that Secretary of State Rinfret is studying the Parker report with a view to bringing down amendments to the Copyright Act at the next session of Parliament.

RKO Creditor Claims Cut to $2,618,198

Stipulations Subject to Approval of Court

Seventeen creditors' claims against RKO, which were filed at a total of $3,212,283 will be allowed at a total of $2,618,198 under stipulations entered into between the creditors and Irving Trust Co., trustee in reorganization for RKO.

The stipulations are subject to Federal court action after a hearing to be held before Judge William Bondy on Jan. 13, at which any opposition to the allowance of the claims by other creditors of RKO will be heard.

Among the stipulations proposed for allowance is the claim of S. L. (Roxy) Rothafel for alleged breach by RKO of a personal service contract. Roxy's claim was filed at $231,500, plus the value of 10,000 shares of RKO Class A stock, and is proposed for allowance at $179,271. Another large claim proposed for al-

(Continued on page 4)

New 5-Year Music Pact Ready Jan. 1

The new five-year music license agreements with Ascap, which the society was recently authorized by its board of directors to offer to exhibitors, will be available for the many whose current contracts with Ascap expire Jan. 1, it was stated on Tuesday.

The new long term agreements were authorized following the renewal of all publisher memberships in Ascap, with the exception of the Warner companies, for a five-year period. The pacts are cancellable on one year's notice and will be made available to

(Continued on page 4)

AFA Dickering for Standard Pact Use

Negotiations have been started by the American Federation of Actors with vaudeville and night club bookers to get them to use the new A.F.A. standard contract. The pact has been brought up to date by Ralph Whitehead, and has a clause specifying that the artist is "a member in good standing."

Bookers accepting the contract will have to restrict themselves to A.F.A. members and the A.F.A. in turn will protect bookers against contract jumping.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 26, 1935 No. 149

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Rites for Mrs. Quigley

CLEVELAND, Dec. 25.—A solemn high mass of requiem was sung at St. Philomena's Church here yesterday for Mrs. Ellen Daly Quigley, mother of Martin Quigley, who passed away last Saturday.

Leighton, Critic, Dies

CINCINNATI, Dec. 25.—George A. Leighton, 49, dramatic critic of the *Cincinnati Enquirer,* died here yesterday after an operation. Surviving are his widow, one son, three brothers and two sisters. He was head of the Theory Dept. at the Conservatory of Music as well.

Mrs. E. B. Getz Passes

Mrs. Elizabeth Bland Getz, mother of Bland Johanneson, film critic for the *Daily Mirror,* died suddenly on Wednesday at her home in the Peter Cooper Hotel.

WANTED
Freelance
Sound Service Men

Must be capable of servicing independent manufacturers' sound equipment. Liberal commissions paid for any sales closed from leads furnished by manufacturers. Send complete details in first letter including territory covered.

BOX BT
MOTION PICTURE DAILY

Purely Personal

MONROE GREENTHAL, LYNN FARNOL, BILL SUSSMAN, JACK SICHELMAN, JAMES A. FITZPATRICK, HAL HORNE, MONTE PROSER, AL MELNICK, LOUIS SCHURR, AL HOVEL, DAN FRANKEL, MITCHELL KLUPT, JACK C. BARNSTYN, JACK D. TROP, J. H. HOFFBERG and ROY HARGRAVE at the Tavern Tuesday afternoon.

•

HAL HORNE, MONTE PROSER and WALTER FLEISCHMAN will move the Blackstone Advertising Agency from the RKO Bldg. to the French Bldg. next week. The outfit has 33 men on the staff.

Quip of the Day

"I hope Lord Tyrrell [new president of the British Board of Film Censors] will not take too seriously the definition of a film censor as a man who sees three meanings where only two are intended."—Kenneth Nyman at the dinner of the London C.E.A.

ROY HARGRAVE, who is appearing in "Blind Alley" and wrote "Room in Red and White," has been signed by WALTER WANGER to write, act and direct.

•

SINCLAIR GLUCK'S "The Last Trap" has been acquired by Chesterfield, and is being produced under the title, "The Dark Hour."

•

WALTER WANGER sent every Paramount salesman, branch manager and district manager a Christmas greeting by wire Tuesday.

•

MRS. FREDERICK PERRY (HELEN VINSON) and MADAME MARIE PONS, mother of LILY PONS, sail today on the *Ile de France.*

•

WARD WING and LORI BARA are among the passengers sailing today on the *President Roosevelt.*

•

MARK LEUSCHER has joined F. & M. Stageshows, Inc., handling publicity.

•

DOROTHY PARKER, under contract to Paramount, is in town for the holidays.

•

CLAUDETTE COLBERT on Tuesday married DR. JOEL E. PRESSMAN at Yuma, Ariz.

•

. . . Baltimore

ISADOR M. RAPPAPORT, proprietor of the Hippodrome, has left for a sea trip through the Panama Canal to the coast with MRS. RAPPAPORT. TED ROUTSON and L. SEAMAN will have charge during his absence.

JULIUS GOODMAN, proprietor of the Ideal, is having $3,500 worth of redecorating and other improvements made in his theatre.

I. V. HART has recovered from his recent operation and is back on the job publicizing for Keith's.

•

. . . Boston

JAMES ENSLIE DARBY, treasurer and assistant house manager of the Metropolitan, has acquired a new home in Quincy.

ARTHUR K. HOWARD, business manager for Allied in New England, and MRS. HOWARD motored to Arkansas to spend Christmas at the home of MRS. HOWARD'S parents. They expect to be back in Boston on Jan. 2.

JANE MAHONEY of the Bowdoin Square and Howard Athenaeum Theatres, is back on the job after having had a cold.

BEN DOMINGO, manager of the RKO, Boston, is back at his desk after nursing a prolonged cold.

LOUISE BUCKLEY, secretary to Manager John Scully of G. B., is recovering from an operation for appendicitis.

•

. . . Cincinnati

JOHN SCHWALM, manager of the Rialto, Hamilton, O., was one of a party of four just returned from a hunting trip in the Pennsylvania woods, each with a deer.

W. A. V. MACK, here from New Haven as G. B. manager, succeeding RUDOLPH KNOEPFEL, who has hit the trail as salesman.

MAX STAHL, head of the U. A. exchange, took time out to be married to ESTELLE GOLDBERGH, office manager, at Cleveland.

•

. . . Lincoln

BARBARA LIVINGSTON, wife of the Capitol manager here, will leave for the coast today.

JOHN NEMITH, assistant house manager at the Lincoln, was top man in the J. H. Cooper Xmas card selling. The cards sold for the same price as theatre tickets and were good for admissions.

In town lately: T. B. NOBLE, JR., general manager of Westland Theatres; LEM STUART, formerly on Publix advertising, now with Lord & Thomas; JOE PHILLIPSON, auditor for J. H. COOPER, and LOUIS J. FINSKE, Cooper's division manager, of Denver.

IKE HOIG, Lincoln Theatres personnel boss, is talking about another new car.

•

. . . Omaha

J. C. JENKINS, *Motion Picture Herald* columnist, was found last week-end being kidded by film men in the Loyal Hotel lobby.

FRED THORSON, M-G-M representative from the Omaha office, is in the Frederick hospital recovering from an operation.

J. J. SPANDAU, Universal manager, will be host to his parents during the holidays. They came here from Atlantic City, N. J.

W. W. TROXELL, Republic-Midwest salesman, was named third among the 10 best dressed Omahans.

•

. . . Pittsburgh

BOB NEWKIRK, assistant manager at the Penn, and MRS. NEWKIRK celebrated their 10th wedding anniversary the other day.

GEORGE M. COHAN will open his new play, "Dear Old Darling," at the Nixon New Year's week.

PHIL REGAN has been booked for a personal appearance at the Stanley the week of January 17.

RUTH TATE, GEORGE TYSON'S secretary, is back on the job after a three-week siege of intestinal flu.

PHIL SPITALNY and DAVE BROUDY have been taking on all comers in bridge this week.

MRS. IRA COHN, wife of the Twentieth Century-Fox manager here, celebrated her birthday the other day.

St. Louis Missouri To Get Vaudeville

ST. LOUIS, Dec. 25.—F. & M. has definitely decided on a vaudeville policy for the Missouri, starting Jan. 1. Seven acts will be featured with second run pictures. The first week's show will run nine days.

Starting New Year's Day, the Fox, Missouri and Ambassador will return to a matinee change at 7:50 P. M., instead of 6 P. M. Last fall subsequent runs agreed with F. & M. to hike admissions if the change in matinee time should be made, but the plan was never carried out by the unaffiliated exhibitors. As a result, F. & M. is going back to its former operating schedule. The Fox and Ambassador change at 7:30 will be from 35 cents to 55 cents, while the Missouri will be from 25 cents to 40 cents. The Grand Central will not be reopened, due to lack of quality product.

Harry C. Arthur is instituting a new policy with the transfer of Ralph McGowan, formerly manager of the Orpheum and Studio, Salt Lake City, to the Missouri, here. Charles Kurtzman, who supervises management of the Ambassador, Fox and Missouri, will not handle the Ambassador hereafter. Harry Greenman at the Fox and McGowan at the Missouri, will compete for business.

Chicago Not Cutting Trailers, Says N. S. S.

National Screen Service on Tuesday took exception to a Chicago dispatch reporting a number of suburban theatres there had dropped trailers because of complaints by patrons that too much time had been taken up by announcements of coming attractions and declared its books would show almost complete representation for its trailers in that city.

"There have been objections raised in Chicago and elsewhere, however, to the so-called 10-foot strips made by local trailer companies and laboratories which have been used in some instances in addition to the regular trailer," an executive stated. "If any Chicago theatres, therefore, are dropping trailers, it is this which they are cutting out."

Lease the Strand, E. O.

Morris Pouzzner, through a new company, Range Amusement, Inc., has leased the Strand, East Orange, for 15 years from the Strand Amusement Co. The deal was handled by David Berk and J. Krumgold. The house is to be renovated.

Reade Gets Another

TRENTON, Dec. 25.—Walter Reade has taken over the State on lease from Ogden D. Wilkinson. He will remodel the house.

AUCTION SALE
SCHEDULED for TOMORROW
FRIDAY
Dec. 27, 1935 at 11 A.M.
OF THE
Photocolor Pictures, Inc.
At Irvington on Hudson, N. Y.
IS POSTPONED TO FRIDAY
JANUARY 10, 1936 at 11 a.m.
WHEN SALE WILL POSITIVELY BE HELD AT ABOVE PREMISES
ARTHUR ALBERT, Auctioneer



Xmas Day this year was notable, among other things, for the pre-release openings of **'CAPTAIN BLOOD'**, newest Cosmopolitan Production from Warner Bros. Portraying perfectly the swashbuckling pirate of Rafael Sabatini's great novel is dashing **ERROL FLYNN,** who threatens to become, according to this paper's reviewer, 'another matinee idol'. Other notables in the cast of this 'big time show superlatively directed by Michael Curtiz' are Olivia De Havilland, Lionel Atwill, Basil Rathbone, Ross Alexander, Guy Kibbee. A First National Picture. Released December 28th.

RKO Creditor Claims Cut to $2,618,198

(Continued from page 1)

lowance is that of the Security First National Bank of Los Angeles, which was filed at $1,915,800, plus interest, being based upon RKO's guarantee of a bond issue of RKO Western Corp. The claim is proposed for allowance at $1,857,425.

A claim of Harrison Theatre & Realty Corp. for $440,000 and interest, based on Indiana theatre leases, is proposed for allowance at $420,000, and a claim of the U. S. Bank of Denver for $480,000 and interest, based on a guarantee of Denver Orpheum Co. mortgage bonds, is proposed for allowance at $81,271. A claim of the American National Bank & Trust Co. of Chicago for $40,320 and interest, based on an RKO note, is proposed for allowance at $40,313. The remaining claims are all in smaller amounts.

The stipulations were entered into by the RKO trustee and the creditors following months of negotiation, with the participation of Donovan, Liesure, Newton & Lumbard, attorneys for the RKO trustee. They represent reductions in claims amounting to approximately $594,000 and are the largest single claim groups disposed of in the reorganization proceedings.

AFA Holds Parties

Four holiday parties were on tap for members of the American Federation of Actors. One, at Boston, was held yesterday in Payne Memorial Hall, Boston, with Ralph Whitehead as guest of honor. Detroit and Milwaukee parties were held in the A.F.A. quarters in each city.

Another is scheduled for Saturday night in the Restaurant Employes' Hall, 752 Eighth Ave.

Seattle Goes to Duals

SEATTLE, Dec. 25.—All the eight Hamrick-Evergreen houses here started a double-feature policy today.

The Fifth Ave., Orpheum, Paramount, Blue Mouse and Music Box will be first runs, with the latter two continuing to fill in as "extended run" houses for the bigger theatres when necessary. The Coliseum, Egyptian and Neptune will continue as second runs.

N. E. Managers Shift

BOSTON, Dec. 25.—Managerial shifts in this territory send Arthur Murch to the North Shore, Gloucester, as successor to the late James P. Kincaide.

J. A. O'Donnell gets the Maine, at Waterville, Me., and Thomas Wall goes from the Paramount, Newton, to the Paramount, Needham.

Joseph Ehrlick has been made assistant to Jack Granara, publicity head for RKO theatres in New England.

May Repeat Open House

KANSAS CITY, Dec. 25.—Weekly open house by the I.T.O. may result from the success of the first affair of the kind held at the Zoglin Building. Frank Mountjoy and Ed Hartman have been named as a committee to promote the idea.

New 5-Year Music Pact Ready Jan. 1

(Continued from page 1)

exhibitors as rapidly as current contracts expire. While offering no reduction in the prevailing music licensing rates the new contracts do guarantee exhibitors holding them against further increases in the rates during the five-year period.

Little reaction for or against the new pacts has been in evidence in exhibitor circles, even among exhibitor leaders who had hoped for a reduction in the Ascap rates as a result of the withdrawal of the Warner music from the society's catalogue Jan. 1. The attitude toward the new pacts appears to be that they may offer exhibitors some slight benefit and probably no new inconvenience.

Indications are that no organized campaign for reductions in the Ascap rates will be made by exhibitors, the more or less general feeling being that the music licensing fee for theatres is wholly unjustified and action in opposition to it should be confined to its complete elimination rather than to efforts to obtain a partial reduction.

Film Mixup Boosts Mexico Bullfights

By JAMES LOCKHART

MEXICO CITY, Dec. 25.—Reduced film imports caused by the film strike and the tax arguments with the Government are driving the public to other forms of amusement.

Bullfights, which have been slipping for several years, are staging a comeback. A $64,750 gross for the first three shows of the new season was sensational. Stage shows also are picking up as film programs decline in quality.

Relief Cut, Trade Gains in Milwaukee

MILWAUKEE, Dec. 25.—Heavy cuts in the relief rolls and a 16 per cent gain in department store sales over the same period last year have stirred optimism here. Between Nov. 1 and Dec. 1, 4,253 families and 2,310 individuals went off relief.

The Alhambra, long dark, will be reopened Christmas day by L. K. Brin for a nine-day stay of a Major Bowes unit, and in Cedarburg a new 500-seat house will open the same day.

R. I. Gets WPA Theatre

NEWPORT, Dec. 25.—This city has received the first Rhode Island allocation for a theatre project under the WPA, $20,000 having been appropriated for an experimental "laboratory theatre." New and unpublished plays will be produced and persons to comprise the company will be selected by an audition board. In order to qualify one must have had professional experience or show exceptional talent. The director will be Harold W. Gammons.

Form Theatre League

DOVER, DEL., Dec. 25.—Theatre League, Inc., has been chartered here.

Another incorporation is Norshore Theatre Building Corp., formed by L. H. Herman, Walter Lenx and W. T. Hobson.

Get 20,000 Baskets

Chicago, Dec. 25. — More than 300,000 persons attended Christmas basket parties at theatres, using food for admissions, with the result that 20,000 baskets of food were distributed.

Every theatre in Chicago, except Loop houses, participated.

Numerous Oklahoma Theatres Improved

OKLAHOMA CITY, Dec. 25.—The Oklahoma Theater Supply Co. has installed a 30,000 cubic foot capacity air conditioning system in W. Z. Spearman's independent house at Britton, Okla.

The Jewel at Okemah, Okla., the Empress at Waurika and the Paramount at Wewoka, Okla., have replaced their sound equipment.

T. P. Higgins, independent operator, recently purchased complete equipment for a new 500-seat house to open in Britton, Okla.

House Ready Feb. 15

CLEVELAND, Dec. 25. — The new Shaker Theatre now under construction by Sam Stecker, Myer Fine and associates, will be completed about Feb. 15. Ray Allison, formerly manager of Warners,' Chillicothe, has been appointed manager. The Shaker is the first new theatre to be built here in seven years.

Westland Continues Active

PUEBLO, Colo., Dec. 25.—The Palm a Westland Theatres house which has been closed for some time, will reopen after a complete remodeling and redecorating job as the Chief. Another Westland house, which will be reopened very shortly, is the 450-seat Kiva in Grand Junction. The building has been remodeled for theatre purposes.

Start St. Louis House

ST. LOUIS, Dec. 25. — Work has been started on construction of the new Apollo by the W. C. Harting Construction Co. The estimated cost is $50,000.

At Festus, Mo., Harry Miller is having plans drawn for a combination theatre and office building.

Renovate at Buffalo, Mo.

KANSAS CITY, Dec. 25.—T. R. Allen will open the Buffalo at Buffalo, Mo., which has been closed a number of years. He is installing sound equipment and refurnishing the house.

Charter Stuart Theatre

STUART, Va., Dec. 25.—Stuart Theatre, Inc., with maximum capital of $15,000, has been chartered. E. Elwin Branscome is president.

Dishes Reach McPherson

KANSAS CITY, Dec. 25.—The Ritz at McPherson, Kan., operated by Jack Johnson, is the first house in the town to introduce dinnerware.

Takes Rex at Sprague

PORTLAND, Dec. 25.—The Rex at Sprague, Wash., has been taken over by R. O. Lagsdonn from E. I. Wurman.

Defense Will Ask Dismissal At St. Louis

(Continued from page 1)

neaux by Presiding Justice Kimbrough Stone of the U. S. Circuit Court of Appeals, RKO has made public its intention to query the legal status of the civil case in view of the previous not guilty verdicts. Paramount and Warner counsel will join in the move later, it is said.

RKO bases its request on the citation in another case where a Federal Judge dismissed a suit pending for a temporary injunction after a jury unanimously had voted for acquittal. Additional citations will be introduced by joint counsel for the defense on Jan. 6, it is understood.

Russell Hardy, prosecuting attorney, plans to put the same witnesses who were called in the criminal action on the stand again in the civil suit. He also intends to call a number of other witnesses, it is said. The Government intends to try the equity hearing as a new case.

Counsel for Warners, Paramount and RKO, in seeking the dismissal, will hold that the testimony for the equity case will be a repetition of the criminal trial. However, the Government intends to go beyond Jan. 11, 1935, the date covered in the indictments.

St. Louis Case May Last 6 to 8 Weeks

(Continued from page 1)

L. Schilz, both of Washington, among other legal aid. Federal Judge Joseph West Molyneaux of Minneapolis will hear the case and because of his unfamiliarity with the previous trial will probably not bar any evidence that may be introduced by the Government's witnesses.

Counsel for major distributors in New York will leave for the Mound City early next week to prepare for the hearing. Louis Phillips, of Paramount, who had his vacation cut short by the early hearing date, will arrive from Kingston, Jamaica, tomorrow, and will buckle down to preliminary details on the case.

Kent Denies Deal Is Set; Admittedly On

(Continued from page 1)

publicity department which adjudged and regarded the deal as definitely consummated. Studio information on a re-check Tuesday morning was that the deal was "in the bag," but that final negotiations were still underway with Joseph M. Schenck withholding final word until all contracts had been signed.

Reference to Lawrence Stern and Co., whose participation is denied in New York by S. R. Kent, was included in the press release and, therefore, telegraphed to MOTION PICTURE DAILY in New York for publication.

Shapiro—Hyland Team

HOLLYWOOD, Dec. 25. — "The Mercy Killer" is the tentative title of the original which Victor M. Shapiro and Frances Hyland are writing for the Sol Wurtzel unit at Twentieth Century-Fox.

MOTION PICTURE DAILY

Thursday, December 26, 1935

Short Subjects

"Clubhouse Party"

(*Universal*)

Ray Perkins acts virtually as master of ceremonies in this entertainment at the golf club. The various acts he introduces, and which are enjoyable, are Roy Smeck, an expert with the guitar and ukelele; Kathryn Mayfield, accomplished singer; Pearce and Carthay, dancers, and Ford, Bowie and Daly, colored tap dancers. The subject on the whole is entertaining. Production Code Seal No. 6748. Running time, 20 mins. "G."

"Monkey Wretches"

(*Universal*)

The organ grinder pawns his organ and three monkeys to Oswald, and the headache he has as a result of the monkeys' playfulness, makes for entertaining and amusing cartoon material. Oswald in desperation gives the organ grinder a large sum to take the monkeys out of the shop, which is nearly wrecked. Production Code Seal No. 1147. Running time, 7 mins. "G."

"Doctor Oswald"

(*Universal*)

Elmer, Oswald's dog, is caught in a storm and comes home with a bad cold. His sneezing and Oswald's efforts to cure the cold form the reason for it all. Finally Oswald and all the pets in the house take up the sneezing burden, until the entire household is in a wild state. Average cartoon material, fairly amusing. Production Code Seal No. 1468. Running time, 7 mins. "G."

"Going Places No. 16"

(*Universal*)

The marble deposits of New England, and the manner in which the stone is cut and molded for various uses, form the highlight of this number, which is of general interest. Other sections picture Alexander Ott, Miami shark catching champion, and the lace and wine making which are important products of the island of Madeira. Production Code Seal No. 0671. Running time, 10 mins. "G."

"Stranger Than Fiction No. 16"

(*Universal*)

Featured among the unusual places and things in this number are Soap Lake, in Washington, which produces its own suds; a tiny bus in St. Paul which carries nine children to school; the Philadelphia man whose business it is to retrieve and sell foul balls at the park; the goat which leads the sheep to slaughter in New York. It is interesting material. Production Code Seal No. 0675. Running time, 9 mins. "G."

"Stranger Than Fiction No. 17"

(*Universal*)

In this group of oddities caught by the camera are seen fish-racing, newest sport; a solitaire tennis gadget, a California woman herself an expert, teaching her son the art of glass blowing; Mason City, Wash., near the Coulee Dam, where everything is done with electricity; a dog with three tails, and others. Unusual and interesting material. Production Code Seal No. 0675. Running time, 10 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"No More Yesterdays"

(*Columbia*)

HOLLYWOOD, Dec. 25.—A serious problem drama, this is essentially a woman's picture. Impressive in character, slow moving dialogue is the interpretive medium as the action is noticeably played down. Told both as a straight story and in retrospect, this formula show aims at sympathy for the leading player.

With her lover killed in the war, Ruth Chatterton, is compelled by her father, Lionel Atwill, to raise the child, Marian Marsh, as her sister. Miss Marsh, grown up, is about to marry Robert Allen when she becomes infatuated with Otto Kruger. Although Atwill favors the match, Miss Chatterton endeavors to frustrate it, only to have Kruger attracted to her. Atwill, desperate as he sees this interference with his plans, has Miss Chatterton committed as a mental patient. The climax adjusts everything as Kruger effects Miss Chatterton's release, marries her, and the daughter, Miss Marsh, returns to Allen.

Convincingly acted in the spirit of the story, the picture's appeal is directed mainly at the more serious-minded audience contingents. Kruger's and Miss Chatterton's fans may find much to please them. General audiences, however, are apt to find the picture too deep and complicated to hold sustained interest. It is a Schulberg production. The story is an original screenplay by Joseph Anthony directed by Marion Gering.

Previewed without production code seal. Running time, 75 minutes. "G."

Looking 'Em Over

"The Judgment Book"

(*Beaumont*)

A story of the lawless west, of a group of cattle owners who ruthlessly dominate a town and its ranchers, this independent production tells of the small town editor who saves the town from the ranchers. Featuring Conway Tearle as the only possible selling name in the cast, the picture may be satisfactory as the second half of a double feature program, since it has at least a portion of the expected western action.

With Bernadine Hayes, Tearle handles the comparatively minor romantic aspect of the picture, which is from an original magazine story. Tearle comes into the town after the death of his uncle, who had willed him the newspaper. He soon learns that the paper as well as the town has been operated at the dictation of the rancher group, and when they atempt to intimidate him he determines to clean them out. Miss Hayes is the daughter of the old printer whom Tearle finds working for the paper.

With their help, and using the assistance of other citizens who had been terrorized by the ranchers, Tearle eventually succeeds in clearing the town, the film ending with the completion of the romance between Tearle and Miss Hayes.

Reviewed without production code seal. Running time, 65 minutes. "G."

"Ah, Wilderness," yesterday's opener at the Center, previewed by wire from Hollywood on Nov. 12.

"Dangerous," which also opened yesterday, but at the Rivoli, was reviewed from Hollywood by wire on Nov. 19.

"A Tale of Two Cities," now at the Capitol and previewed by wire from Hollywood on Nov. 27, *was another Christmas Day opener.*

"The Bride Comes Home," now being shown at the Paramount, was previewed by wire from Hollywood on Nov. 12.

"Captain Blood," which was reviewed on Dec. 19, *is now current at the Strand.*

Superior M. P. to Move

CLEVELAND, Dec. 25.—Superior M. P. Supply Co., owned by Arthur Morrone of Pittsburgh has outgrown its present location and has leased the ground floor of the Warner Bldg. Moving day will be about the first of the year.

Seek New Members

NEW ORLEANS, Dec. 25.—A membership drive is to be started next month by Allied Exhibitors, Inc., preliminary to the move for forming a buying and booking combine. Benny Dudenhefer, Bank Night representative, has been named booking agent.

Salesmen to Elect

Elections of the M.P. Salesmen, Inc., will be held Jan. 11 at the Park Central. Jack Ellis of RKO, incumbent, and Joe Lee of Fox, have been nominated for the presidency.

B.C.T. Shareholders Refuse Capital Cu

By BRUCE ALLAN

LONDON, Dec. 17.—Shareholders i British Cinematograph Theatres, Ltd at an extraordinary general meetin have refused consent to a reduction c capital from £200,000 to £100,000.

No ordinary dividends have bee paid by B.C.T. since 1933. The chai man, Major Banner, ascribed th company's losses to excessive fil prices. It is believed negotiations fo the transfer of the theatres to a bi circuit may be resumed. B.C.T. house are situated at Southampton, Ipswic and High Wycombe.

* * *

John W. Gossage, managing direc tor, and Norman W. File, genera manager of Reunion Films, Ltd., wi sail for New York the first week i January.

Reunion, which has specialized i the distribution of foreign languag films in the U. K., handling "Maske rade" and "Episode" among others, i about to launch into production an distribution on a larger scale. It con trols the cartoon series, "Sam and Hi Musket."

Victor Creer and Peter Witt ar no longer directors.

Danish Film in Frisco

SAN FRANCISCO, Dec. 25.—Clay In ternational, foreign film outlet here is breaking its usual full week ru policy to allow a four-day showing o "Kobenshavnere" (Palladium), Dan ish talking picture. The showing i jointly sponsored by the California Denmark Home Foundation and by Jean Hersholt, Danish character acto star, who controls the American dis tribution rights.

"Father Knows Best," Hungarian sound comedy produced by Vienna Films, is being run three days to fil out the week.

To Sell Toronto House

TORONTO, Dec. 25.—The Strand ha been advertised for sale by the mu nicipality on Feb. 12 for arrears o taxes amounting to $14,317. The structure is owned by the Church o the Holy Trinity and the site was originally secured by the church in 1847. It is assessed for $200,000.

Capitol in New Office

CHICAGO, Dec. 25.—Henri Ellman president of Capitol Film Exchanges, has taken a 10-year lease on the ground floor of the building at 839-843 South Wabash Ave. Henri will spend about $10,000 in remodeling the offices in modern style. A new projection room will be constructed.

Form Westknott Corp.

ALBANY, Dec. 25.—Westknott Corp. has been chartered here for exhibition purposes by J. G. Maxwell, Walter W. Lee and R. M. Levantine.

Slump Drops All Grosses In Cleveland

CLEVELAND, Dec. 25.—The pre-Christmas slump hit local first runs hard, resulting in a drop of $7,250 from the average weekly take. Bad weather didn't help and "The Great Waltz" offered heavy competition.

"Hands Across the Table" at Loew's State made a fairly good showing with $9,500, or $500 under par. "The Pay Off," in four days at the Allen, did normal business, grossing $2,000. "Grand Exit" had a fair three days at the Allen with $1,000.

"Coronado" was $1,000 under par at Loew's Stillman finishing the week with $3,000.

"Annie Oakley" on the RKO Palace screen, with a stage show featuring Benny Rubin, Judith Allen, Louise Beaver and Jack Doyle, grossed $13,500 which was $1,500 under the $15,000 average.

Total first run business was $34,750. Average is $42,000.

Estimated takings for the week ending Dec. 20:

"THE PAY OFF" (F. N.)
ALLEN—(3,300), 30c-35c-42c, 4 days. **Gross:** $2,000. (Average, $3,000)

"GRAND EXIT" (Col.)
ALLEN—(3,300), 30c-35c-42c, 3 days. **Gross:** $1,000. (Average, $3,000)

"HANDS ACROSS THE TABLE" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $9,500. (Average, $10,000)

"CORONADO" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,000. (Average, $4,000)

"ANNIE OAKLEY" (Radio)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: "Movie Star" Revue with Judith Allen, Louise Beaver, Benny Rubin, Jack Doyle. **Gross:** $13,500. (Average, $15,000)

"SEVEN KEYS TO BALDPATE" (Radio)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $5,750. (Average, $8,000)

"Frisco Kid" Only Indianapolis Draw

INDIANAPOLIS, Dec. 25.—"Frisco Kid," with vaudeville at the Lyric, was the only attraction in town that did not take it on the chin. The $8,500 take was over par by $1,500.

"In Old Kentucky," in its third week at the Apollo, was good for $3,000.

Total first run business was $22,200. Average is $26,500.

Estimated takings for the week ending Dec. 21:

"IN OLD KENTUCKY" (20th-Fox)
APOLLO—(1,100), 25c-40c, 7 days, 3rd week. **Gross:** $3,000. (Average, $4,000)

"MILLIONS IN THE AIR" (Para.)
"LITTLE AMERICA" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $2,500. (Average, $4,000)

"MISTER HOBO" (G.B.)
INDIANA — (3,100), 25c-40c, 7 days. **Gross:** $4,500. (Average, $7,000)

"WHIPSAW" (M-G-M)
"PERFECT GENTLEMAN" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $3,700. (Average, $4,500)

"FRISCO KID" (W.B.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,500. (Average, $7,000)

Drop Louisiana Case

NEW ORLEANS, Dec. 25.—First legal test of Buck Night in Louisiana has resulted in release of the defendant, William Cobb, manager of the Fox at Houma, La.

Variety Club Chatter

Cincinnati

CINCINNATI, Dec. 25.—More than 1,000 children from local institutions were guests of the club's annual Christmas party in the Hall of Mirrors of the Netherland Plaza. In cases where it was impossible for children to attend, gifts were sent to them.

BLACKSTONE, magician, appearing at the RKO Shubert, entertained the juvenile guests. There were 12 reels of cartoons and comedies, and a short vaudeville show, after which presents and candy were distributed from a huge Christmas tree. Use of the Hall of Mirrors, transportation, and, in fact, everything entering into the arrangement, were donated. HARRY J. ("POP") WESSEL, president-elect of the club, was in charge.

BILLY BEIN, on the sick list for several days, has recovered sufficiently to again circulate about the club.

JOHN A. SCHWALM was a recent visitor at Columbus, combining business with pleasure.

Des Moines

DES MOINES, Dec. 25.—Des Moines Variety Club will entertain hundreds of shut-ins the morning of Dec. 27 at a Christmas film party at the Paramount. G. RALPH BRANTON is director of the program which is to include stage and screen presentations, candy, fruit and surprises.

More than 200 automobiles will be provided to bring the guests, also street car transportation for those able to come by that route. Names are being obtained from institutions, relief agencies and through telephone calls.

Serving with BRANTON on the committee are W. E. BANFORD, L. MCKECHNEAY, LOU LEVY, HARRY HIERSTEINER and CHICK FRIEDMAN.

Kansas City

KANSAS CITY, Dec. 25.—The Fox orchestra furnished entertainment, W. A. SMITH, chief of Missouri and Kansas G-men, furnished the education, and everyone bought their own lunch. L. J. "STENTORIAN" M'CARTHY banged the gavel, while SAM NASTER and JOHN MUCHMORE picked up the splinters.

Personnel of the orchestra was all-FOX: MORRILL MOORE, his son, GENE MOORE, SAM NASTER, ROY CATO, JERRY BAKER and BILL GALL.

G-Men—SMITH called them "investigators"—come from all walks of life, Variety members were told; and some of them are even former theatre managers. A film man (name withheld) with a worried frown on his face, asked SMITH what chance there was of the fingerprints of two persons being identical. SMITH reassured him: one chance in 1,000,000,000,000,000,000,000,000,000,000,000.

Kings for Dec. 21 were: FRANK RITTER, A. A. RENFRO, CLARENCE SCHULTZ; Dec. 23: J. C. TAYLOR, E. C. RHODEN, and J. C. NICHOLS; Dec. 28: CHARLES SHAFER, MAX ROTH, ED SHANBERG, and for Dec. 30: JIM STATES, SAM STALL and TOMMY THOMPSON.

Variety Club's tieup with the *Kansas City Star* on the Milk Fund bowling tournament is resulting in reams of publicity. Besides news stories, the *Star* each day carries a list of all prizes offered.

FRANK HENSLER of M-G-M and ERNIE MEHL of the *Star* are handling the tournament.

CHARLES ESTERLY, CURLY WILSON, BUDDY HARRIS and BILL FORMBY are now members of the club.

Omaha

OMAHA, Dec. 25.—The midnight to 3 A.M. program over WOW for the Variety Club Christmas funds brought in more than $200, CHARLES SCHLAIFER, chairman of the drive, has estimated.

ORVILLE RENNIE, assistant manager of the Omaha, a former vaudeville artist, was program arranger and had JOAN OLSON, orchestra singer, as headliner. A number of other acts were included.

Variety Club will open charge accounts in any specified department store for furnishing clothing to all of the 40 inmates of the Hattie B. Munroe Home for Crippled Children. The offer is for a year, but will probably become a permanent gift of the club.

In addition, Variety will furnish the present empty playroom with toys and gadgets. This, too, will become a permanent chore for the club.

The foregoing announcement came on the heels of preparations for a huge Christmas ball, held at the Paxton Hotel. The proceeds went to the *World-Herald* Good Fellow fund, and the *Bee-News* free shoe fund.

CHARLES SCHLAIFER, advertising manager for A. H. Blank theatres, was general chairman. He estimates that about $2,000 was raised through the ball. The hotel donated the use of its main ballroom and Paul Christensen's orchestra.

Assisting SCHLAIFER in the program were EVERT CUMMINGS, BILL MISKELL, TED EMERSON, JOHN GILLIN, EDDIE SHAFTON, WALTER GREEN and REGINA MOLSEED.

Philadelphia

PHILADELPHIA, Dec. 25.—More than 500 baskets of food were distributed to the poor the three days preceding Christmas by Tent No. 13, Chief Barker Earle Sweigert says.

The food was collected through contributions from theatremen, exchangemen and allied theatrical industries.

The baskets were made up by the Women's Auxiliary. Cars supplied by members were used to distribute them. BEN AMSTERDAM is chairman of the Christmas fund committee.

JAMES P. CLARK has been named chief barker of Tent 13 for 1936.

Other officers are: First assistant chief barker, TED SCHLANGER; second assistant, Doc LEVY; secretary, JACK GREENBERG; treasurer, BEN AMSTERDAM.

Officers will be installed Jan. 12 at a dinner.

OSCAR NEUFELD has resigned.

A new record was set by the Christmas Fund Committee, under AMSTERDAM's direction. All theatremen in the territory worked with him to supply food, cans of groceries, etc., for the needy.

"Person" and Show Are Fair In Pittsburgh

PITTSBURGH, Dec. 25.—A combination of bad weather and the usual pre-Christmas slump sent grosses down. Not one house came anywhere near average. The Stanley made the best showing with "In Person" and Phil Spitalny's girls' band. The take was $16,500.

None of the others, however, had anything to cheer about. The Penn got off to a fair start with "The Frisco Kid," but business fell off during the last half and the gross slipped to around $10,000. "Mr. Hobo" managed to hold up the Alvin to $4,000, which happens to be a couple of hundred dollars better than this house has been doing with double features of late. The Davis continued to take it on the chin, with "Kind Lady" and "Two Fisted" unable to better $3,000, while "Annie Oakley" at the Warner wound up just under $4,000.

Total first run grosses were $37,400. Average is $44,500.

Estimated takings for the week ending Dec. 19:

"MR. HOBO" (G. B.)
ALVIN—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $5,500)

"TWO FISTED" (Para.)
"KIND LADY" (M-G-M)
DAVIS—(1,700), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,500)

"FRISCO KID" (W. B.)
PENN—(3,300), 25c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)

"IN PERSON" (Radio)
STANLEY—(3,600), 25c-55c, 7 days. Stage: Phil Spitalny and his Musical Queens. **Gross:** $16,500. (Average, $18,500)

"ANNIE OAKLEY" (Radio)
WARNER—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

Wall Street

Fractional Gains, Losses on Board

	High	Low	Close	Net Change
Columbia	43½	43¼	43¼	— ½
Consolidated	5¾	5½	5½	— ¼
Consolidated, pfd.	18⅛	18	18	.....
Eastman Kodak	154½	153¾	154½	.....
Loew's, Inc., pfd.	52½	52	52⅛	+ ⅜
M-G-M, pfd	107¼	107	107	.....
Paramount	9⅞	9⅝	9¾	.....
Paramount 1 pfd.	78	77½	78	+ ⅞
Paramount 2 pfd.	11¾	11⅝	11¾	.....
Pathe Film	7½	7⅜	7½	.....
RKO	5⅛	5	5⅛	.....
20th Century-Fox	24	23	23	—1
20th Century, pfd.	32⅝	32¼	32⅝	+ ½
Universal, pfd	57¾	57¾	57¾	— ¼
Warner Bros.	9⅞	9¾	9¾	.....

Sonotone, Trans-Lux Curb Gains

	High	Low	Close	Net Change
Sentry Safety	9/16	½	½	.....
Sonotone	2	1⅞	2	+ ⅛
Technicolor	17¼	17	17	— ½
Trans-Lux	3¾	3¾	3¾	+ ⅛

Little Change on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	18⅞	18¾	18¾	+ ⅛
General Theatre 6s '40 ctf	18⅝	18½	18½	.....
Loew's 6s '41 ww deb rights	104¼	104⅛	104⅛	.....
Paramount B'way 3s '55	57	56¾	56¾	.....
Paramount Pict. 6s '55	92⅜	92	92⅜	.....
RKO 6s '41 pp	75	75	75	—1
Warner Bros. 6s '39 wd	87⅛	87	87	— ¼

(Quotations at close of Dec. 24)



HOLD THIS AT ARM'S LENGTH AND WATCH THE LUMINOUS MAN APPEAR!

Carl Laemmle presents
THE GREAT
KARLOFF
and BELA LUGOSI
Universal's Weirdest Dram
with
FRANCES DRAK
and
FRANK LAWTO
An Edmund Grainger Product
Directed by Lambert Hillyer

The INVISIBLE RAY

Says Product Will Reflect Public Pulse

By DARRYL F. ZANUCK
Vice-President of Production, 20th Century-Fox

HOLLYWOOD, Dec. 25.—In the year confronting us to a greater extent than ever before the production of pictures will be attuned to the beat of the public pulse.



Life has never been more interesting—no day passes without its momentous event. In the headlines of every edition of the newspapers we meet the individual drama of great triumph and cruel tragedy. Accordingly, as the world goes in 1936, so, in my opinion, will pictures go. At the same time an interest is being developed in the historical field of the American scene.

This, I believe, is one of the definite trends of the new year. America, through the eyes of the film camera, is becoming a topic of interest to Americans and, for that matter, to the rest of the world. As a matter of fact, Europe has been more forward than our own country in perceiving an interest in the outstanding characters and events of our past; many of the most interesting biographies and accounts of this country's past have been written by foreign authors.

The search for and development of new players is also one of the vital problems of the coming year. As in the past, progress in this direction will be made.

Coast Theatres Shift

LOS ANGELES, Dec. 25.—Changes on the theatre map continue.

C. B. Sturdivant has bought the Glendale in Glendale, Ariz. Burgess Conley, who operates the Crystal in Porterville, Cal., opened the Rialto in East Bakersfield last week. J. J. Franklin, new circuit head, opened his new Kings in Honolulu a week ago. Wade Loudermilk has leased the Roxy in Buckeye, Ariz., from the builder, Harry Nace.

The Long Beach Building and Loan Ass'n. has taken over the Peralta and all film contracts from Carl W. Young.

Hoffberg Closes Deal

J. H. Hoffberg Co. has closed a deal with Paragon Film Exchanges, Inc., Atlanta, for distribution of Buster Keaton's "An Old Spanish Custom" in that territory. Contracts also have been set with Sack Amusement Enterprises for Texas, Oklahoma, Arizona and New Mexico, and with Hollywood Film Exchange for Eastern Pennsylvania, Southern New Jersey, Delaware, Maryland, District of Columbia and Virginia.

Plaudits

Providence, Dec. 25.—Lawrence Tibbett scored such a personal hit here in "Metropolitan" that audiences at all performances broke into applause at the conclusion of his every vocal effort. When one considers that Providence has been called a "frigid town" this is praise.

"Mutiny" Tops Philadelphia in Second Run

PHILADELPHIA, Dec. 25.—"Mutiny on the Bounty" again proved itself to be one of the biggest draws of the season, getting $6,000 for its first week of its second downtown engagement at the Arcadia. With the exception of "The Man Who Broke the Bank at Monte Carlo," which upped the Fox average a trifle with $15,000, the rest of the town was low. Competition from department stores was reflected in the grosses.

The Stanley had a hard time with its musical films, "Millions in the Air" limping to $10,000. "Coronado" followed. It was yanked after four days to an estimated gross of $4,500. "The Bride Comes Home," originally slated for a Christmas Day opening, started at the Stanley Sunday, the first regular opening of a film on Sunday in this city.

Total first run business was $75,200. The average is $84,740.

Estimated takings for the week ending Dec. 19:

"CRIME AND PUNISHMENT" (Col.)
ALDINE—(1,200), 40c-55c-65c, 4 days, 2nd week. **Gross:** $3,000. (Average, 7 days, $8,160)

"MUTINY ON THE BOUNTY" (M-G-M) (2nd run)
ARCADIA—(600), 25c-40c-50c, 7 days. **Gross:** $6,000. (Average, $2,800)

"WHIPSAW" (M-G-M)
BOYD—(2,400), 40c-55c, 7 days. **Gross:** $12,000. (Average, $14,000)

"ONE WAY TICKET" (Col.)
EARLE—(2,000), 25c-40c-50c, 7 days. Stage: Del Regis Orchestra, 3 Keys, Pete Woolery, Tell Sisters, Nyla Taylor. **Gross:** $13,500. (Average, $14,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Dave Apollon's "International Varieties." Also March of Time. **Gross:** $15,000. (Average, $14,000)

"PERFECT GENTLEMAN" (M-G-M)
KARLTON—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,700. (Average, $4,000)

"NIGHT AT THE OPERA" (M-G-M) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 4 days, 2nd week. **Gross:** $1,300. (Average, 7 days, $4,000)

"MILLIONS IN THE AIR" (Para.)
STANLEY — (3,700), 40c-55c, 7 days. **Gross:** $10,000. (Average, $14,000) "Coronado" (Para.) played four days. **Gross:** $4,500.

"SHOW THEM NO MERCY" (20th-Fox)
STANTON—(1,700), 30c-40c-50c, 7 days. **Gross:** $7,200. (Average, $7,000)

"U" Changes a Title

HOLLYWOOD, Dec. 25. — Uinversal has changed the title of "Spinster Dinner" to "Love Before Breakfast." Shooting has started with Carole Lombard in the star role and Preston Foster and Janet Beecher featured. Walter Lang will direct under supervision of Edmund Grainger.

Avoid Errors Of Past, David Loew Suggests

By DAVID L. LOEW
Vice-President, Roach Studios

We all suffer from the other persons' mistakes in this business, and if the people in this industry will learn from their experiences and be careful to make fewer mistakes, so that they will be in a better position to take advantage of the opportunities that are sure to present themselves this coming year, we of the industry will have a boom year.



"Cafe," Show Pull $2,250 in Lincoln

LINCOLN, Neb., Dec. 25.—The combination vaudeville and film bill at the Orpheum last week was the only entertainment on the row to survive the bear market at the box-offices. "Ship's Cafe" and the personal appearance of Henrietta Leaver, Miss America, with the "Blue Paradise" Revue took nicely for three days, the rest of the week filled by the dual bill. "Dr. Socrates" and "Sweet Surrender." Take was $2,250, which is $550 up.

"Monte Carlo" gave the Stuart the lowest gross it has had in sometime, with only $2,500 in the till, down $600. "Annie Oakley" couldn't provide much stamina at the Lincoln, going away with $1,800, $300 down.

Total first run business was $8,850. Average is $9,850.

Estimated takings:

Week Ending Dec. 17:

"CRIME AND PUNISHMENT" (Col.)
VARSITY—(1,100), 10c-15c-20c-25c, 7 days. **Gross:** $1,400. (Average, $1,700)

Week Ending Dec. 18:

"ANNIE OAKLEY" (Radio)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $1,800. (Average, $2,200)

"IVORY HANDLED GUN" (Univ.)
"HI, GAUCHO" (Radio)
"RIP ROARING RILEY" (Puritan)
COLONIAL—(550), 10c-15c, 7 days. **Gross:** $900. (Average, $850)

Week Ending Dec. 19:

"SHIP'S CAFE" (Para.)
"DR. SOCRATES" (W. B.)
"SWEET SURRENDER" (Univ.)
ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days. Three with personal appearance of Miss America and the "Blue Paradise" Revue. **Gross:** $2,250. (Average, $1,700)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,500. (Average, $3,100)

Church Gets K. C. House

KANSAS CITY, Dec. 25.—The Kansas City unit of the Angelus Temple, Los Angeles, Aimee Semple McPherson's church, has taken over the 1,400-seat theatre in the New Center building.

Depinet Looks For Pictures Topping Past

(*Continued from page* 1)

off the roots of a tree and expect it to bear fruit.

I look for 1936 to bring forth more big attractions than any year of motion picture history.

General business conditions throughout the country are vastly improved and this improvement is being reflected in box-office grosses. There is a definite spirit of optimism everywhere and all industry is finding new courage to build, reconstruct depression-torn organizations and expand markets.

The industry will naturally benefit by increased employment and the greater purchasing power of the public. But beyond this normal and inevitable improvement, I see a great opportunity for show business to firmly establish itself and its markets by better merchandising by larger, more intensive and constructive advertising and a revival of that essential showmanship which creates new and consistent patronage. Pictures will improve so long as there is demand for improvement and money with which to make them.

Arliss at $8,100 Top in Providence

PROVIDENCE, Dec. 25.—George Arliss in "Mr. Hobo" struck the week's top note at the Strand which took in $8,100, or $1,600 over the usual gate. No other house was able to reach its average.

"Whipsaw" and "The Perfect Gentlemen" at Loew's, despite a good press, caught only $10,200 when the usual draw is $12,000 and the Majestic was $300 down with "Metropolitan" and "Charlie Chan's Secret" which garnered $6,700.

Fays was close with "Hitch Hike to Heaven" and a revue, the take being $6,900, only $100 under. The RKO Albee which booked "Remember Last Night" and "Forbidden Heaven" did only $3,900 with the par take $7,000.

Total first run business was $36,800. Average business is $40,500.

Estimated takings for the week ending Dec. 19:

"MR. HOBO" (G. B.)
"CONFIDENTIAL" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,100. (Average, $6,500)

"REMEMBER LAST NIGHT" (Univ.)
"FORBIDDEN HEAVEN" (Republic)
RKO ALBEE—(2,300), 15c-40c, 6 days. **Gross:** $3,900. (Average, $7,000)

"WHIPSAW" (M-G-M)
"PERFECT GENTLEMAN" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $10,200. (Average, $12,000)

"METROPOLITAN" (20th Cent.-Fox)
"CHARLIE CHAN'S SECRET" (20th Cent.-Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,700. (Average, $7,000)

"HITCH HIKE TO HEAVEN" (Invincible)
FAYS—(1,600), 15c-40c, 7 days. **Gross:** $6,900. (Average, $7,000)

"STINGAREE" (Radio)
"THE NIT WITS" (Radio)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

SWEET MUSIC FOR SMART SHOWMEN

And they're showing it with nationwide bookings

CHARLES "BUDDY" ROGERS

JUNE CLYDE

"DANCE BAND"

DIRECTED BY MARCEL VARNEL

Get in step with that new dance craze, "Valparaiso", as rival boy and girl dance bands meet in one of the gayest musical comedies you've ever seen! Gorgeous sets, great stars and one of the grandest stories that ever set the world to laughing and dancing!



FIRST DIVISION

HARRY H. THOMAS, PRESIDENT • RKO BUILDING, RADIO CITY, N. Y.

"Seven Keys" On Dual Big Detroit Draw

DETROIT, Dec. 25.—A combination of "Seven Keys to Baldpate" and "$1,000 a Minute" turned in the best showing of the week here by getting $12,100 at the RKO Downtown. This is $2,100 over par.

"Splendor" also was in the money with $11,300 at the United Artists. "Mutiny on the Bounty" took a fine $6,100 in its third week at the State, and "Show Them No Mercy" and "Whipsaw" were good at the Fox and Michigan, respectively.

Total first run business was $69,000. Average is $65,000.

Estimated takings for the week ending Dec. 19:

"MUSIC IS MAGIC" (20th-Fox)
"AFFAIR OF SUSAN" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000)

"SHOW THEM NO MERCY" (20th-Fox)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts of vaudeville. **Gross:** $15,200. (Average, $15,000)

"WHIPSAW" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 5 acts of vaudeville. **Gross:** $20,700. (Average, $20,000)

"MUTINY ON THE BOUNTY" (M-G-M)
STATE — (3,000), 10c-40c, 7 days, 3rd wek. **Gross:** $6,100. (Average, $5,000)

"SPLENDOR" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $11,300. (Average, $10,000)

"$1,000 A MINUTE" (Republic)
"SEVEN KEYS TO BALDPATE" (Radio)
RKO DOWNTOWN—(2,950), 15c-55c, 7 days. **Gross:** $12,100. (Average, $10,000)

"Night at Opera" Hit in Milwaukee

MILWAUKEE, Dec. 25. — Business perked up during the week with "A Night at the Opera" topping a dual with "A Feather in Her Hat," out front at Fox's Wisconsin on a take of $10,200, against an $8,000 average.

Second high honors went to the circuit's Palace where "Annapolis Farewell" and a stage show grossed $5,600, or $600 above average. Both the Riverside and Warner also reported above par business. The showing was a bit unusual in the face of a benefit Christmas party staged at the Milwaukee Auditorium Dec. 14 by a local newspaper which attracted 20,000 people at 25 cents per head.

The weather was mild and cloudy.

Total first run business was $26,600. Average, dropping the Strand which has gone second run, is $23,000.

Estimated takings for the week ending Dec. 19:

"ANNAPOLIS FAREWELL" (Para.)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Around the Town with W.B.B.M. Air Theatre. **Gross:** $5,600. (Average, $5,000)

"TWO SINNERS" (Republic)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days Stage: O'Connor Family, Herman Hyde, Walter Nillson, Barney Dean, Sally Burrell, Harry Lash. **Gross:** $5,500. (Average, $5,000)

"MISTER HOBO" (G.B.)
"SPLENDOR" (U.A.)
WARNER — (2,400), 25c-40c, 7 days. **Gross:** $5,300. (Average, $5,000)

"A NIGHT AT THE OPERA" (M-G-M)
"A FEATHER IN HER HAT" (Col.)
WISCONSIN—(3,200), 25c-40c, 7 days. **Gross:** $10,200. (Average, $8,000)

"Pacific" Top In Dull Week On the Coast

LOS ANGELES, Dec. 25.—"Miss Pacific Fleet" turned in a take of $13,250 at Warners' Downtown, thereby topping par by $1,250 for the best showing of a dull week. It didn't do well at Warners' Hollywood, however, the $9,800 total being under the line by $4,200.

At the 4-Star "The Man Who Broke the Bank at Monte Carlo" was strong in its second week with $4,200. The only other spot to get into the profit column was Pantages, with $4,000 on "To Beat the Band" and "The Great Impersonation."

Total first run business was $80,300. Average is $86,150.

Estimated takings for the week ending Dec. 18:

"YOUR UNCLE DUDLEY" (20th-Fox)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $8,500. (Average, $12,500)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $4,200. (Average, $3,250)

"CRIME AND PUNISHMENT" (Foreign)
GRAND INTERNATIONAL—(750), 35c-40c, 7 days. **Gross:** $1,450. (Average, $1,200)

"TO BEAT THE BAND" (Radio)
"THE GREAT IMPERSONATION" (Univ.)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $3,600. (Average, $8,000)

"YOUR UNCLE DUDLEY" (20th-Fox)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $10,500. (Average, $14,000)

"TO BEAT THE BAND" (Radio)
"THE GREAT IMPERSONATION" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,200)

"CRIME AND PUNISHMENT" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Major Bowes' Amateurs, F. & M. revue. **Gross:** $15,000. (Average, $18,000)

"MISS PACIFIC FLEET" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 7 days. **Gross:** $9,800. (Average, $14,000)

"MISS PACIFIC FLEET" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $13,250. (Average, $12,000)

"Frisco Kid" Top In Omaha's Slump

OMAHA, Dec. 25.—"Frisco Kid," on a dual with "Remember Last Night," was the only attraction in town to get over par last week. It took $8,350, up by $350, at the Orpheum.

It was the first time in more than a year that the three downtown houses had fallen below par.

Total first run business was $15,550. Average is $17,000.

Estimated takings:

Week Ending Dec. 18:

"BROADWAY HOSTESS" (F.N.)
"MAN OF IRON" (F.N.)
BRANDEIS—(1,200), 25c-35c-40c, 6 days. **Gross:** $2,700. (Average, $4,000)

"STARS OVER BROADWAY" (W.B.)
"THIS IS THE LIFE" (20th-Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

Week Ending Dec. 19:

"FRISCO KID" (W.B.)
"REMEMBER LAST NIGHT" (Univ.)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,350. (Average, $8,000)

Leftons Go to Florida

CLEVELAND, Dec. 25.—Nat L. Lefton, head of Republic Pictures, and Mrs. Lefton have gone to Florida.

"Oakley" Pulls in Cincinnati Slump

CINCINNATI, Dec. 25.—"Annie Oakley" at the RKO Palace was last weeks' cheer leader in an otherwise rather drab pre-Christmas stanza. It reached $14,750, up $4,750, at the RKO Palace and was held over.

"Thanks A Million," returned to the RKO Grand after two previous downtown weeks at other circuit spots, garnered $3,000, compared with a $2,750 average. "Your Unce Dudley" broke even at the RKO Shubert in combination with "Band Box" Revue as the stage attraction. "$1,000 A Minute" did $1,500 at the Strand.

Total first run business was $58,100. Average is $60,200.

Estimated takings:

Week Ending Dec. 18:

$1,000 A MINUTE" (Republic)
STRAND—(1,300), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Dec. 19:

"SPLENDOR" (U. A.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $9,250. (Average, $12,000)

"ANNIE OAKLEY" (Radio)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $14,750. (Average, $10,000. Held over.

"YOUR UNCLE DUDLEY" (20th-Fox)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: "Band Box Revue." **Gross:** $12,000. (Average, $12,000)

"THE MELODY LINGERS ON" (U. A.)
RKO CAPITOL—(2,000), 35c-42c, 7 days. **Gross:** $4,300. (Average, $6,500)

"SHIP CAFE" (Para.)
"LITTLE AMERICA" (Para.)
RKO LYRIC—(1,400), 25c-40c, 7 days. **Gross:** $4,800. (Average, $6,500)

"THANKS A MILLION" (20th-Fox)
RKO GRAND—(1,200), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,750)

"OUTLAWED DEPUTY" (Col.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $1,100. (Average, $1,250)

"ESCAPE FROM DEVIL'S ISLAND" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,200)

"MISS PACIFIC FLEET" (W. B.)
KEITH'S—(1,500), 30c-40c, 9 days. **Gross:** $6,400. (Average, $6,500)

"Crime" and "Band" Lead in New Haven

NEW HAVEN, Dec. 25.—The traditional week before Christmas lull hit grosses hard. The College, taking $3,400 with "Crime and Punishment" and "To Beat the Band," was the only first run to finish above par.

"Whipsaw" and "A Feather in Her Hat" dipped $1,000 below the usual $7,000 at the Poli. The Paramount dropped by $800 with "Coronado" and "Storm Over the Andes"; while the Roger Sherman fell $1,400 on "The Melody Lingers On" and "Miss Pacific Fleet."

Total first run business was $16,700. Average is $19,400.

Estimated takings for the week ending Dec. 20:

"CRIME AND PUNISHMENT" (Col.)
"TO BEAT THE BAND" (Radio)
COLLEGE—(1,499), 25c-35c. 7 days. **Gross:** $3,400. (Average, $2,900)

"CORONADO" (Para.)
"STORM OVER THE ANDES" (Univ.)
PARAMOUNT—(2,400), 35c-50c. 7 days. **Gross:** $4,000. (Average, $4,800)

"WHIPSAW" (M-G-M)
"A FEATHER IN HER HAT" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"THE MELODY LINGERS ON" (U. A.)
"MISS PACIFIC FLEET" (W. B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $3,300. (Average, $4,700)

Academy Talks Screeno

The Academy of Music has adopted Screeno as a regular feature Thursday of every week.

"Rendezvous" With $14,000 Boston High

BOSTON, Dec. 25. — Business was pretty bad, but not as bad as last year, managers say, and there was one first class money-making combination, "Rendezvous" and "She Couldn't Take It." This dual took $14,000 at Loew's Orpheum and the same amount at Loew's State.

"Coronado" and "Charlie Chan's Secret," playing day and date at the Fenway and Paramount, managed to reach the house par in each spot, $4,500 at the former and $7,000 at the latter.

Total first run business was $76,500. Average is $80,500.

Estimated takings for the week ending Dec. 20:

"CORONADO" (Para.)
"CHARLIE CHAN'S SECRET" (20th-Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"MR. HOBO" (G.B.)
KEITH'S MEMORIAL—(2,907), 25c-65c. 7 days. **Gross:** $11,000. (Average, $12,000)

"RENDEZVOUS" (M-G-M)
"SHE COULDN'T TAKE IT" (Col.)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000)

"RENDEZVOUS" (M-G-M)
"SHE COULDN'T TAKE IT" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000)

"STARS OVER BROADWAY" (W. B.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: "One Hour With You" featuring Al Norman. **Gross:** $21,000. (Average, $22,000)

"CORONADO" (Para.)
"CHARLIE CHAN'S SECRET" (20th-Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"THE GREAT IMPERSONATION" (Univ.)
"HIS FAMILY TREE" (Radio)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $5,000. (Average, $12,000)

"Whipsaw" Is Solo Magnet in Denver

DENVER, Dec. 25.—"Whipsaw" was the only attraction in town to make any kind of a showing in the pre Christmas slump. It went $700 over par for a take of $5,700 at the Denver.

The only other spot in town to get into the profit column was the Aladdin with "Charlie Chan's Secret," which took $2,200.

Total first run business was $17,900. Average is $19,500.

Estimated takings for the week ending Dec. 19:

"CHARLIE CHAN'S SECRET" (20th-Fox)
ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,200. (Average, $2,000)

"BROADWAY HOSTESS" (F.N.)
BROADWAY—(1,500), 25c-40c, 7 days. **Gross:** $1,000. (Average, $1,000)

"CORONADO" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"WHIPSAW" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,700. (Average, $5,000)

"SEVEN KEYS TO BALDPATE" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"NAVY WIFE" (20th-Fox)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

Shift Cleveland Election

CLEVELAND, Dec. 25. — Cleveland Variety Club has moved up the date for election of officers to Jan. 4.

• *A Frank Statement by*

Dr. Alfred N. Goldsmith

PAST PRESIDENT OF S.M.P.E.

on

F. H. RICHARDSON'S

New

BLUEBOOK *of* PROJECTION



Dr. Alfred N. Goldsmith

WE sincerely appreciate this authorized unsolicited statement from Dr. Alfred N. Goldsmith on F. H. Richardson's new Bluebook Projection. We know that you will be interested in the frank opinion of this recognized authority who as Past President of The Society of Motion Picture Engineers did so much to further the cause of projection and projectionists.

IN every field, there are a few books which must be regarded as "classics" and important guides by the workers in that field. Richardson's "Bluebook of Projection" compresses between its covers substantially all the information and guides which motion picture projectionists need. The projectionist who makes himself thoroughly familiar with the contents of this book and constantly applies his knowledge in the projection room can hardly fail to do a good job and to command the respect of his fellow workers and employer. In their own interests, projectionists should not hesitate to avail themselves of such a mine of information.

THE convenience of using Richardson's "Bluebook of Projection" is greatly increased by a novel and helpful indexing system which the author has developed. Preceding each chapter are a series of numbered questions which adequately cover the subject matter of that chapter. In the chapter itself, the answers to the questions are preceded by the corresponding number. Accordingly, the projectionist can readily check up his knowledge of the subject material of each chapter before and after reading it; and can return to these questions at any time to make sure that his knowledge of the subject is still complete. This indexing system is a fine method of "perpetual self-examination."





DUPONT FILM MANUFACTURING CORPORATION

SMITH AND ALLER, LTD.
6656 · · · SANTA MONICA BLVD.
HOLLYWOOD · CAL.

35 WEST 45th STREET
NEW YORK CITY
PLANT · PARLIN, N. J.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 150 NEW YORK, FRIDAY, DECEMBER 27, 1935 TEN CENTS

Better Films Industry Aim, Declares Levy

UpturnBrings Expansion Of Plans, He States

By JULES LEVY
Vice-President, RKO Dist. Corp.



Better pictures, year after year, is the goal of our industry. We all recognize the fact that they are the medicine for ailing box-offices and the nourishment on which our business must feed. Only if they constantly improve in quality and attraction value can producers and exhibitors survive. It is the joint responsibility of studio and theatre to see that they do improve. That can be accomplished only by increasing the earning capacity of each and every picture that is produced.

Encouraged by the general business revival that is evident everywhere, producers this coming year will undoubtedly bring to the screen more big pictures than ever before; I know that the plans of our company are more ambitious than one dared dream a year ago. Nineteen hundred thirty-six promises to be a definitely prosperous year for theatres. The tension of the worried years of the depression is rapidly giving way to a spirit of optimism and courage.

Theatres will be the first to benefit by the public's eagerness to spend.

E. A. Golden, Edward Small and Pandro S. Berman—what they envision for 1936—*on page* 6.

Sunday Show Fight Stirs Macon Voters

MACON, Ga., Dec. 26.—A controversy over Sunday shows still rages here. Informed by the city attorney that the issue, "legally speaking," was none of its business, the City Council referred the matter to the committee on charities and health. Proponents and opponents of Sunday shows have filed more than 100 petitions with city officials.

St. Louis Witness Calls Begin Today

ST. LOUIS, Dec. 26.—Government process servers tomorrow will begin handing out summonses here and in New York to various witnesses scheduled to be called for the equity hearing on an application for a temporary injunction against Warners, Paramount and RKO. The Government alleges refusal on part of the three distributing companies to sell Fanchon & Marco.

Although George J. Schaefer is no longer identified with Paramount he will have to appear in Federal Court as one of the defendants. Harry M. Warner, Herman Starr, Gradwell L. Sears and Ned E. Depinet are to be called. Abel Cary Thomas, general counsel and secretary of Warners, is under subpoena, but whether he will make an appearance depends on his physical condition.

It is understood Russell Hardy, prosecuting attorney, is having the 40 men served in the criminal action subpoeaned again to make sure there is no slip up. In addition, about 25

(*Continued on page* 6)

Dart Games Stopped By Court at Spokane

SPOKANE, Dec. 26.—Due in part to the activity of the M.P.T.O.A. of the Northwest Superior Judge Fred Witt has ordered the stoppage of Dart games.

Allied Theatre Owners of Oregon intends to seek legislation prohibiting the games at the next session of the legislature.

Golden on Board

John Golden, well-known Broadway theatrical producer, was elected a member of the Paramount board of directors at a regular meeting of the board yesterday. His election fills the vacancy created recently by the resignation from the company of George Schaefer.

RKO-Music Hall Set New Six-Month Pact

A six-month extension of the agreement under which RKO Service Corp. performs a number of management functions for the Music Hall has been completed and is awaiting signing, it was learned yesterday. The current agreement is to expire on Dec. 31.

Under the agreement RKO Service Corp. furnishes the Music Hall operators with various advisory and purchasing services. It constitutes the principal remaining connection existing between RKO and the operation of the Music Hall.

Loew's Gets Chaplin Film for 46 Cities

Loew's has closed for "Modern Times" for 46 key cities. Negotiations were conducted via long-distance telephone between Joseph R. Vogel, Loew executive, and Charles Chaplin, on the coast.

The telephone conversation between Vogel and Chaplin ran for 210 minutes, according to Loew's.

Drops Bicuspids, Cuts Tax

By CLARENCE LINZ

Washington, Dec. 26.—Dental bridge work to replace teeth knocked out in making a fight scene, expenses incurred in physical training and the cost of wigs and makeup are all deductible in the income tax returns of film actors, it is held by the U. S. Board of Tax Appeals in passing on an appeal of Reginald Denny from income tax deficiencies of $6,497 imposed upon him by the Commissioner of Internal Revenue.

A deduction of $9,545 claimed by Denny as representing advertising and miscellaneous expenses incurred in entertaining was disallowed for lack of evidence to establish that such entertainment was an ordinary and necessary business expense, as was a deduction of $675 representing the cost of an automobile presented to Joe Torrillo, on the ground that the recipient was not in Denny's employ, but did him favors.

A loan of $11,000 made to Denny by Universal in 1925, to be paid the following year in the event the company did not exercise an option to continue to employ him, was held to be income in 1926 when his contract was renewed. Denny was also allowed a deduction for operating expense and depreciation of a plane he purchased for personal use in 1924 and converted to commercial use the following year, for the period it was commercially used.

Vincent Made Head of Board For Republic

Already Identified with Yates' Companies

Walter W. Vincent, head of the Wilmer & Vincent circuit, yesterday was elected chairman of the board of Republic Pictures Corp.

He is a vice-president of Consolidated Film Industries and a director of Setay Corp., another H. J. Yates company. Presumably, he will represent the Yates' interests in Republic. The post of chairman of the board has been unoccupied since the formation of Republic last summer through the consolidation of Monogram Pictures with several smaller independent companies. W. Ray Johnston is president of Republic.

Vincent is treasurer of the M. P. T. O. A. and a member of the organization's board of trustees. His election was described by the company as preparatory to expansion plans for the new season. His wide experience in exhibition will enable Republic to reflect the theatre owners' viewpoints in future production plans, Johnston said.

Serlin Is Named to Eastern Para. Post

Oscar Serlin, eastern talent scout for Paramount, has been designated to act as liaison in the development of the company's plans for eastern production, it was stated at Paramount yesterday. Serlin will work under Russell Holman, who continues in charge of eastern production. His new duties were described as those of a "clearance or contact man."

John E. Otterson, Paramount president, recently stated that three of Paramount's 65 for next season would be made in the east, but it is understood the number may be increased when the eastern production plans become definite.

Midwestern Grosses Bumped by Blizzard

Blizzards and sub-zero weather in and around Cleveland, Kansas City, Chicago, Des Moines, Omaha and Minneapolis on Christmas dented box-office grosses in first run theatres in those towns, according to home office circuit executives.

With ideal weather in New York, business at Broadway and neighborhood houses zoomed Wednesday. All local theatres report intakes far above average.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 27, 1935 No. 150

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Leo Spitz Goes West

CHICAGO, Dec. 26.—Leo Spitz, president of RKO and RKO Radio, left for the coast today to confer with Sam Briskin, J. R. McDonough and B. B. Kahane on the new studio setup.

Spitz spent Christmas with his brother and sister here. He intends to spend about two weeks on the coast before returning to New York.

Weiss Signs Writers

HOLLYWOOD, Dec. 26.—Louis Weiss, production supervisor for Weiss Prod., has signed Bob Lively and Eddie Graneman to do the script of "The Clutching Hand," 15-episode serial to follow "The Clutching Hand."

File Theatre Plans

Plans have been filed for changing the Manhattan Congregational Church in the Manhattan Towers church-hotel building at 2162-2168 Broadway into a theatre. Max Roche is the architect.

Out of "Caligari"

LONDON, Dec. 26.—Ramon Novarro, by mutual consent with Concordia Films, has cancelled his contract to appear in a remake of the famous "Cabinet of Dr. Galigari."

Arkansas House Burns

HOT SPRINGS, ARK., Dec. 26.—The Princess, 836-seat house operated by Sidney Nutt, has been completely destroyed by fire.

Purely Personal

WALTER HUTCHINSON, over his cold now; HERMAN ROBBINS, SAM DEMBOW, MARTIN QUIGLEY, HERB YATES, EDDIE CHURCHILL, HOWARD STRICKLING, SOL ROSENBLATT, RALPH ROLAND, JOE MOSCOWITZ, JULIUS STEGER and PHIL REISMAN among the throng at Jack and Charlie's yesterday.

•

SYLVIA SIDNEY lunched with REGINA CREWE, critic of the *New York American* at "21" yesterday. In the establishment, but lunching separately, was Husband BENNETT CERF. Domestic scene: CERF discovering Miss SIDNEY there and rushing up to greet her.

•

CHARLES SKOURAS is expected from the coast the latter part of next week. His two daughters are spending the holidays with brother SPYROS.

•

ERROL FLYNN and his bride, LILI DAMITA, will leave for the coast tonight. Last night FLYNN was a guest on the Rudy Vallee hour.

•

PATRICIA WILDER, radio comedienne who has been sponsored by BOB HOPE, has been signed by Radio. She left for the coast yesterday.

•

WALTER HUTCHINSON, head of foreign activities for Twentieth Century-Fox, plans to leave for London the end of next week.

•

GEORGE SHER of the RKO publicity department is leaving the company in two weeks to take up a new job in Miami.

•

LILY PONS entertained 50 guests Christmas Day in honor of her mother, who sailed yesterday on the *Ile de France.*

•

HOWARD STRICKLING, just back from Stockbridge, Mass., would rather be on the coast than weather the cold spell here.

•

NATE BLUMBERG got that Spanish melon for Christmas, thanks to HERMAN STARR.

•

DORE SCHARY'S "The Public must Eat" has been acquired by Paramount. It is a story of food racketeers.

•

EDWARD SMALL is flying here to attend the opening of his picture, "I Conquer the Sea," at the Rialto.

•

ARTHUR WILLI, RKO Radio talent scout, plans to visit the studios shortly after the first of the year.

•

JAMES BECK, JR., M.P.P.D.A. representative at London, is here for his annual visit.

•

JACK OAKIE left for the coast last night after a week's vacation here.

•

WILLARD MCKAY is spending a brief vacation in Florida.

•

ED OLMSTED isn't coming in for the holidays, as expected.

SID RECHETNICK of Warners claims that the ushers at the Rivoli have been asking patrons leaving the theatre after seeing "Dangerous" how they like BETTE DAVIS' performance in comparison to her role in "Of Human Bondage." In most cases patrons prefer her part in the current picture, he says.

•

. . . *London*

ST. JOHN ERVINE, dramatic critic, debating with SIR CEDRIC HARDWICKE, says films appeal only to the person with "the charwoman's mind." Sir CEDRIC thinks films have done what the stage failed to do—entertained the whole country.

SIR WILLIAM JURY presenting a silver cup to the Cinematograph Exhibitor's Ass'n, to keep him in memory at association functions.

DR. HERBERT KALMUS here to supervise erection of Technicolor's Denham plant.

PAUL GRAETZ on *Empress of Britain* for American vacation.

•

. . . *Los Angeles*

BEN FISH, western district manager of U. A.; J. J. FRANKLIN, ADOLPH RAMISH and RUBE WOLF and the Fanchonettes have sailed on the *Malolo* for Honolulu.

EARL STREBE here from Palm Springs booking for his Palm Springs theatre.

BILL BRAYMAN also on the row looking at film for his Temple in San Bernadino.

HARRY CHOTINER, theatre man, seriously ill, and his brother, MAX, is managing his Parisian and Ravenna for him.

NEWTON P. JACOBS, manager of the RKO exchange hasn't been asleep for three nights. He bought his daughter a spaniel puppy, spent the hours from midnight to dawn trying to keep the purp quiet so the Beverly Hills neighbors would not complain.

IRVING CARLIN who runs the Alvarada and Empire, having a hard time getting back his land legs after a fishing trip to Santa Cruz Islands.

HARRY MILSTEIN of National Screen Service back from a trip to Denver.

BEN F. SHEARER of Seattle here looking over film.

•

. . . *Pittsburgh*

IRENE LEE, head of the Small-Landau office in New York, is spending the holidays with her parents.

SAM STERN has gone home to New York for a few days after a hospital rest-cure here of 10 days.

HAROLD W. COHEN, *Post-Gazette* theatre editor, is back on the job after a look-in at the new Broadway shows.

ED LOWRY'S wife is in from New York to spend New Year's Eve with him.

Shea Quits Selznick

HOLLYWOOD, Dec. 26.—Joseph Shea, publicity director of Selznick International, resigned today. He was succeeded by Russell Birdwell, formerly on the RKO writing staff.

Schulberg to New York

HOLLYWOOD, Dec. 26.—B. P. Schulberg left here yesterday by plane for New York to attend the opening of his stage play, "Tapestry in Gray," on Friday.

London Films' New Stages Ready Soon

By BRUCE ALLAN

LONDON, Dec. 14.—London Film Productions expects to have the first stages of its new studio at Denham, Buckinghamshire, in use in February.

Completion of the entire plant is promised by Easter. It will then have 28 acres of floor space out of a total area of 165 acres. Following completion of four stages of 250x130 feet, three further stages will be erected. At the present moment, 1,100 men are working day and night on the building.

* * *

Margaret Lockwood will play "Blanquette," opposite Maurice Chevalier, in the Toeplitz production of "The Beloved Vagabond," which will go into production the first week in January at A. T. P. studios, Ealing. Kurt Bernhardt will direct and Franz Planer will be the cameraman.

* * *

Associated Talking Pictures, Ltd., showed a profit for the year of £8,678 against a loss of £12,158. This surplus is being used to reduce an outstanding debit of £120,836. A rearrangement of the company's financial basis is foreshadowed to cope with expansion demands.

"U" Coast Sales Gain

LOS ANGELES, Dec. 26.—Al O'Keefe, Universal manager, reports that his office is 46 contracts ahead of last year for the third week in December. Bill Heineman, western sales manager, reports his entire district in splendid shape with the close of the sales drive on Dec. 21. His territory is 176 contracts ahead of the same week last year, and every office is over quota.

Mrs. Dan Burgum Hurt

GREENVILLE, MISS., Dec. 26.—Mrs. Dan Burgum, wife of Dan Burgum, manager of the Paramount, in a traffic accident caused by a snowstorm, is in a hospital suffering with two fractured vertebrae. She was crossing the street when struck by an automobile. Physicians say her injuries are painful, but not serious.

Brown Returning

CHICAGO, Dec. 26.—Colvin W. Brown, vice-president and general manager of Quigley Publications, spent Christmas with his relatives here and in Elgin and left this afternoon for New York. He has spent the last three weeks on the coast.

Move in New Orleans

NEW ORLEANS, Dec. 26.—The New Orleans office of MOTION PICTURE DAILY, *Motion Picture Herald* and *Better Theatres* have moved from the Godchaux Building, to 1509 Bodenger Boulevard.

Claudette Colbert Back

HOLLYWOOD, Dec. 26.—Claudette Colbert is back from Yuma where she was married Tuesday to Dr. Joel Pressman. They are receiving congratulations.

No Ampa Meetings Set

No more meetings of Ampa are scheduled until after the first of the year at a date to be decided later.



Christmas Holidays at All Leading Theatres!

RONALD COLMAN

in "A TALE OF TWO CITIES"



Happy New Year at All Leading Theatres!

JEAN HARLOW

in "RIFFRAFF"



All Year 'Round at All Leading Theatres!

LEO, THE LION

in M-G-M HITS!

TWO OUTSTANDING BEST-SE



DESTINED FOR GREATE

"THI

"TH

INVINCIBLE PICTURES CORPORATION

RAY WALKER, HEDDA HOPPER, IRENE

LER NOVELS OF THE SEASON



SUCCESS ON THE SCREEN

and
Production

RK HOUR"

Ewart Adamson
the novel

ST TRAP"

LAIR GLUCK
with

OBART BOSWORTH, BURTON CHURCHILL, E. E. CLIVE

CHESTERFIELD
MOTION PICTURE
CORPORATION

MOTION PICTURE DAILY

Friday, December 27, 1935

Golden Urges Film Men to Avoid Courts

By E. A. GOLDEN
Gen'l Sales M'g'r, Chesterfield

As the New Year approaches, much will be said and considerable will be written of a prophetic nature concerning the industry. It almost suffices to say that the public will accept from the industry anything worthwhile the industry offers. No single factor will welcome and acknowledge progress more than motion picture patrons.



There is, however, one significant activity in our industry in which the patrons play little if any part, and in which they have little if any voice. I have in mind the time, thought and money expended by the industry in the courts of this and foreign countries. It is high time that the individuals comprising the industry should treat with all matters and make negotiations impartially and justly. In short, I most earnestly suggest that during the New Year an honest effort be made by all of us to keep out of courts.

Every time a case is tried, one side is right and the other is wrong. Why should we have to resort to juries and judges to decide matters for us when we have a right to know, and I believe we do know, more about the merits and justice of the case than the judge and jury combined?

We have sufficient intelligence and ability to do things right and we should do them fairly and equitably. If this procedure were followed, a tremendous amount of money could be saved and we would live in a happier and more pleasant atmosphere with our fellow men.

Buy New Equipment

HOLLYWOOD, Dec. 26.—Ed Ebele of Twentieth Century-Fox, has authorized purchase of approximately $50,000 worth of electrical equipment. Walter Strohm, head of the electrical department, is discarding 400 15-inch mirror type sunspots and is installing 400 Mole Richardson Jr. special spotlights. The latter is a new lamp, and Twentieth Century-Fox is the first studio to put them in use.

Al Levoy of Republic has closed a $15,000 deal with the same equipment firm. This is in preparation for a heavy production schedule at Republic.

Charter Two Companies

ALBANY, Dec. 26.—Phoenix Film Co., New York City, has been formed here by E. Silver, H. Katz and S. Oliver Levy.

Opticolor, Inc., has been chartered by Ernest E. Baldwin, Ernest A. Bigelow and Harold D. Beatty.

Industry Leap Year Seen by Edward Small

By EDWARD SMALL
V.-P., Reliance Pictures

HOLLYWOOD, Dec. 26.—This will be the industry's Leap Year. It will be the year in which the producers will leap into a new prominence. It will be a year of daring, of experimentation; a year in which all taboos will be forgotten. For years we have been told that sea pictures are not box-office. Along came "Mutiny on the Bounty." It has been hammered into us that political stories won't draw a cent. Darryl Zanuck produced "Thanks a Million." War stories are poison, they've told us. M-G-M gave us "Rendezvous."



It's a wonder anything has been produced, with so many taboos. I believe that in 1936, Hollywood will wipe these off the slate and will bring to the screen many taboo subjects. But they will be box-office, because their treatment will be box-office.

While color will not be universal, it will be more widely used. Television might be perfected. The down-to-earth story, the operetta, the biography will be the three most important types of entertainment in 1936.

Tri-States Trying Stage Shows Again

LINCOLN, Dec. 26.—Stage shows are getting a new lease on life in this territory. Tri-States will use them after Christmas for three-day stands at Moline, Ill.; Davenport, Cedar Rapids and Waterloo, Iowa.

There is some talk that Omaha and Des Moines will later split a week and that Sioux City will get them for three days, but these plans depend on union negotiations.

Ohio Managers Shift

AKRON, Dec. 26.—Managerial shifts are numerous in this territory.

Ernie Austgen, former Loew manager, gets the Cuyahoga Falls house now under construction. Kenneth Reid, manager of the Dennison Square, Cleveland, has been succeeded by J. M. Anderson of Indianapolis. Jack Trott, former assistant at the Pitt, Pittsburgh, gets the Capitol at Wheeling.

William H. Ryan has been made treasurer of the RKO Palace, Columbus.

Mulqueen to Biddeford

BIDDEFORD, Me., Dec. 26.—Harry Mulqueen, former manager of the Maine, Waterville, has been made manager of the Central here by M. & P. Mulqueen succeeds George Friary who has been transferred to the Broadway, Chelsea, Mass.

Delays Hepburn

Hartford, Dec. 26.—Katharine Hepburn is not a strong enough draw in her own home town to compete with Charles Dickens in the opinion of James F. McCarthy, Warner Strand Manager.

Scheduled to open Christmas Day, "Sylvia Scarlett" has been postponed for two weeks while "A Tale of Two Cities" does a week at the Poli and an expected holdover engagement at the Palace.

St. Louis Witness Calls Begin Today

(*Continued from page* 1)

new witnesses will be served. This, because the civil action will cover a period longer than that incorporated in the misdemeanor trial last October and November.

Milton B. Arthur may not be brought on from the coast, as in the previous case. He appeared, but was not called.

New York attorneys for distributors involved will arrive here about Jan. 3, three days before the date set for the hearing before Federal Judge Joseph West Molyneaux of Minneapolis. Hardy and his assistants are due from Washington about the same time.

More Than 11,000 At Albany Drawing

ALBANY, Dec. 26.—More than 11,000 people packed the four Fabian theatres, the RKO Palace, Grand, Hermanus Bleecker Hall and Leland Monday night when 13 prizes ranging from a floor lamp to a Ford were distributed.

The drawing took place on the stage of the RKO Palace with the other theatres connected by means of a four-way hookup installed by the N. Y. Telephone Co., while the voice was carried out through the house amplifiers.

Other Albany theatres reported playing to almost empty houses.

Albany House to Reopen

ALBANY, Dec. 26.—The Follies, operated by Waterfront Amusement Co., Max Rosnick, manager, which had been running musical variety, but closed abruptly last week, is to reopen soon as a straight picture house. This is the former Majestic, adjoining the Leland on South Pearl St.

Lesser Classifies Film

HOLLYWOOD, Dec. 26.—The production lull at the Sol Lesser unit until the first of January is to be turned to good account by Edward Gross, production manager. A library of stock shots and sounds is being made up from the storage vaults. The plan is to sell this footage to other producers of westerns. Adrian Levy is handling the classification.

Sirica Sons Take House

WATERBURY, Dec. 26.—Michael and Andrew Sirica, sons of the recently deceased A. E. Sirica, operator of the Capitol, have taken over the operation and management of the house.

Producer Aim To Be Higher, Berman States

By PANDRO S. BERMAN
Associate Producer, RKO

HOLLYWOOD, Dec. 26. — Although the past season has brought to the screen many outstanding films, every major studio and every producer undoubtedly will be aiming higher still in the coming year. To stand still in the industry means stagnation and ruin and this is more true at the present time than ever before.



Audiences are more critical today than at any time in the industry's annals. They are insistent on story quality and acting ability. They are no longer content to see old favorites read their lines or walk through their parts. Proof of that fact is shown in the warm reception accorded in 1935 to many newcomers with ability and ambition, and in the success of pictures with strong story background.

In general, I believe production in 1936 will lean toward three types of films: features emphasizing music, dancing and gay comedy; mystery plays intriguing the imagination, and pictures that demand fine dramatic performances by stellar players.

The success of many musical pictures during the past year indicates a definite and growing public interest in this attractive type of film fare. Mystery stories, whether on the screen or inside magazine and book covers, have always been popular and unquestionably always will. And there is a definite demand for pictures that have strength and depth, that tell a positive story, that are finely welded together and that require real acting ability.

All of which means keener production competition than ever before, and that competition, naturally, means better pictures and greater benefits in the coming year to all concerned—to the studios, to the theatres and to the public.

Hearing Expected on St. Louis Fox Soon

ST. LOUIS, Dec. 26.—Present indications are that the Federal court hearing on final plans for reorganization of the Theatre Realty Co., owners of the Fox and adjacent property, will be held about the middle of January. In the meantime the property is being administered by Former Supreme Court Judge James T. Blair and Former City Collector Edmond Koeln as Federal trustees.

The theatre is being operated by F. & M. under the terms of an agreement made some months ago with Blair and Koeln, who at that time were state court receivers.

Short Subjects

"The Case of the Lost Sheep"

(*Universal*)

The cartoonist here took liberties with the old story of Little Bo Peep and her lost sheep, with the sheep pictured as runaways, and their pursuit by Humpty Dumpty and Oswald as motorcycle policemen. They steal and eat too many pies and the result is that they are glad when they get home again. It rates as an average cartoon, which should be entertaining for the youngsters. Production Code Seal No. 1469. Running time, 7 mins. "G."

"Going Places No. 17"

(*Universal*)

An interesting number of the series, in which are seen the roof beauty parlor of a cosmetic company on the roof of its New York building, the business of making cloth out of the wool of the Angora rabbit, the forbidden city of Peiping, China, and the Temple of Heaven, where Chinese emperors were crowned years ago. Of average quality in the group. Production Code Seal No. 0672. Running time, 10 mins. "G."

"Pompeii" on Dual $10,000, Montreal

MONTREAL, Dec. 26.—The Capitol held the lead with a dual bill headed by "The Last Days of Pompeii," the take being $10,000.

Loew's, with a combination of two features and a vaudeville unit, registered $10,500 which was par. Feature No. 1 being "Jalna."

"Mutiny on the Bounty" wound up its third week at the Palace with $6,500, the first two weeks turning in $26,500—or $33,000 altogether. The Imperial made an extra splash with French and English films and a stage unit to get $4,000 which was quite good.

Opposition consisted of three hockey games and Ruth Draper and La Argentina on different nights at His Majesty's.

Total first run business was $37,500. Average is $41,500.

Estimated takings for the week ending Dec. 21:

"LAST DAYS OF POMPEII" (Radio)
"TO BEAT THE BAND" (Radio)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

"BONNE CHANCE" (French)
"WATERFRONT LADY" (Mascot)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Stage: Vaudeville unit, "Hot from Hollywood." **Gross:** $4,000. (Average, $3,500)

"JALNA" (Radio)
"LITTLE BIG SHOT" (Warners)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: Vaudeville unit, "Three Cheers." **Gross:** $10,500. (Average, $10,500)

"MUTINY ON THE BOUNTY" (M-G-M)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days, 3rd week. **Gross:** $6,500. (Average, $11,000) First week, $15,000. Second week, $11,500

"THE MELODY LINGERS ON" (U.A.)
"MEN OF THE HOUR" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,500. (Average, $7,000)

Jones in "Showboat"

HOLLYWOOD, Dec. 26.—Universal has signed Allan Jones for the lead in "Showboat" opposite Irene Dunne. Production has started though there are still three principal roles to be cast.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Pace That Kills"

(*Willis Kent Prod.-State Rights*)

HOLLYWOOD, Dec. 26.—A morbid melodrama dealing with the dope traffic and how the scourge enmeshes innocent youngsters on the threshold of maturity, this film preaches a warning to transgressors and in spots is so brutal that it seems destined to set a pace that kills for the exhibitor and his box-office.

The film shows one of the most gruesome sides of debased existence and is likely to keep customers away with the exception of those spots where sensational exploitation will drag in a certain clientele as has been done before.

The story revolves around a couple of kids, a brother and sister, fresh from the country, who inadvertently get in with a gang which takes them to the big city where they become addicted to drugs. From here on the yarn runs the gamut, with Chinese joints, cocaine and opium addicts, and other underworld activities forming the background of the plot which ultimately stretches its tentacles into society.

Direction by William O'Connor is all right. Performances are good in spots with Lois January, Noel Madison, Sheila Mannors, Lois Lindsley, Dean Benton and Charles Delaney contributing the important performances. Jack Greenhalgh was the photographer.

Reviewed without code seal. Running time, 64 minutes. "A".

Looking 'Em Over

"Western Frontier"

(*Columbia*)

Routine western action material, this may prove satisfactory as the second half of a dual bill where the patrons still like western yarns on the screen. It is the kind of film which is more apt to please the youngsters.

Ken Maynard is starred, with Lucille Brown, Nora Lane and Robert Henry featured in support. The film opens with a prologue sequence, showing the death in an Indian raid of the parents of a small boy and girl, each of whom wears half of a map tattooed on the forearm. The boy is rescued, the girl taken by the Indians.

Years later, Maynard, the boy, is requested by the marshal to bring in a gang in a neighboring town, headed by a blond woman. With a fake medicine show, he gains unsuspected entree to the town and meets Miss Lane, opening the way for the expected romantic angle of the story. His identity is learned and the rest of the film is devoted to the efforts of the gang to "get" him, and his efforts to keep clear of them and bring about their capture, in which he is ably assisted by his horse, Tarzan. Of course the gang leader is his sister, a fact he learns in the closing minutes. In the climax gun-battle she is killed and the romance completes the film. Albert Herman directed.

Reviewed without production code seal. Running time, 57 minutes. "G."

"The Lady in Scarlet"

(*Chesterfield*)

There is somewhat more than the usual amount of humor and entertainment in this mystery film than in the usual run of such independent product. With something of a "The Thin Man" idea, the entertainment derives from the wise-cracking secretary and first assistant of the amateur detective. The detective is Reginald Denny and his secretary Patricia Farr.

Although the mystery is fairly well developed and the actual murderer hidden from the audience, the greater part of the entertainment lies in the conduct of the investigation by Denny and Miss Farr. When an antique dealer is found dead in his home there are a host of suspects, including his wife, Dorothy Revier, whom Denny knows; his assistant, James Bush; Jamison Thomas, seen often with Miss Revier, and his daughter, in love with Bush and threatened with disinheritance.

Denny wanders into the case by accident and from there on pursues his investigation in almost a casual, good-humored fashion which is effective. Miss Farr is attractive and entertaining. Eventually, of course, after a number of audience-misleading situations, Denny hits upon the murderer.

Production Code Seal No. 1,626. Running time, 60 minutes. "G."

"Rendezvous" Gets $2,500, Charlotte

CHARLOTTE, Dec. 26.—Grosses in Charlotte were low. "Rendezvous" was the best money-maker with a take of $2,500 in a three day run, exactly $500 over average. Fair weather prevailed all week and there was no serious outside competition, but no other picture was able to break par.

"Crime and Punishment" had a fair run at the Broadway, grossing $4,000 in six days to tie average.

Total first run business was $10,500. average is $11,000.

Estimated takings for the week ending Dec. 21:

"CRIME AND PUNISHMENT" (Col.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $4,000. (Average, $4,000)

"MARY BURNS, FUGITIVE" (Para.)
CAROLINA—(1,400), 25c-40c, 3 days. **Gross:** $1,500. (Average, $2,000)

"RENDEZVOUS" (M-G-M)
CAROLINA — (1,400), 25c-40c, 3 days. **Gross:** $2,500. (Average, $2,000)

"RED SALUTE" (U.A.)
IMPERIAL — (949), 25c-30c, 3 days. **Gross:** $1,500. (Average, $1,500)

"TO BEAT THE BAND" (Radio)
IMPERIAL — (949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

Drop Civic Theatre Plan

COLUMBUS, O., Dec. 26.—Plans for the combined civic theatre and auditorium, for which a Federal grant of $1,569,000 was approved by President Roosevelt Nov. 12, have been abandoned, according to the W.P.A. and local Chamber of Commerce, sponsoring the project. The grant was contingent upon $300,000 additional being contributed locally, but it now develops that nearer $600,000 will be necessary, and this amount cannot be raised through popular subscription.

Form Southern Studios

MIAMI, Dec. 26.—Southern Film Studios, Inc., with authorized capital of 50 shares, no par, has been granted a charter. The incorporators are B. E. Newlon, W. W. Cox and Gladys Howard.

Wall Street

Eastman Leads Stock Board Gains

	High	Low	Close	Net Change
Columbia	43	43	43	— ½
Consolidated	5⅝	5⅜	5⅜	— ⅛
Consolidated, pfd.	18	17⅞	18	.....
Eastman Kodak	157½	155½	157½	+3
Loew's, Inc.	52⅜	51⅞	52	— ⅛
Paramount	10	9⅝	9⅞	+ ⅛
Paramount 1 pfd.	78	78	78	.....
Paramount 2 pfd.	11⅞	11¾	11⅞	+ ⅛
Pathe Film	7⅞	7⅝	7⅝	+ ⅛
RKO	5⅜	5	5	— ⅛
20th Century-Fox.	23⅝	23¼	23¼	+ ¼
20th Century, pfd.	32¾	32½	32½	— ⅛
Universal, pfd	57½	57½	57½	— ¼
Warner Bros.	9⅞	9⅝	9⅝	— ⅛

Trans-Lux Off ¼ on Curb

	High	Low	Close	Net Change
Sonotone	2	1⅞	1⅞	.....
Technicolor	17¾	17	17	.....
Trans-Lux	3½	3⅜	3½	— ¼

RKO Bond Jump 2½ Points

	High	Low	Close	Net Change
General Theatre 6s '40	18⅝	18⅜	18⅜	— ¼
General Theatre 6s '40 ctf.	18⅞	18⅜	18⅜	.....
Keith B. F. 6s '46	92⅜	92⅜	92⅜	+ ⅜
Paramount Pict. 6s '55	92½	92¼	92⅜	.....
RKO 6s '41 pp.	78	77½	77½	+2½
Warner Bros. 6s '39 wd	87	86½	86¾	— ¼

(Quotations at close of Dec. 26)



Booked Now
BY THE
NATION'
LEADIN
SHOWME

DOUGLAS FAIRBANKS JR.
GERTRUDE LAWRENCE
"MIMI"

DIRECTED BY PAUL L. STEIN

From Murger's Famous "La Vie de Boheme" • Music by Pucc

The immortal lovers of "Mimi" in the most lavish production of the season, handsomely mounted with exquisite settings, and the Artists' Ball of unsurpassed loveliness. Exciting Bohemia in gay Paree! A brilliantly enacted woman' picture that captures the imaginatio in unforgettable roman and drama.

FIRST DIVISION

HARRY H. THOMAS, PRESIDENT • RKO BUILDING, RADIO CITY, N. Y.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 151 NEW YORK, SATURDAY, DECEMBER 28, 1935 TEN CENTS

RKO and RCA Deal Extended At Music Hall

Profit Arrangement Set For Two Months More

A two-month extension of the agreement under which RKO and RCA are given a participation in operating profits of the Music Hall was completed yesterday and will be submitted to the Federal court here for approval. The current agreement expires Dec. 31 and the extension continues it to Feb. 29.

Under the agreement, which originated on Sept. 1, 1934, when Rockefeller Center and RCA took over the Music Hall lease from RKO and assumed the operating management, RKO and RCA jointly receive $500 per week from the initial operating profits of the Music Hall. An initial

(*Continued on page 3*)

Aylesworth Resigns NBC Post; Lohr In

Merlin H. Aylesworth yesterday resigned as president of National Broadcasting Co. and Lenox R. Lohr was elected his successor at a meeting of the NBC board.

Joseph P. Kennedy has been retained to develop a plan of recapitalization for R.C.A.

Aylesworth will remain with NBC as vice-chairman of the board, a newly created post to which he was elected yesterday. David Sarnoff is chairman of the NBC board. Aylesworth gave as his reason for resigning the NBC presidency the increased demands of his new duties as chairman of the board of RKO. Aylesworth resigned the presidency of RKO recently to take over the new post, at which time Leo Spitz became the new RKO president.

Lohr, the new NBC president, was general manager of the Chicago Century of Progress.

Five Contract Cases To Be Heard Friday

Five breach of contract complaints by United Artists against independent exhibitors, postponed about two weeks ago, are scheduled for arbitration at the New York Film Board of Trade next Friday. Louis Nizer, executive secretary of the board, will represent the distributor.

The defendants are the Savoy, Jamaica; Sheldon, City Line and Model, Brooklyn, and the Globe.

Sees Moment At Hand for Price Boost

But Warns of Cost of Making Pictures

By N. L. NATHANSON
President, Famous Players Canadian Corp.

TORONTO, Dec. 27.—I look forward with optimism to the coming year, expecting not only an increase in theatre attendance, but also a great improvement in product.

Looking forward with optimism, however, we should at the same time look back to what has occurred during 1935. Admission prices have been deflated to a level not in keeping with the values we are giving to the public. Realize that theatre patrons can sit in comfortable seats for two or three hours and view entertainment that has cost producers anywhere from $200,000 to $2,000,000, at a price of 15 cents and sometimes 10 cents. The price level of our industry must be

Arthur A. Lee, Sol Lesser and Walter Wanger on page 4.

judged by its lowest charges. I think it is in the interest of exhibitors generally throughout the United States and in Canada, and the industry as a whole, to consider whether we cannot at this time raise the admissions

(*Continued on page 4*)

"Rebel," $86,000, First Week at M. H.

Grossing $86,000 in the first week, "The Littlest Rebel" at the Music Hall bids fair to chalk up a take of approximately $150,000 in the 11-day run. On Monday, "Magnificent Obsession" opens. The last five days of "A Night at the Opera" at the Capitol tallied $19,600 and the first two days of "A Tale of Two Cities" garnered $17,200.

"Coronado," at the Paramount for five days, ended with around $8,500. The first two days of "The Bride Comes Home" took in $17,000. Glen Gray and the Casa Loma Orchestra appear on the stage. Last week, Fred Waring and his Pennsylvanians were the stage attraction.

The Palace tallied about $9,000 with "Frisco Kid" and "Seven Keys to Baldpate." The Roxy, on five days of "1,000 a Minute," got about $18,000.

Short, But Pointed



"What do I think the New Year holds in store for this industry? "I am going to buy my first new car in five years," is the reply of R. H. Cochrane, senior vice-president of Universal.

New Republic Setup Splits Sales Forces

Republic Pictures sales are split into two divisions with Budd Rogers as general sales manager for the eastern division and Jack Fier sales manager for the western division under the executive realignment following upon recent changes within the company.

Republic sales formerly were handled by Edward Golden, who resigned from the company last week. At that time it was stated that Rogers would head the company's sales department, but the appointment of Fier, former head of sales for Mascot Pictures, follows the decision to divide sales duties between the two territories.

The new executive setup just completed has Walter W. Vincent as chairman of the Republic board; W. Ray Johnston, president; Nat Levine, vice-president and president of the subsidiary Republic Prod., succeeding Trem Carr, resigned, and E. H. Goldstein, vice-president. Departmental heads in addition to the sales heads are Norton V. Ritchey, general manager of the foreign department; Morris Goodman, sales manager, foreign department; Edward F. Finney, director of advertising and publicity; Nat K. Loder, treasurer; Sam Hacker, manager of contract department; John S. Harrington, manager of print and accessory department; Rus-

(*Continued on page 3*)

Shirley High Draw of Year, Say Showmen

Exhibitors Rate Rogers, Gable 2nd and 3rd

Little Shirley Jane Temple, six and one-half years old, was the biggest money-making star of the year from Sept. 1, 1934, to Sept. 1, 1935, according to the vote of independent exhibitors of the nation, recording their choices, based on results at their box-offices, in the annual canvass conducted by *Motion Picture Herald*, out today. Exhibitors were asked to list the 10 players whose films drew the largest attendance at their theatres during the year.

In order of their ranking, the players who followed Shirley were: Will Rogers, Clark Gable, Fred Astaire and Ginger Rogers, Joan Crawford Claudette Colbert, Dick Powell, Wallace Beery, Joe E. Brown, James Cagney. (The majority of exhibitors listing them reported Astaire and Miss Rogers as a team.)

Only theatres without producer or distributor affiliation were questioned. Six players this year won their way to the first 10 from widely scattered

(*Continued on page 2*)

Warners Seek End Of St. Louis Case

ST. LOUIS, Dec. 27.—Sam B. Jeffries, local counsel for Warners, today filed a petition in the Federal Court seeking dismissal of the Government's application for a preliminary injunction against the company for assertedly refusing to service three F. & M. theatres here. Paramount, through William R. Gentry, tomorrow is scheduled to file a similar motion.

Like the RKO petition filed last week, Warners hold that the issues involved

(*Continued on page 3*)

Suits Result from Hub Ban on "Hour"

BOSTON, Dec. 27.—Suits for $250,000 have been filed in U. S. District Court here against Mayor Frederick Mansfield and Herbert McNary, Boston city censor, as a result of the banning of "Children's Hour."

Children's Hour, Inc., is suing the two jointly for $100,000 each, while Herman Shumlin, producer, asks $50,000.

Slander and libel are charged.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 28, 1935 No. 151

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Saland's Deal with Derr-Sullivan Off

Negotiations on a new production setup whereby Joe Brandt and Nat Saland would finance E. B. Derr and Charles Sullivan have fallen through, it was stated yesterday by Saland who returned from the coast. Jesse J. Goldburg was interested in the deal. Saland would have financed part of the production for the print work.

Brandt is due from the coast around Jan. 5. Saland arrived yesterday by train with C. King Charney, American distributor of Agfa, who plans to remain in New York until Jan. 10.

Reports from Chicago that a meeting of the above interests was scheduled the middle of January in that city were denied yesterday.

Critic Drops Out

Reputedly dissatisfied over the calibre of the publicity accorded plans to select the best picture of the year, Eileen Creelman, critic of The *Evening Sun,* has resigned membership in the lower case organization known as the New York film critics.

The awards will proceed without the vote of The *Sun's* critic.

Rinzler Guest at Party

Sam Rinzler was given a surprise birthday party yesterday at the Astor by his partner, Louis Frisch. About 40 exchange and exhibitor friends attended. Frisch gave Rinzler a cigarette case as a token of their long friendship. Rinzler yesterday reached the half century mark.

Shirley High Draw of Year, Say Showmen

(*Continued from page* 1)

rankings the year before. There were 200 players mentioned this year, comparing with 208 last year. Clark Gable, Wallace Beery, Joan Crawford, Will Rogers and Shirley Temple have placed among the first 10 before.

The final standing was based on the total number of times a player was mentioned in the replies, regardless of the relative specified position among the 10 nominations. The type of product in which the 10 leaders appeared, classified generally, was: comedy, two; comedy-drama, two; romantic drama, three; drama, one; musical comedy, one; musical comedy-drama, one.

Following is a complete compilation of the returns in the survey. The percentages refer to the number of citations with respect to the total votes cast by the participating exhibitors. Fred Astaire and Ginger Rogers also receive ranking as individual players.

First Ten

Shirley Temple	874%
Will Rogers	817
Clark Gable	639
Astaire and Rogers	495
Joan Crawford	485
Claudette Colbert	451
Dick Powell	446
Wallace Beery	412
Joe E. Brown	341
James Cagney	334

Honorable Mention

Mae West	277%
Bing Crosby	265
Fred Astaire	237
Ginger Rogers	211
William Powell	205
Janet Gaynor	173
Jean Harlow	164
Norma Shearer	139
W. C. Fields	129
Ruby Keeler	120
Warner Baxter	114
Grace Moore	113
Katharine Hepburn	111
Buck Jones	104
Fredric March	103
Pat O'Brien	101
George O'Brien	100
Eddie Cantor	92
Robert Montgomery	90
Wheeler and Woolsey	85
Gary Cooper	82
George Raft	79
Myrna Loy	76
Jane Withers	70
Jeanette MacDonald	61
George Arliss	59
Dick Powell and Ruby Keeler	58
Kay Frances	52
Richard Dix	51
Hoot Gibson	51
Joan Blondell	49
Charles Laughton	47
Joe Penner	42
Greta Garbo	41
Paul Muni	41
Randolph Scott	40
James Cagney and Pat O'Brien	40
Al Jolson	40
Lionel Barrymore	36
Boris Karloff	34
Loretta Young	34
John Boles	31
Tim McCoy	28
Jackie Cooper	28
Ken Maynard	27
John Wayne	26
Marion Davies	25
Laurel & Hardy	24
James Dunn	24
Warner Oland	23
Charles Ruggles	22
Edward G. Robinson	20
Irene Dunne	19
Jack Oakie	19
Jeanette MacDonald & Nelson Eddy	18
Robert Donat	17
Jean Parker	16
Guy Kibbee	16
Margaret Sullavan	15
Zasu Pitts	15
Ronald Colman	15

Schulberg Not Set

In town for the opening of "Tapestry in Gray" at the Shubert last night, B. P. Schulberg yesterday stated his plans after expiration of his Columbia pact were indefinite.

Jack Holt	13%
May Robson	13
Warren William	13
Sylvia Sidney	12
Edmund Lowe	11
Spencer Tracy	11
Anne Shirley	10
Bette Davis	10
Edward Arnold	9
Nelson Eddy	8
Miriam Hopkins	8
Robert Taylor	8
Freddie Bartholomew	8
Alice Faye	8
Rudy Vallee	7
Burns & Allen	7
Virginia Weidler	7
Franchot Tone	7
Edward Everett Horton	6
Harold Lloyd	6
Chester Morris	6
Bob Steele	6
Jack Benny	6
Ann Harding	6
Eleanor Powell	6
Jean Arthur	5
Leslie Howard	5
Robert Young	5
Rochelle Hudson	5
Gene Raymond	5
George Brent	5
John Beal	4
Ralph Bellamy	4
Pauline Lord	4
Fred MacMurray	4
Barbara Stanwyck	4
Johnny Weissmuller	4
Glenda Farrell	4
Hugh Herbert	4

Runners Up

The following players won a 3 per cent ranking in the final tabulation. They are listed alphabetically.

Richard Arlen, Walter Connolly, Dolores Del Rio, Sally Eilers, Henry Hull, Victor McLaglen, Marian Marsh, Tom Mix, Maureen O'Sullivan.

Players receiving 2 per cent ranking, listed alphabetically, were:

Gene Autry, Richard Barthelmess, Joan Bennett, Ben Bernie, Carl Brisson, Maurice Chevalier, Frankie Darro, Marie Dressler, Henry Fonda, Elissa Landi, Carole Lombard, Bela Lugosi, Una Merkel, Joe Morrison, Jean Muir, Bill Robinson, Ann Sothern, Lee Tracy, Tom Tyler, Fay Wray.

Blue Ribbons

Given 1 per cent in the vote of the exhibitors were the following, listed in alphabetical order:

Robert Armstrong, Roscoe Ates, Lou Ayres, John Barrymore, The Barrymores, Michael Bartlett, Louise Beaver, Constance Bennett, Elisabeth Bergner, Charles Bickford, Mary Boland, Charles Boyer, Virginia Bruce, Nancy Carroll, Harry Carey, Richard Cromwell, Marlene Dietrich, Madge Evans, Stepin Fetchit, James Gleason, Betty Grable, Cary Grant, Ted Healy, Josephine Hutchinson, Sybil Jason, Mr. and Mrs. Martin Johnson, Patsy Kelly, Jan Kiepura, Florence Lake, Baby Jane, Binnie Barnes, Mona Barrie, Evelyn Laye, Francis Lederer, Aline MacMahon, Herbert Marshall, Nino Martini, Marx Brothers, Jesse Matthews, Karen Morley, Edna May Oliver, Pat Paterson, Mary Pickford, Nova Pilbeam, Roger Pryor, Eddie Quillan, Lyda Roberti, Buddy Rogers, Lanny Ross, Alison Skipworth, Charles Starrett, Anna Sten, Gloria Stuart, Slim Summerville, Lyle Talbot, Frankie Thomas, Lawrence Tibbett, Claire Trevor, Conrad Veidt, Evelyn Venable, George White.

"Mutiny" B. O. Champion

"Mutiny on the Bounty," M-G-M, won first place among the Box Office Champions for November, listed by *Motion Picture Herald,* out today. The other winners were: "Thanks a Million," Twentieth Century-Fox, second place; "The Crusades," Paramount, and "A Midsummer Night's Dream," Warners, tied for third place; "In Old Kentucky," Twentieth Century-Fox; "A Night at the Opera," M-G-M, and "Metropolitan," Twentieth Century-Fox, tied for fifth place.

Purely Personal

HARRY M. GOETZ, BOB GILLHAM, JOSEPH MOSKOWITZ, JOE PINCUS, BOB GOLDSTEIN, "PATSY" GOLDBERG, ED MCNAMEE, VINCENT TROTTA, DAVE BADER, BILL GERMAN, IRVING LESSER, BERT MAYERS, GEORGE WEEKS, ARTHUR LEE, glimpsed at the Tavern yesterday, while JAKE WILK, M. A. SCHLESINGER, MILTON SHUBERT and EARLE W. HAMMONS gathered at the Astor.

•

B. P. SCHULBERG, RALPH KOHN, JOHN ZANFT, NAT DORFMAN, the EDDIES-ALPERSON, PESKAY and EDELSON, MORT SPRING, DAVE BLUM, HARRY BANNISTER, MARTIN BECK, GUMMO MARX, JOE RIVKIN, SAM LYONS, GEORGE GERHARDT and CHARLES LEONARD, at Sardi's yesterday during lunch recess.

•

CHARLES REED JONES and EVELYN LEE KOCH planned and executed the pressbook on "Custer's Last Stand" for LOUIS WEISS. In 40 pages, it is probably the most complete job turned out to date on an independent picture.

•

HARRY THOMAS and EDDIE GOLDEN, ambling up Broadway yesterday, THOMAS badly in need of a pair of ear muffs, and GOLDEN a horse.

•

E. B. HATRICK left yesterday for Miami and a vacation. After he returns he will make his regular trip to the coast.

•

SAMUEL and BELLA SPEWACK, playwrights, will sail on the *California* today, coast-bound via the Panama Canal.

•

KING CHARNEY, whose favorite raw stock is Agfa, is in New York from Hollywood. Here for about a week only.

•

UNA MERKEL and her mother are back at the Warwick after having spent Christmas with friends at Hartford.

•

DAVE LOEW will leave for the coast Jan. 3, HAL ROACH having changed his mind about making the eastern trip.

•

ARTHUR LOEW is due back today or tomorrow from Tucson, Ariz., where he visited his son.

•

PATSY KELLY leaves tomorrow by plane for Hollywood after a week's vacation here.

•

BILL SCULLY was laid up with a cold at his Forest Hills home yesterday.

•

ARTHUR GOLDBERG, one of LEO SPITZ's assistants in Chicago, was in town yesterday.

•

NICHOLAS M. and Mrs. SCHENCK are in Atlantic City. They will spend New Year's Eve there.

•

EDDIE CARRIER of M-G-M's exploitation division leaves for the coast tomorrow.

•

HENRY HENIGSON in town from the coast.

RKO and RCA Deal Extended At Music Hall

(Continued from page 1)

rent participation of $700,000 per year next is paid to Rockefeller Center, after which a second joint payment of $24,000 per year is made to RKO and RCA, which is applied to retirement of RCA's advances of working capital for the Music Hall made during 1933 while it was being operated by RKO. Thereafter, Rockefeller Center is entitled to an additional $100,000 as rent. If funds then remain over operating costs, a first $200,000 is divided on the basis of 60 per cent to Rockefeller Center and 40 per cent to RKO and RCA, and a second $200,000 would be divided 50 per cent to Rockefeller Center and 50 per cent to RKO and RCA.

RKO does not participate in the leasing or operating of the hall and thus has no obligation in the event of operating losses.

A separate agreement under which RKO Service Corp. performs certain management functions for the Music Hall for a weekly fee based upon a percentage of average gross receipts of the house also expires Dec. 31. An extension of this agreement to Aug. 31, 1936, rather than for a six months' period as reported in Motion Picture Daily yesterday, is being proposed for court approval. The service fees received by the RKO subsidiary under this agreement are estimated at $1,500 per month.

The two agreements and the product deal between RKO and the Music Hall comprise RKO's entire interest in the Radio City theatre.

New Republic Setup Splits Sales Force

(Continued from page 1)

sell Bell, art director, Lindsley Parsons, west coast publicity director.

A new executive and advisory council and a planning and operating committee complete the company's directing setup for the coming year, it was stated. On the executive and advisory council are Vincent; Herman Rifkin, Boston; Johnston, Levine, C. C. Ezell, Dallas; Irving Mandel, Chicago; Arthur C. Bromberg, Atlanta; J. S. Jossey, Cleveland; Floyd St. John, San Francisco; Ritchey, Herman Gluckman, New York; Joe W. Coffman, Oscar Hanson, Toronto; Loder and Goldstein.

On the planning and operating committee are Johnston, chairman; Coffman, Goldstein, Ritchey, Goodman, Rogers, Finney, Loder and Hacker.

Fier to East

Hollywood, Dec. 27.—Jack Fier left here by plane for New York today. He plans to return to the coast in two weeks.

RKO to Drop Central

RKO on Tuesday night will drop the Central, Cedarhurst, L. I., when the lease expires. Rogers & Moss, owners will resume operation with Harry Shiffman handling bookings and management.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Three Live Ghosts"

(M-G-M)

Hollywood, Dec. 27.—Excellent acting of a cleverly modernized story adaptation by C. Gardner Sullivan plus the intelligent directing of H. Bruce Humberstone combine to make this hilarious comedy of misadventures acceptable entertainment. The production should draw well in sections where it is the show itself rather than glamorous names which attract the audience. "Three Live Ghosts" has many pleasant moments.

Locaied in London after the Armistice, "Three Live Ghosts" is held together by the accomplished work of Beryl Mercer, which should have patrons talking.

Three soldiers return to England to find themselves listed as dead. To Miss Mercer, the mother of one, the arrival of her son, Charles MacNaughton, is a happy event, but at the same time an unfortunate occurrence, since it cuts off her insurance money. Recognizing Dick Arlen as a missing American for whom a huge reward has been offered, she plans to make up for her loss of insurance money by turning him in. Even the pleadings of MacNaughton and her realization that a romance is growing between Arlen and Cecilia Parker fail to stop her.

The mother treasures a quantity of jewels given her by Claude Allister, a shell-shocked kleptomaniac, but she is less enthusiastic about the baby which he has brought along as part of the loot. The police arrive and move the whole crowd along to the station house. There Arlen is revealed not as a fugitive, but as the heir whose estate is offering the reward for his return. After a third degree wallop Allister is uncovered as a nobleman who has stolen his own jewels and child.

The finale shows Allister home again in his mansion, in the best of health and reunited with his family. Arlen and Miss Parker are together again and the financial destinies of Miss Mercer and MacNaughton are assured under Allister's patronage.

Humberstone's direction holds the picture constantly within the realm of easy understanding. It gives the audience many opportunities to applaud the work of Miss Mercer and MacNaughton and accentuates the effective work of Arlen, Nydia Westman, Dudley Digges and Robert Greig. The picture has considerable entertainment quality and possesses much interest-creating showmanship to excite attention.

Production Code Seal No. 1,856. Running time, 70 minutes. "G."

Looking 'Em Over

"Frontier"

(Amkino)

Alexander Dovjenko has heavy-handedly laid on a thick coating of anti-Japanese propaganda in this latest importation. The production, as a whole, is slow-moving, and where the drama leads to a bit of action what takes place is most obvious.

The narrative concerns the building of a new city, Aerograd, in a portion of Siberia where White Russian refugee-plotters are hiding. Loyal collective farmers becoming aware of a plot to prevent the starting of the new city, set out to subdue the plotters. Interwoven there is an aviator who flies about, stunts aimlessly and supposedly rescues an American flier who has been forced down. He takes part when a mockery of a battle occurs. The defending collective leader must kill his boyhood friend and, leading him into the woods, he does. A Japanese of the Samurai class, who is at the head of the rebellion, is caught by the aviator and is roughed up. The ending in the spectacular style displays the Soviet air corps in a series of newsreel shots duplicated in different camera angles. The mass parachute jumping that made the front pages some time ago is again seen.

Obviously thrown in Japan's face, the political significance of the film is designed for Soviet Russia's sympathizers. However, the masses of filmgoers will not be drawn in by this one, for the dramatics are too long drawn out, heavily emphasized and so lack entertainment quality.

No production code seal. Running time, 83 minutes. "A."

"Another Face," one of the two features which opened at the Palace yesterday, was reviewed Nov. 13 under the title "Two Faces."

Chicago Takes Hit

Chicago, Dec. 27.—A blizzard and sub-zero weather caused Christmas grosses to fall to a new 10-year low.

B. & K. and Great States report their takes about $20,000 under last year for all houses.

Ten below zero is hurting grosses in what is ordinarily considered the best week of the year.

Warners Seek End Of St. Louis Case

(Continued from page 1)

in the civil suit are identical with those disposed of by the jury acquittal on indictment charges on Nov. 11.

With the filing of three petitions, Federal Judge Joseph West Molyneaux of Minneapolis is expected to devote the entire day of Jan. 6 to arguments by defense counsel and Russell Hardy, prosecuting attorney, on the legal status of the preliminary injunction hearing.

All New York lawyers interested in the case are scheduled to arrive the latter part of next week. Defendants and subpoenaed witnesses from all parts of the country are expected to convene a day or two before the date of the hearing.

Subpoenaes Served Here

Neil Agnew, vice-president and general sales manager of Paramount, Warner Bros. Pictures, Inc., Warner Bros. Circuit Management, Inc., Vitaphone, Inc., and Harold S. Bareford were served with subpoenaes yesterday in connection with the Government's civil suit in St. Louis, scheduled for hearing before Federal Judge Joseph West Molyneaux on Jan. 6.

John E. Otterson, president of Paramount; Spyros Skouras, general operating head for National Theatres; Joseph Bernhard, president of Warner Bros. Circuit Management, Inc.; E. K. Hessberg, an assistant secretary of Warner Bros. Pictures; Jules Levy, vice-president and general sales manager of RKO Distributing Corp.; Cresson Smith, western and southern sales manager of RKO Distributing Corp. and RKO Distributing Corp. will be served Monday, it was stated at the U. S. Marshall's office.

Hessberg was reported in Nassau on a vacation.

Arthur Sees Hardy

Washington, Dec. 27.—Harry C. Arthur, vice-president of F. & M. and chief witness in the equity suit brought by the Government against Warners, Paramount and RKO in St. Louis, arrived here late last night to confer with Russell Hardy, special assistant U. S. Attorney General.

Arthur and Hardy spent all day today behind closed doors. Ernest Wilkinson, local attorney representing F. & M., also attended the sessions.

Franklin Award Cut

Sidney Franklin's $7,000 award against Columbia Pictures for alleged ridicule of his skill as a bullfighter has been cut to $5,000 by the Appellate Division.

Lee Foresees "Boom" Year For Theatres

By ARTHUR A. LEE
V. P., Gen'l M'g'r, G. B.



I believe 1936 is going to be the "boom" year of all years for the exhibitor.

The Government, banks, industry, business, all are putting money into circulation. The moviegoer and those who want to be moviegoers are going to get their share. So is the exhibitor.

I believe the circuits are going to expand heavily. Not so much in building as in acquisitions and pools.

I believe the industry is going to expand internationally as never before. This goes for production as well as distribution.

I believe that during the coming year our industry is going to undergo some of the most drastic changes it has yet seen—and that these will all be for the good of the entire industry.

Nathanson for Hike In Theatre Tariffs

(*Continued from page* 1)

to our public in keeping with the increased prices which they are paying for other commodities.

A note of warning to the producers—every exhibitor is interested in the cost of productions which he exhibits, and 1936, I believe, will show a tremendous increase in production costs over any year in the history of our industry. Producers, artists, directors and writers must realize that the box-offices of the country are the final judges of what expenditures can be made, and I see definitely that it will not be long before the returns will be insufficient to meet the increased demands of the producers because, in turn, of their increase in costs.

In Canada we are looking forward also with renewed hopes and a spirit of optimism for a betterment of industrial conditions, which we hope will reflect itself in an improvement in our own particular business.

Rosenberg Heads Club

SEATTLE, Dec. 27.—Al Rosenberg, Hamrick-Evergreen executive, has been elected president of the Northwest Film Club. He succeeds L. J. McGinley of Universal, who was elected vice-president. Ed A. Lamb of RKO-Radio was reelected secretary-treasurer.

New trustees of the club are Paul McIlhenny of M-G-M, Al Bloom of Universal, Roy Cooper of Sterling Theatres, Hugh Bruen, president of the M.P.T.O. of Washington, and Ben F. Shearer.

4-Way Prediction Includes Return of Outdoor Picture

By WALTER WANGER



HOLLYWOOD, Dec. 27.—The industry will witness these major developments during the coming year:

1.—The great outdoor picture will return to the position it occupied in the hey-day of the industry. The use of the new three-color Technicolor process will speed this return.

2.—The "removed unit" system of production will be adopted more and more by the larger companies. Under this system, producers will be encouraged to operate their own units, pick their own subjects, develop their own players, writers and directors, and by working independently, will each be able to deliver four to ten pictures a year. The combined product of several such producers will comprise the major part of a company's program for the year. Under this system the large companies will receive all the benefits of independent production and through the aggregate of product delivered to them by their "removed units," will be able to retain the advantages that come from large scale operation.

3.—Closer working relations will be established between producers here and abroad towards the end that through careful exchange of writers, players and directors, pictures made in this country will definitely anticipate the needs of a world market, and pictures made in Europe will more closely approximate American requirements.

4.—The coming year will witness a definite development in merchandising consciousness on the part of the producers. Instead of waiting until a picture gets under way or is almost completed, trained experts, skilled in the science of merchandising pictures, will be called in to discuss the merchandising possibilities of each subject long before it goes into production so that the merchandising plan may be decided on well in advance and developed during the actual filming.

The coming year looms gloriously. Its promise for the producer will mean tangible fulfillment for the exhibitor.

Reduced Color Film Is Perfected—Dowd

Reduction of 35mm color and sound films to 16mm has been perfected for commercial and non-theatrical use, according to Mervyn R. Dowd, president of Color-Art, Ltd., who has just arrived from the coast with the first two subjects of the new development.

Miniature sound projectors for reproduction of the 16mm color and sound films are now on the market, Dowd holds, with Ford and Pontiac the chief users. Single coated and ordinary panchromatic stock is used for the 16mm pictures.

Dowd left last night for Philadelphia and a number of other cities to demonstrate the new films and will return after the first of the year.

Win Para. Ohio Contest

CLEVELAND, Dec. 27.—Harry Goldstein, Paramount district manager, has just concluded a six-week inter-office sales contest, with the Cincinnati branch making the best showing and Bernie Gardner of the Columbus office, making the best individual sales record. Joe Oolahan, Cincinnati branch manager, and Gardner have been presented fitted leather traveling cases. The offices involved were Pittsburgh, Cleveland, Columbus and Cincinnati.

Mayer, Strickling West

Louis B. Mayer and Howard Strickling yesterday left for the coast on the 20th Century. They plan to return about the first of February.

Zeidman Switches

First release of B. F. Zeidman Corp. will not be "St. Elmo," as planned, but "Angels in White."

Reverse License Ruling

The Appellate Division has reversed a N. Y. Supreme Court ruling that License Commissioner Paul Moss has the right to summarily suspend a theatre license because of an obscene show.

The appeal was taken by the Holly Holding Corp., owner of the Republic, playing Minsky's burlesque.

Wall Street

Most Issues Off on Big Board

	High	Low	Close	Net Change
Columbia	41	40¼	40¼	—2¾
Consolidated	5½	5⅜	5½	+ ⅛
Consolidated, pfd.	18	17⅞	17⅞	— ⅛
Eastman Kodak	157	156	156¾	— ¾
Loew's, Inc.	52⅛	51	51	—1
Loew's, pfd	107	107	107	.....
Paramount	9⅞	9⅝	9¾	— ⅛
Paramount 1 pfd.	77½	76½	76½	—1½
Paramount 2 pfd.	12	11⅝	11⅝	— ¼
Pathe Film	7⅞	7⅝	7¾	+ ⅛
RKO	5⅛	5	5	.....
20th Century-Fox.	23	22¼	22¼	—1
20th Century, pfd.	32¾	31¾	31¾	— ¾
Universal, pfd	58	58	58	+ ½
Warner Bros.	9¾	9½	9½	— ⅛

Curb Issues Drop

	High	Low	Close	Net Change
Sentry Safety	½	½	½	.....
Sonotone	2⅛	2	2	.....
Technicolor	17	16¾	16¾	— ¼
Trans-Lux	3½	3	3¼	— ¼

Bonds All Slightly Down

	High	Low	Close	Net Change
General Theatre 6s '40	18¾	18¼	18¼	— ⅛
General Theatre 6s '40, ctf.	18½	18⅜	18⅜	— ⅛
Loew's 6s '41 ww deb rights	104⅛	103¾	103¾	— ⅜
Paramount B'way 3s '55	56½	56¼	56¼	— ½
Paramount Pict. 6s '55	92½	92	92	.....
RKO 6s '41 pp	77⅜	77⅜	77⅜	— ⅛
Warner Bros. 6s '39 wd	86⅝	86¼	86½	— ¼

(Quotations at close of Dec. 27)

Sanity with Sagacity to Better Times

By SOL LESSER
President, Principal Prod.



HOLLYWOOD, Dec. 27.—Cleared of debt and doubt, the industry approaches 1936 with the knowledge that sanity and sagacity finally became bedfellows in 1935.

It took the depression years to bring this partnership about but the union is destined to result in better screen entertainment and better times for every branch of the fifth largest industry in the world.

"Rebel" Portland Hit; Gets $8,500

PORTLAND, Dec. 27. — "Littlest Rebel" in its initial week at the Paramount secured $8,500. This was over par by $3,500.

"Whipsaw" in its second week at the Broadway held up to average.

"The Man Who Broke the Bank at Monte Carlo" brought in $6,000 at the Orpheum, which was over par by $1,000.

The final four days of "Mutiny on the Bounty" held up well, with an additional $4,000, and "Tale of Two Cities" for the balance of the week with $3,000 brought in $7,000.

Cold weather and Christmas shopping held grosses down.

Total first run business was $31,200. Average is $24,700.

Estimated takings for the week ending Dec. 21:

"WHIPSAW" (M-G-M)
BROADWAY — (1,912), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000)

"ALICE ADAMS" (Radio)
"WE'RE IN THE MONEY" (W.B.) (2nd Run)
BLUE MOUSE—(1,700), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"POWDER SMOKE RANGE" (Radio)
"THE PAY OFF" (F.N.)
MAYFAIR—(1,700). 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"MAN WHO BROKE THE BANK "AT MONTE CARLO" (20th-Fox)
ORPHEUM—(1,700). 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"LITTLEST REBEL" (20th-Fox)
"MILLIONS IN THE AIR" (Para.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)

"MUTINY ON THE BOUNTY" (M-G-M)
UNITED ARTISTS—(945). 25c-35c-40c, 4 days. **Gross:** $4,000.

"TALE OF TWO CITIES" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 3 days. **Gross:** $3,000. (Average, $5,000)

Seeks Sunday Opening

KINGSTON, N. C., Dec. 27.—A. B. Huff of High Point, operator of three theatres here, has petitioned the City Council for permission to operate on Sundays, offering to donate a part of the receipts to charity.

It is reported several members have said they will favor the move.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 152 NEW YORK, MONDAY, DECEMBER 30, 1935 TEN CENTS

Exhibitors to Take Stand on Music Taxes

Committee Will Meet to Oppose Dual Levy

A meeting of the exhibitors' national emergency committee to oppose the prospect of a dual music tax on theatres as a result of the withdrawal on Wednesday of the Warner music publishing subsidiaries from Ascap will be called in the near future, according to Walter Vincent, chairman of the committee.

Vincent said that while no notice that Warners would levy a tax on exhibitors for music used in its pictures had been received by the committee, large circuits or individual exhibitors, it was believed advisable to call a meeting to discuss possibilities of the situation and probable policies which might be required. He said that the meeting would be held as soon as arrangements could be made for the attendance of all members.

Warners' policy on a theatre music tax will be made known today by Herman Starr, vice-president. It was unofficially reported on Saturday that the company's policy would not involve an increased music tax on exhibitors using the company's pictures.

Stage Shows Return In Two K. C. Houses

KANSAS CITY, Dec. 29.—With the Empress opening last Saturday and the Orpheum Sunday with stage shows, downtown first runs here have their first such competition in more than a year.

The Orpheum opened with "Dodsworth," and the Empress, a burlesque house, with "Broadway Scandals."

The Orpheum opening bill will be followed by "Three Men on a Horse," and probably will be used for the roadshowing of "A Midsummer Night's Dream" which definitely has been set for late January. However, "Dream" may play at Ararat Temple.

Richards Critically Ill in New Orleans

NEW ORLEANS, Dec. 29.—E. V. Richards, well known circuit operator of the South, is critically ill following a collapse in his apartment in the Tudor Theatre Building here.

Richards is a partner with Paramount in Saenger Theatres, Inc., recently reorganized. He formerly owned the circuit.

J. P. Kennedy's RCA Post to be Temporary Assignment, He Says

Joseph P. Kennedy will make no permanent affiliation with RCA and plans to return to his private affairs on completion of a plan for recapitalization of the radio company, the task for which he has been retained by the RCA board, he said on Saturday prior to leaving for his Florida home for a brief stay.

Kennedy plans to return to New York in about 10 days to begin his RCA assignment and has established business headquarters for his new work in the RCA Building, Rockefeller Center. He said he was unable to estimate the length of time required to complete the RCA assignment.

Production Falls; No Shorts in Work

HOLLYWOOD, Dec. 29.—A decline in production was noted here last week. For the first time in many weeks all of the companies were dark as far as short subjects were concerned. There were 41 features shooting. The previous seven-day survey showed 45 features and four shorts before the cameras.

Nineteen pictures are awaiting the gun with the arrival of the New Year.

In the feature classification Columbia had three pictures working, three being prepared for a start within two weeks, and four in the cutting room,

(*Continued on page* 8)

Paramount Sues on Cartoon Reduction

Paramount and Exclusive M.P. Co. on Saturday filed suit in Federal Court against Benjamin Leder, doing business under the name of Leader M.P. Co., for alleged infringement of copyright. Phillips & Nizer are attorneys for Paramount in the matter.

In its complaint, the defendants claim that Exclusive M.P. Co. has an exclusive contract with Paramount for reducing 35mm cartoons to 16mm, for which Leder has no agreement. It is stated, in substance, that Leader M.P. Co. is infringing on Paramount's copyright by reducing the cartoons to 16mm without permission.

Sees Showmanship Revival; "Tremendows" '36 Predicted

By E. W. HAMMONS
President, Educational Pictures

To talk about improvement in general economic conditions at the turn of the year is merely to discuss the obvious. Everyone can see it all about us. The fine quality of recent Class A features is almost equally obvious. Public response to these pictures has been splendid. The only thing that seems to be needed to complete the solid recovery of the industry in 1936



(*Continued on page* 9)

By AL LICHTMAN
Loew's, M-G-M Executive

No industry has come through the depression with more flying colors than ours. Therefore no industry is better entitled to reap the rewards of this record. The high calibre of picture entertainment never slackened during the economic doldrums and technical advance during this period was amazing in the number of new developments. Now that we've got



(*Continued on page* 9)

Joseph Bernhard, J. Robert Rubin, George W. Weeks, Herbert J. Yates and their views for the New Year on page 9.

Federal Legal Staff to Have Eight Lawyers

Assigned to St. Louis Injunction Hearing

ST. LOUIS, Dec. 29.—Eight attorneys will represent the Government in the application for a temporary injunction against Warner Bros. Pictures, Inc., First National Pictures, Inc., Vitaphone Corp., Vitagraph, Inc., Warner Bros. Circuit Management, Inc., General Theatre Enterprises, Inc., Paramount Pictures Distributing Co., Inc., Paramount Pictures Distributing Corp. and RKO Distributing Corp. for allegedly refusing to sell Fanchon & Marco in this and other cities.

Headed by Russell Hardy, the Government's legal array will include District Attorney Harry C. Blanton of St. Louis, Walter Rice, William R. Benham, Harold L. Schilz, John S. Claggett and two other Washington men. The first of the Capital men is due here today with the others arriving from time to time.

Whether or not George J. Schaefer, who was a defendant in the previous criminal proceedings, will be subpoenaed could not be learned inasmuch as the equity suit lists nine corporations and no individuals. In the misdemeanor action, Schaefer, Harry M. Warner, Herman Starr, Gradwell L. Sears and Ned E. Depinet testified in their defense.

However, John E. Otterson is being summoned in the civil action and is expected here on Jan. 6, the date when

(*Continued on page* 8)

Bank Night Arrests Are Made in Boston

BOSTON, Dec. 29.—Roy Heffner, Bank Night distributor, and Charles Wilson, manager of the Hamilton, Dorchester have been arrested in a test case designed to see whether the lottery laws have been violated.

This is in accordance with the agreement reached after Mayor Frederick Mansfield had lifted his ban to await a court ruling.

No Paper Wednesday

Motion Picture Daily **will not publish on Wednesday, which is New Year's Day and a legal holiday.**

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Vol. 38 December 30, 1935 No. 152

MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

Published daily except Sunday and holidays by Motion Picture Daily, Inc., subsidiary of Quigley Publications, Inc., Martin Quigley, president; Colvin Brown, vice-president and treasurer.

Publication Office: 1790 Broadway, New York. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." All contents copyrighted 1935 by Motion Picture Daily, Inc. Address all correspondence to the New York Office. Other Quigley publications, MOTION PICTURE HERALD, BETTER THEATRES, THE MOTION PICTURE ALMANAC and THE BOX-OFFICE CHECK-UP.

Hollywood Bureau: Postal Union Life Building, Vine and Yucca Streets, *Boone Mancall,* Manager; Chicago Bureau: 624 South Michigan Avenue, *C. B. O'Neill,* Manager; London Bureau: Remo House, 310 Regent Street, London, W. 1, *Bruce Allan,* Representative. Cable address "Quigpubco, London"; Berlin Bureau: Berlin - Tempelhof, Kaiserin - Augustastrasse 28, *Joachim K. Rutenberg,* Representative; Paris Bureau: 19, Rue de la Cour-des-Noues, *Pierre Autre,* Representative; Rome Bureau: Viale Gorizia, *Vittorio Malpassuti,* Representative; Sydney Bureau: 600 George Street, *Cliff Holt,* Representative; Mexico City Bureau: Apartado 269, *James Lockhart,* Representative; Glasgow Bureau: 86 Dundrennan Road, *G. Holmes,* Representative; Budapest Bureau: 3, Káplár-u, Budapest, II, *Endre Hevesi,* Representative; Tokyo Bureau: 47 Higashi Gokencho Ushigome-Ku, *H. Tominaga,* Representative.

Entered as second class matter, January 4, 1926, at the Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Showmen's Club to Dine

KANSAS CITY, Dec. 29.—The Heart of America Showmen's Club will hold its 16th annual New Year's eve ball and dinner Dec. 31 at the Coates House. J. R. Castle, Shreveport, La., one of the owners of the United Shows of America, who is the new president of the club, and J. L. Landis of Abilene, Kan., retiring president, will be present.

Joffee Reveals Wedding

KANSAS CITY, Dec. 29.—Bernard Joffee, manager of the Tower, got married July 25, and no one knew anything about it except his wife, Katharine Redman, dance director at the theatre, until this week.

The event occurred at Burlington, Col. Their friends are pouring in delayed congratulations.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
Los Angeles 510 W. 6th Street Cal.

Insiders' Outlook

By RED KANN

THE changing picture at NBC, by early calculations, is traceable to David Sarnoff. He and M. H. Aylesworth have not and do not always approach the same problem through the same eyes. That's one factor. Another is the comment credited to Aylesworth as far back as last summer that he was placing his bets, which is one way of figuring futures, on the Odlum-Lehman syndicate and RKO. Now, without prior indication that things would happen as quickly as they did, he steps down from the presidency of NBC to make way for Lenox Riley Lohr, military man and onetime manager of the Century of Progress Exposition in Chicago. More or less, this automatically concentrates Aylesworth's activities in RKO. . . .

▼

For reorganization purposes, ostensibly, Joe Kennedy has been brought into the RCA situation. In the light of the original sale of FBO which, in turn, led into RKO and the business dealings between Sarnoff and Kennedy as of that time, the circumstance is not without its humorous aspects. Kennedy says he will step out when this job—he describes it as a temporary affair—is finished. Whether he will or won't is a matter to be best disposed of when the time arrives, not before. About RKO, Leo Spitz is active. Sam Briskin will handle the studio with J. R. McDonough set back a peg, or maybe it's a couple. But this is not all. Spitz either has closed or will shortly, unless unforeseen hitches develop, with Manny Cohen and Ben Schulberg each to head units on the RKO lot. These are the next scheduled steps. . . .

▼ ▼

It is always "the movies" that have to be cleaned up, as if the job since the production code had its teeth sharpened has not been a notable one. There is the editorial pounder of the *Ann Arbor Daily,* for instance, who cites the case of a sixteen-year-old Texas boy who "was perfectly normal and well-behaved until last Saturday night when he came home to report he had seen a movie in which there had been a lot of shooting" and thereafter embarked on a one man crime wave.

"A survey of children's games will show that they do not play 'Congress' or 'school'; their make-believe runs to more vigorous pursuits; 'cops and robbers' and 'soldier.' There is already too much of the spirit of violence in their amusements. It must not be encouraged by highly dramatic pictures," goes the published comment.

The conclusion, therefore, is "either the movies must be cleaned up or the children must be barred from pictures of a lower nature."

This space reminds, as it again suggests, that a first method begins in the home where children are supposed to be trained anyway. Sins of the parents may be visited on the children, but why their shortcomings on the film industry? It has enough troubles as matters stand. . . .

▼ ▼

The assumption, an obvious one, is that the Loew circuit bought "Scrooge" for Christmas bookings. It may be a problem in available prints, but the facts in the case are that, under the regulation system of booking prevailing in those parts, a number of Loew houses will not get the picture until somewhere along January 10 and others later when all that is left of fond Yuletide remembrance is a pile of accumulated debts. An Easter cartoon last year went the same course, drawing attention to a long prevailing practice among large circuits that might well be submitted to contemplation leading into change.

This poises no brief for "Scrooge" or any other attraction, neither is the criticism centered on Loew's. The point is that any large circuit, abetted by its buying power, should be elastic enough in its operations to shift bookings in a manner that will bring maximum results for its theatres and the film they have contracted to play. . . .

▼ ▼

James F. Bender, an instructor in public speaking at the College of the City of New York, is keen for the appointment by the industry of a speech supervisor empowered to pass on pronunciation and articulation of players and to clear up their speech handicaps as well. Bender feels such a supervisor should have authority comparable with that of Will H. Hays and suggests as a likely candidate for the job Walter Hampden, the actor.

The instructor, however, does not go far enough. He fails to suggest a method of making the public understand all of this purity once it is made available. . . .

Fadiman to M-G-M; Mrs. Lewton Resigns

William Fadiman, his contract as eastern story editor for Samuel Goldwyn having expired, will join M-G-M as fiction editor; succeeding Mrs. Nina Lewton, a veteran, who is retiring from active work.

New Theatres, Improvements Gain Steadily

Theatre construction and renovation continue to gain in a number of key spots, and reopenings are outnumbering closings almost everywhere.

In New England there has been a gain of about four per cent in the number of houses open during recent months. Warners have been especially active of late in putting houses back into commission. The Strand at Newburyport, Mass., is the latest.

Another new house has been started in St. Louis. It will be called the Apollo, will be located on DeBaliviere Ave., and will be operated by the Apollo Theatre Corp., headed by Joseph Litvag.

Transfers and reconditioning are widespread in the Kansas City territory. New RCA sound has just been installed in the Rex, operated by W. A. Middleton and G. E. Gebhart, Iowa Falls, Ia.; Swan, Columbus, Neb.; Mary Lue, Marshall, Mo.; Crystal, Ellis, Kan.; Opera House, Oberlin, Kan., and the Iowa, Cedar Rapids, Ia.

The Atlas Theatre Corp. recently took over the Rex at Brighton, Col. The Lake, operated by Levy Theatre Corp., will open at Clear Lake, Ia., about Jan. 15. The Cozy, at Minneapolis, Kan., is being reseated.

At Cleveland, Jack Flanigon, Warren Irons and George Young who operate the Roxy, have taken over the Carter and have renamed it the Miles. Warners have reopened the Majestic at Mansfield, O.

Jack Miller, of Miller and Simansky Theatres, has taken the lease on the Lil, Forest Park, Ill.

The Conley at Frankfort, Ind., has been sold to the Roxy Theatre Corp., which now has three houses there.

Business increases at Bastrop, La., have resulted in the opening of a second house, the Swan, by C. M. Solley. Mrs. L. Carmichael, who has the Crystal at Crystal Springs, Miss., has opened a second house, the Folly.

Other southern spots are feeling the pickup. The Rialto at Refugio, Tex., has been taken over by Eugene Low, Jr., from the Refugio Amusement Corp., and the Ritz, Memphis, has been reopened after redecoration and general improvements.

In Portland, Ore., Bob White has taken a second house, the Alameda, and has had it redecorated.

Build New K.C. House

KANSAS CITY, Dec. 29.—D. Donnici, who operates the Palace, 10-cent grind house, will be part owner and manager of a new $50,000 house at 12th St. and the Paseo which will cater to colored patronage. Victor Brancato, and John Donnici, nephew to D. Donnici, also will be interested in the venture.

The house will open about March 15.

Houston House Opens

HOUSTON, Dec. 29.—The North Main, first of four new suburban theatres under construction for Interstate Theatres, Inc., opened on Christmas Day. John H. Arnold, formerly assistant manager and treasurer of the Kirby, is manager.



Hitch YOUR BOX-OFFICE to "HITCH HIKE LADY"

And Hit the High-road to Prosperity

Loud APPLAUSE FROM THE TRADE PAPERS

This picture has plenty of box-office lure . . . has fast-moving comedy that starts with a rush and ends with a laugh . . .
—*Motion Picture Daily*

Good Story and Lots of Laughs. Will get good measure of laughter and approval from a wide range of audiences . . .
—*The Hollywood Reporter*

Clever treatment, expert direction and capable assistance from all departments have molded "Hitch Hike Lady" into a highly polished comedy . . . packed full of surprising situations . . .
—*Variety*

Human story with plenty of laughs . . . will appeal to all classes of audiences . . .
—*Film Daily*

FEATURING
ALISON SKIPWORTH
MAE CLARKE
ARTHUR TREACHER
Jimmy Ellison · Beryl Mercer
Warren Hymer

Directed by Aubrey Scotto
Supervised by Victor Zobel

Original Story by Wallace MacDonald
Screen play by Gordon Rigby and Lester Cole

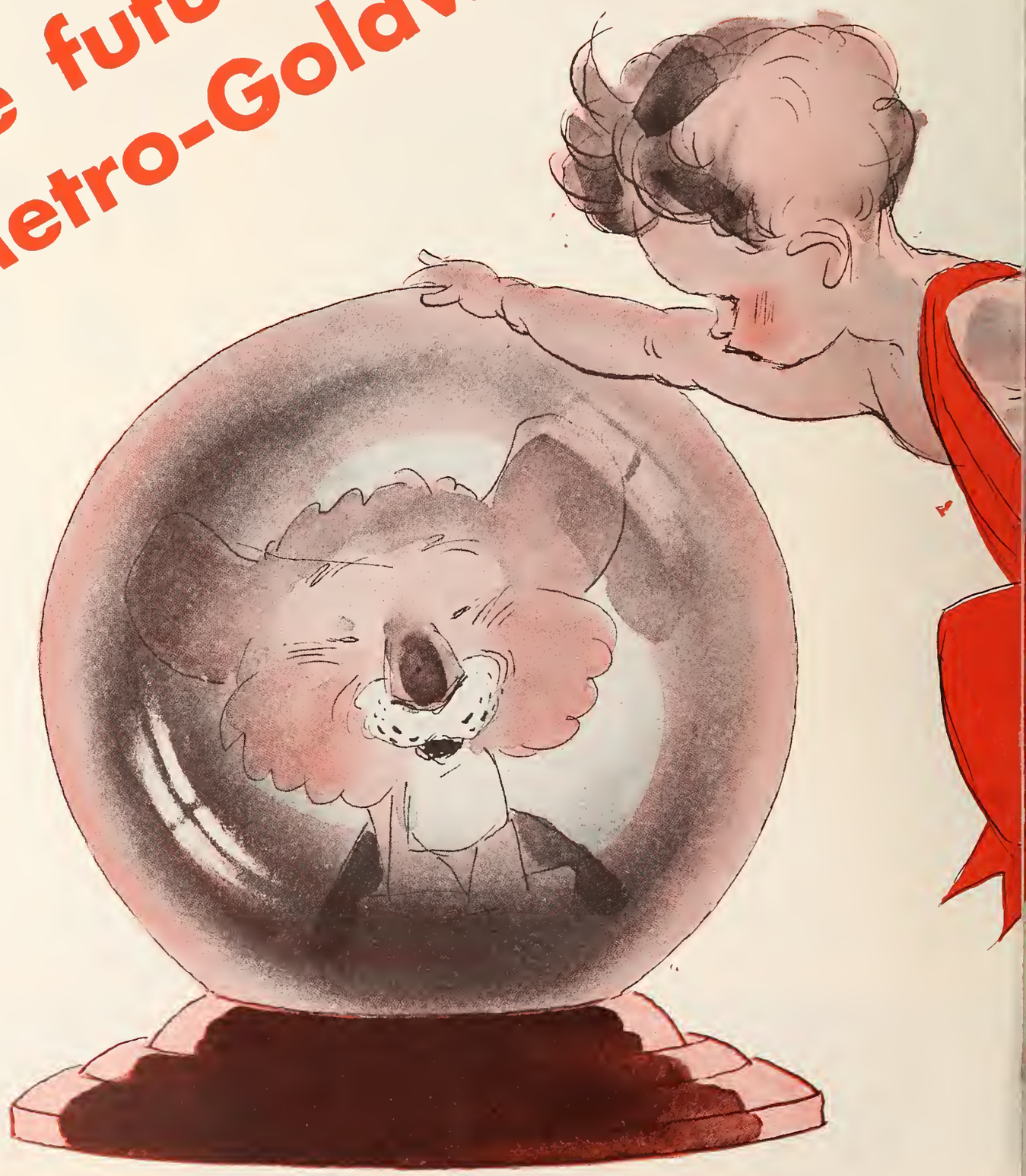
RCA HIGH FIDELITY RECORDING

ALISON SKIPWORTH says— *"I expect 'Hitch Hike Lady' to do for me what 'Lady for a Day' did for May Robson".*

REPUBLIC PICTURES

JANUARY IS REPUBLIC MONTH

"The future looks very Metro-Goldwyn-Mayer!"





OUR HAPPY NEW YEAR WISH TO YOU IS MORE THAN JUST WORDS!



Things to look forward to:

RIFFRAFF *with* Jean Harlow
WHIPSAW *with* Myrna Loy
SMALL TOWN GIRL *with* Janet Gaynor
TARZAN ESCAPES *with* Johnny Weissmuller
THE GREAT ZIEGFELD *with* William Powell, Myrna Loy, Luise Rainer
ROSE MARIE *with* Jeanette MacDonald, Nelson Eddy
WIFE VS. SECRETARY *with* Clark Gable, Jean Harlow, Myrna Loy
ROBIN HOOD OF ELDORADO *with* Warner Baxter
GORGEOUS HUSSY *with* Joan Crawford
ROMEO AND JULIET *with* Norma Shearer, Leslie Howard
THE GOOD EARTH *with* Paul Muni, Luise Rainer

Things you'll never forget:

MUTINY ON THE BOUNTY
A NIGHT AT THE OPERA
A TALE OF TWO CITIES
ANNA KARENINA—I LIVE MY LIFE
RENDEZVOUS—AH WILDERNESS
CHINA SEAS—BROADWAY MELODY of '36

NEW ENTERTAINMENT



TODAY AT RADIO CITY MUSIC HALL
STARTS A NEW ERA OF ATTENDAN
122 OTHER THEATRES THROUGHOUT
OBSESSION" DURING JANUARY, T
BOX-OFFICE BUSINESS EVER AC

CARL LAEMMLE HAS

IRENE DUNNE

IN JOHN M. ST

MAGNI
OBSE

with CHARLES

BETTY

ARTHUR TREACHER, RALPH MORGA
MERCER, CORA SUE COLLINS, LUC

From the famous best selling novel by Lloyd
George O'Neil, Sarah Y. Mason and Victor E. Hee

HISTORY BEGINS TODAY!

ERSAL'S "MAGNIFICENT OBSESSION"
CORDS AND THEATRE GROSSES!...
ONTINENT WILL PLAY "MAGNIFICENT
STABLISH THE ALL-TIME HIGH IN
ED BY A SINGLE PRODUCTION!

HONOR TO PRESENT

ROBERT TAYLOR

L'S PRODUCTION OF

ICENT
SION

UTTERWORTH
URNESS

NRY ARMETTA, SARA HADEN, BERYL
TLEFIELD, THEODORE VON ELTZ

las . . . (Now in its 40th Edition!) • Screen play by
M. Asher, Associate Producer • A Universal Picture



Federal Legal Staff to Have Eight Lawyers

(*Continued from page 1*)

the trial begins. It is understood Leo Spitz, president of RKO and its subsidiary, RKO Radio Pictures, will be subpoenaed. He is now on the coast attending to studio matters. Milton B. Arthur, brother of Harry C., has been served and will arrive from the coast the latter part of the week. All local branch managers are being summoned to appear in court again as in the previous case. In addition, Irving Lesser, managing director of the Roxy, New York, and Jack Allen Partington, president of F. & M., have been served.

The case is limited to corporations because if Federal Judge Joseph West Molyneaux grants the injunction it will serve as a decree against all agents and employes of the companies listed.

District Attorney Blanton, who assisted Hardy in the selection of the jury panel during the criminal proceedings and then dropped out, will take an active part in the new case, it is understood.

Reed, Perkins at Funeral

WASHINGTON, Dec. 29.—Ex-Senator James A. Reed and Robert W. Perkins of the Warner home office legal staff were here Friday to attend the funeral services of Reed's late secretary.

Reed's secretary assisted the Kansas City attorney in the St. Louis trial and was scheduled to return for the civil action when he succumbed after a long illness.

Phillips Back Today

Louis Phillips of the Paramount home office legal staff returns today from a vacation to Kingston, Jamaica, cut short by the moving up of the St. Louis equity hearing date. He will leave with Irving Cohen, his assistant, either Thursday or Friday, for St. Louis to confer with William R. Gentry and Samuel W. Fordyce.

Confer With Government

Harry C. Arthur and Jack Partington returned Saturday from Washington where they are understood to have conferred with Government officials in connection with the St. Louis equity case.

Ann Revere Joins in Suits Over Hub Ban

BOSTON, Dec. 29.—Ann Revere, leading woman in "Children's Hour," has joined the bombardment of Federal suits against Mayor Mansfield and City Censor Herbert McNary resulting from their ban on the play.

She seeks $50,000, bringing the total damage claims up to $300,000.

Coogan Unit in Capital

WASHINGTON, Dec. 29.—"Hollywood Secrets" with Jackie Coogan, Betty Grable and a number of other juvenile film stars, opened to big business at Loew's Fox here Friday. The troupe arrived from Baltimore where it appeared at Loew's Century for a week.

Purely Personal

PEGGY SHANNON, JOHN DAVIDSON, PAULINE STARKE, WALTER WOOLF KING, EDMUND BREESE, WM. BAKEWELL, JANE WINTON, HELEN CHANDLER and BRAMWELL FLETCHER have joined LOUIS CALHERN, DOROTHY HALL and JACK DEMPSEY, who already have consented to appear at the M. P. Salesmen's Ball to be held New Year's Eve at the Plaza.

•

SIDNEY JUSTIN, who was transferred from the Paramount home office to the studio legal staff, has been laid up with a cold since he arrived in Hollywood. SIDNEY's mother is now taking care of him and next month his brother, LEO, will visit him.

•

A. Schreiber, president of Celebrated Pictures, and THEODORE ALLEN LLOYD, vice-president in charge of production, are back from a holiday trip to Atlantic City. JACK MELTZER has been put in charge of short subject production.

•

ROY HAINES, who recently returned from Pittsburgh where he attended the hearings on the SAMUEL FRIEDMAN suit, is hoping he isn't subpoenaed for the St. Louis equity case.

•

WALTER WANGER has purchased a *Cosmopolitan* story called "Spawn of the North," a salmon fishing story, which will be filmed in color.

•

JACK KENNEDY is on the high seas, London-bound to resume his post with RKO. He supervises the production of quota pictures for the organization in England.

•

SHERMAN KRELLBERG returns from Florida today. He is cutting his holiday short because the weather is too cold. Overcoats are the order of the day in Miami.

•

TOM MIX and MRS. MIX will arrive on the *Santa Rosa* from the coast tomorrow. MAX BAER and MRS. BAER are on the same ship.

•

IRVING COHEN of Paramount will be happy no end today when LOUIS PHILLIPS returns from a vacation on the *Pastores*.

•

GEORGE J. SCHAEFER is considering four different propositions, but hasn't made up his mind which one to take.

•

CARL LAEMMLE has delayed his eastern visit and will not reach New York until shortly after the first of the year.

•

SI SEADLER flew west yesterday to check into new Metro product and survey the situation at large.

•

JOE MOSKOWITZ and BOB GOLDSTEIN went play going in Philadelphia Saturday.

•

HALL JOHNSON's choir leaves tomorrow for the coast to sing in Warners' "The Green Pastures."

•

ADRIENNE AMES is in from the coast and is at the Waldorf-Astoria.

•

COLVIN BROWN has returned from the coast.

•

W. G. VAN SCHMUS was a Paramount home office visitor Saturday.

. . . Los Angeles

SAM BERKOWITZ, owner of the Far West Exchange, has two new cars.

GLENN BAST has taken over the Carlsbad in Carlsbad, Cal. from R. F. MOYLAN.

CLAUDE SPAETH, formerly with the Hughes-Franklin Theatres, will manage a new house in Van Nuys now being built by the Wilman Corp.

DAVE BIEDERMANN of Selected Pictures is an alumnus of Pittsburg University, so he showed JOCK SUTHERLAND, BILL KERN, the football players, and CHESTER SMITH, sports editor of the *Pittsburg Press*, through the studios.

BILLY WEST, comedian in silent pictures, is selling Screeno.

CHARLES R. OLD will open the Placentia, Placentia, Cal. on Jan. 6.

DAVID CANTOR is building a theatre in South Pasadena and will open it in the late spring.

ARCH HURLEY, operator of the Princess in Tucumcari, N. M., is spending the holiday season with his daughter in Pasadena.

B. F. ROBINSON, salesman for Twentieth Century-Fox, is spending his vacation in Minneapolis and will drive a new car back.

K. C. Variety Club Check Goes to Fund

KANSAS CITY, Dec. 29.—A check for $1,123.50, signed by Charles S. Jones, secretary, and John Muchmore, treasurer of Variety Club, has been presented to Kansas City representatives of the Junior Red Cross by Frank Hensler of Variety. This climaxed the second annual *Star*-Variety Club bowling tournament held last week. The money will buy milk and food for more than 300 school children.

Armetta in "Show" Role

HOLLYWOOD, Dec. 29.—Leo Carrillo will not do the featured role opposite Bobby Breen in the Sol Lesser picture, "The Show Goes On," as originally planned by Lesser.

Henry Armetta has been borrowed from Universal to do the part. Arthur Greville Collins will direct with production getting under way Jan. 6.

J. G. Wilson Injured

CINCINNATI, Dec. 29.—James G. Wilson, manager of the Woodlawn and Cheviot, suburbans, is in Deaconess Hospital suffering from a fractured skull sustained when his automobile hit a loading platform.

His condition, although serious, is not considered critical.

Colleen Moore to Move

HOLLYWOOD, Dec. 29.—Colleen Moore intends to move east to escape California taxes, she says. She has bought a farm near East Orange, N. J., according to her attorney, Julian Hazard, and is disposing of her real estate here.

Incorporate Selected

HOLLYWOOD, Dec. 29.—Dave Biedermann has incorporated his Selected Pictures for $25,000 to produce and distribute. Selected is the local affiliate of Atlantic Pictures.

Remembers Rescuer

Kansas City, Dec. 29.—Richard Wallace, Paramount director, is the hero of Kansas City's best Christmas story. One of the victims of the Sky Chief airliner crash near Macon last May 6, Wallace remembered the kindness of the farmers of the section when the plane crashed.

A big box, containing everything needed for a dinner for several, was sent Bland Genter, first man to reach the scene of the tragedy, and who, with others, helped care for the injured. The group will sit down to Wallace's dinner today.

Production Falls; No Shorts in Work

(*Continued from page 1*)

Fox had six, three and four; Goldwyn, one, zero and one; M-G-M, seven, two and 10; Paramount, eight, three and six; Radio, five, two and three; Roach, zero, one and one; Universal, five, one and one; Warners, six, two and nine; independents, zero, two and three.

All short subject activity was divided between the writing and editing departments. Columbia had two in preparation and four cutting. M-G-M had four and five; RKO, zero and three; Roach, zero and five; Universal, zero and one; independents, one and zero.

Move M. & P. Managers

NORFOLK DOWNS, Mass., Dec. 29.—Arthur Quinn, assistant manager at the Strand, Dorchester, has been made manager of the M. & P. Regent here, and Marvin Huban has been transferred from the Regent to the Strand, which has been made subsequent run to the Wollaston on a three-change-a-week basis.

Wall Street

Stocks Continue to Decline

	High	Low	Close	Net Change
Columbia	40½	40	40	— ¼
Consolidated Film.	5½	5¼	5¼	— ¼
Consolidated, pfd..	18	17¾	17¾	— ⅛
Eastman Kodak..	156¼	155⅜	155½	—1¼
Loew's Inc.	51⅛	50½	50½	— ½
Paramount	9¾	9⅜	9⅜	— ⅜
Paramount 1 pfd..	77	76¼	77	+ ½
Paramount 2 pfd..	11⅝	11½	11½	— ⅛
Pathe Film	7⅝	7½	7½	— ¼
RKO	5⅛	4⅞	4⅞	— ⅛
20th Century-Fox.	22¾	22½	22½	+ ¼
20th Century pfd..	31¾	31¾	31¾	.....
Warner Bros.	9⅝	9⅜	9⅜	— ⅛

Curb Issues Off

	High	Low	Close	Net Change
Sonotone	2	1⅞	1⅞	— ⅛
Technicolor	17¼	16¾	16¾	.....
Trans Lux	3⅛	3⅛	3⅛	— ⅛

Paramount Bonds Gain a Quarter

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	18½	18¼	18¼	— ¼
General Theatre Equip. 6s '40 ctf.	18½	18½	18½	.....
Paramount Pictures 6s '35.....	92¼	92¼	92¼	+ ¼
Warner Bros. 6s '39 wd.....	86	85⅞	85⅞	.....

(Quotations at close of Dec. 28.)

Year of Sure Gain Is Seen By J. R. Rubin

By J. ROBERT RUBIN
Vice-President, Loew's and M-G-M

The industry looks forward to a year of assured promise. I believe the most welcome satisfaction to be derived from 1935 is the strongly furnished evidence that pictures of striking artistic merit are commanding more and more responsive audiences. I think that, both technically and artistically, film companies are now in a better position to meet the demand for superior entertainment than on any previous New Year's since the inception of the industry.



Lichtman Predicts "Tremendous" Year

(*Continued from page* 1)

smooth sailing ahead, there's no reason in the world why 1936 shouldn't be a tremendous year for pictures, from every standpoint. As long as film companies can deliver fine attractions as consistently as they have done the past several years, the American public is going to provide handsome and ever greater patronage.

Present Giles Painting

BOSTON, Dec. 29.—An oil painting of the late George Giles, circuit operator and M.P.T.O.A. official, has been presented to Allied Theatres of Massachusetts, Inc., which he headed at his death a few months ago. The painting was done by Louis Chiarmonte, artist at Loew's State.

Register Theatre Title

ALBANY, Dec. 29.—The words "The New Yorker Theatre" have been registered as a trade mark in the office of the Secretary of State by Armac Amusement Corp., 226 West 42nd St., New York. The mark is to be used on labels on theatrical devices, advertising matter, etc.

Arrange Florida Scenes

TARPON SPRINGS, Fla., Dec. 29.—Arrangements have been made here for using the sponge fishing fleet in scenes for Republic's "20 Fathoms Under." Armond Schaefer, director, and Wellyn Totman, writer, looked over the location.

Lynch Goes to Newton

BOSTON, Dec. 29.—Jeremiah Lynch has been made manager of the Paramount in Newton as a result of an M. & P. shift. He replaces Thomas Wall, who has been transferred to the Paramount in Needham.

Yates Confident



It is my opinion that during 1936 the industry will make substantial progress and will enjoy greater prosperity than in any previous year.—Herbert J. Yates, president, Consolidated Film Industries, Inc.

Hammons Foresees Showmanship Back

(*Continued from page* 1)

is for showmen to have the courage to return to a straight selling of quality entertainment, without bargain sales and without novelty "come-ons."

In spite of all sorts of handicaps, the short subject has made gains in the last year. Never before have more big names been presented through the one and two-reel pictures. In 1936 the showman who gives up the uneconomic practices of double features and off-screen devices, will find plenty of material in the short subjects with which to build up fine quality shows.

I have never lost confidence that the exhibitors of America would eventually return to first principles of showmanship. I believe the public is ready for this now. Improvement in our own business in the last six months would seem to support my belief that most exhibitors are eager to get back to the balanced show. How much of this return to first principles comes about in 1936 is up to the exhibitors of the country.

Good features, in my opinion, never needed bargain selling. Certainly the fine pictures of today do not call for it. All the industry needs to assure itself a great 1936 is good show building, good showmanship.

Acquires Old Chaplins

HOLLYWOOD, Dec. 29.—Ray Olmstead has bought eight old one-reel Charlie Chaplin comedies made by Keystone from Screen Attractions, Inc., of New York, and will release them through California, Arizona and Montana. Olmstead is the manager of Principal Prod.

Form Two Companies

ALBANY, Dec. 29.—New incorporations here include:

Exhibitors Confidential Inspection Service, Inc., by Regina Hochberg, Edward S. Welch and Max Oppenheimer, and Carstrongers, Inc., by Arold Dumey, Sidney Kramer and Herman M. Kaback.

Profits with Big Pictures Ahead--Weeks

By GEORGE W. WEEKS
Gen'l Sales M'g'r, G.B.

In facing the coming year, we, in the motion picture business, can take a measure of solid comfort. For I believe the present upturn in business may be taken as a yardstick for what we can expect in 1936.



I believe that the new year will mean some of the biggest box-office profits in our history. A new and keener sense of showmanship. More outstanding productions. Vast progress in methods of distribution.

For we are definitely on the eve of a new era in business. Based on hard facts and common sense. With eyes on a wave of national and international expansion. For the world wants to be, and can afford to be, entertained by good movies.

"Rose" Does Well In Omaha, $4,600

OMAHA, Dec. 29.—It might have been worse, meaning that pre-Christmas slump, in the opinion of local managers. One house, the Omaha, with "So Red the Rose" heading a double bill, managed to get over par on a $4,600 take.

The Brandeis, with "Seven Keys to Baldpate" and "The Calling of Dan Mathews," and the Orpheum with "Mr. Hobo" and "Three Kids and a Queen," were within shooting distance of normal.

Total first run business was $13,700. Average is $14,250.

Estimated takings for the week ending Dec. 24:

"SEVEN KEYS TO BALDPATE" (Radio)
"THE CALLING OF DAN MATHEWS" (Col.)
BRANDEIS—(1,200) 25c-35c-40c, 7 days. **Gross:** $3,300. (Average, $4,000)

"SO RED THE ROSE" (Para.)
"MUSIC IS MAGIC" (Fox)
OMAHA—(2,200), 25c-40c, 6 days. **Gross:** $4,600. (Average, $4,250)

"MR. HOBO" (G-B)
"THREE KIDS AND A QUEEN" (Univ.)
ORPHEUM—(3,000), 25c-40c, 5 days. **Gross:** $5,800. (Average, $6,000)

N. E. Veterans Celebrate

BOSTON, Dec. 29.—It's the season of anniversaries. Ralph L. Ripley, manager of the M. & P. Codman Square, Dorchester, is celebrating his 43rd consecutive year in the theatre business. He has been associated with but four companies in this time, he states.

Nathan Ross of G. B. is completing his 25th year as a film salesman in New England. Victor Morris this month celebrates a quarter-century as manager of Loew's Orpheum.

"Promising," Is Bernhard's '36 Prophesy

By JOSEPH BERNHARD
President, Warner Circuit M'g't

Undoubtedly the incoming year is the most promising since theatre business began its decline four years ago.



Many towns that have been industrially stagnant for the past few years are showing lively increases in both payroll amounts and numbers of people employed.

The general tone of product has improved and will continue to advance as the public shows a greater willingness to support a higher level of entertainment.

These factors, which are re-shaping the course of our business for the better, assure a profitable 1936 if we continue to remember the practical economies learned in the past.

Business Holds Up In Houston Houses

HOUSTON, Dec. 29.—A normal amusement week was checked up here with the weather fair and balmy and the streets thronged with the biggest crowd of Christmas shoppers since 1929.

"Whipsaw," at Loew's State, "She Couldn't Take It," at the Majestic, and "Stars Over Broadway," at the Metropolitan, hit par with $7,000 each for the week. The latter picture started slowly, but developed good matinee business over the week-end.

"The Case of the Lucky Legs" for four days at the Kirby, and "The Virginia Judge" for the remaining three days also just touched normal, the first with a take of $3,500 and the latter at $1,500.

Total first run business was $26,000. Average is $26,000.

Estimated takings for the week ending Dec. 17:

"THE CASE OF THE LUCKY LEGS" (F. N.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,500. (Average, $3,500)

"THE VIRGINIA JUDGE" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

"WHIPSAW" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"SHE COULDN'T TAKE IT" (Col.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"STARS OVER BROADWAY" (W. B.)
METROPOLITAN—(2,660), 25c-50c, 7 days. **Gross:** $7,000. (Average, 7,000)

H. K. Smythe Wins Drive

CHICAGO, Dec. 29.—Harry K. Smythe, Bank Night distributor for this territory, led the sales race for that company last week and walked away with a $50 prize. Smythe signed 17 new accounts to set a new record.

"Rhythm" Top As Seattle's Takes Slump

SEATTLE, Dec. 29.—With a combination of the Christmas slump and playing time cut down to make room for new bookings, grosses were in a bad way. The only attraction to get near par was "Old Man Rhythm," which took $3,150, down by $350, at the Rex.

Total first run business was $26,700. Average is $33,500.

Estimated takings for the week ending Dec. 21:

"THE THREE MUSKETEERS" (Radio)
"STORMY" (Univ.)
BLUE MOUSE—(950), 25c-40c-55c, 5 days. **Gross:** $2,850. (Average, 7 days, $4,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $5,500. (Average, 7 days, $7,000)

"BAR 20 RIDES AGAIN" (Para.)
"SCROOGE" (Para.)
LIBERTY—(1,800), 10c-15c-25c-35c, 6 days. **Gross:** $3,150. (Average, 7 days, $4,000)

"WHIPSAW" (M-G-M)
MUSIC BOX—(950), 25c-40c-55c, 6 days. (Extended run from Fifth Avenue.) **Gross:** $2,950. (Average, 1st week, $4,000)

"MISS PACIFIC FLEET" (W. B.)
ORPHEUM—(2,450), 25c-30c-40c, 5 days. **Gross:** $4,900. (Average, 7 days, $6,000)

"BROADWAY HOSTESS" (W. B.)
"STORM OVER THE ANDES" (Univ.)
PARAMOUNT—(3,050), 25c-30c-40c, 5 days. **Gross:** $4,200. (Average, 7 days, $5,000)

"OLD MAN RHYTHM" (Radio)
REX—(1,500), 15c-25c, 7 days. Vaudeville headed by Billy Farrell & Co. **Gross:** $3,150. (Average, $3,500)

"Java" and a Show $3,000, Oklahoma

OKLAHOMA CITY, Dec. 29.—Christmas shopping knocked the props out from under theatre grosses, only one house making a showing that looked anything like a profit. The Criterion, with a stage show for four days, and "East of Java" on the screen garnered $2,600. Normal for seven days is $3,000.

"The Rainmakers" was the only other attraction to make much of an impression. It pulled $1,500 at the Capitol.

Total first run business was $11,600. Average is $14,000.

Estimated takings for the week ending Dec. 21:

"WHIPSAW" (M-G-M)
CRITERION—(1,700), 10c-20c-36c-55c, 7 days. **Gross:** $4,000. (Average, $5,000)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,100. (Average, $4,000)

"THE RAINMAKERS" (Radio)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,500. (Average, $2,000)

"EAST OF JAVA" (Univ.)
LIBERTY—(1,500), 10c-20c-26c-41c, 4 days. Stage: Glen Dale, Jack (Smoke) Gray, Dorothy Larue, Dixoin and Dorane, Jack Lowe, Boyd and Alice and Hadji Baba & Co. **Gross:** $2,600. (Average for week, $3,000)

"NAVY WIFE" (20th-Fox)
LIBERTY—(1,500), 10c-20c-26c-36c, 3 days. **Gross:** $400. (Average for week, $3,000)

A. Miles Pratt Is 51

NEW ORLEANS, Dec. 29.—A. Miles Pratt, president of St. Charles Theatre Corp., celebrates his 51st birthday Jan. 4. Pratt is a member of the Commission Council.

Out Hollywood Way

HOLLYWOOD, Dec. 29. — BARBARA STANWYCK burned her hand while tending a campfire for "A Message to Garcia," but production was not halted by Twentieth Century-Fox. . . BORIS KARLOFF will leave for picture work in England as soon as he finishes in "The Walking Dead," Warner.

KATHERINE DEMILLE injured while making parachute landing for "The Adventures of Jimmy Allen". . . LADY CHARLES MENDL holiday house guest of GRACE MOORE . . . GEORGE BANCROFT and D. ROSS LEDERMAN resting at Palm Springs . . . HERBERT FIELDS, NORMAN KRASNA and VINCENT LAWRENCE patting each other on the back because they won Screen Writers' Guild award on "Hands Across the Table."

GLADYS SWARTHOUT has turned down 52-week NBC contract to work in pictures . . . JIMMY ALLEN starts in "Sky Parade," Paramount . . . LYNN FARNOL and MONROE GREENTHAL looking around and conferring. . . . CLARK GABLE brought back a guitar player named FELIPE from South America.

RICHARD ROGERS and MOSS HART working on numbers for untitled Pioneer picture . . . JOAN CRAWFORD taking tap dancing lessons from BILL ROBINSON . . . JEAN HARLOW planning vacation to Honolulu.

MYRNA LOY building a cabin in the San Bernardino mountains . . . ALMA KRUGER, brought from New York by SAMUEL GOLDWYN, fell and broke her arm . . . "The Green Pastures" to go before the cameras Jan. 6, Warners.

JOHN HAY WHITNEY to arrive about Jan. 1 for three-month stay. . . . Paramount gets another shipment of background for MARLENE DIETRICH'S "Desire" from Paris. . . . EWING SCOTT and BION ROBERTS back from Nova Scotia where they shot backgrounds for M-G-M's "Captains Courageous."

+

Casting—AKIM TAMIROFF replaces JULES EPAILLY in Warners' "Anthony Adverse." . . . BARBARA BLANE in Warners' "The Man with the Black Hat." . . . WILLIAM DAVIDSON cast in "The Singing Kid," same studio. . . . Twentieth Century-Fox borrows JOHNNY DOWNS from Paramount for "Everybody's Old Man." . . . IRVIN S. COBB has title role.

CARL STOCKDALE added to "The Leavenworth Case," Republic . . . MONA BARRIE a spy in "A Message to Garcia," Twentieth Century-Fox. . . . LONA ANDRE opposite HOOT GIBSON in "Lucky Terror," WALTER FUTTER. . . . JEAN ACKER in "Follow the Fleet," Radio. . . . J. M. KERRIGAN in "The Prisoner of Shark Island," Twentieth Century-Fox.

ROSS ALEXANDER borrowed from Warners by Twentieth Century-Fox for "Everybody's Old Man." . . . JEAN ROUVERO, young Pasadena stage player, signed by Republic with options for five years. Now working in "The Leavenworth Case."

CHARLES STEVENS, ROBERT HOMANS, and GEORGE CHANDLER added to "The Black Gang," Twentieth Century-Fox. . . . DAVID O. SELZNICK signs HELEN FLINT for "Little Lord Fauntleroy" . . . BENITA HUME, HENRY WALTHALL and KENT SMITH in "The Garden Murder Case," M-G-M . . .MARGERY LANE, night club entertainer, signed to term contract by M-G-M.

WILLIAM STELLING given lead opposite ROCHELLE HUDSON in "Everybody," Twentieth Century-Fox . . . GEORGE RAFT'S butler, ALEC HILL to be stable boy in "It Had to Happen," Twentieth Century-Fox . . . Rehearsals started on "Romeo and Juliet," M-G-M . . . VICTOR POTEL added to "Three Godfathers," M-G-M . . . FRANK MORGAN gets leads in "The Suicide Club," M-G-M . . . KAY SUTTON and BROOK BENEDICT added to "Follow the Fleet," Radio.

LUCIEN PRIVAL and JOSEPH BOYD in "Darkest Africa," Republic . . . ROBERT MIDDLEMAS set in "F Man," Paramount . . . YAKIMA CANUTT and FRANK RICE in "The Oregon Trail," Republic . . . FRANCIS FARMER and COLIN TAPLEY cast in Paramount's "Border Flight."

LORRAINE BRIDGES, Oklahoma City singer, signed by M-G-M . . . HAL ROACH gives five-year contract to 29-MONTH-OLD PATSY DORIS.

+

Long Term Contracts—PATRICIA WILDER, the "Honey Child" on BOB HOPE'S radio program, signed by Radio . . . J. EDWARD BROMBERG, New York stage actor, given term pact by Twentieth Century-Fox . . . JACK HEALEY'S option lifted by Twentieth Century-Fox.

+

Writers—RICHARD GARRICK at work on screen play of "Opera vs. Jazz." . . . J. B. PRIESTLY assigned to "Concertina." . . . C. S. FORRESTER, British novelist, to do screen play for MAXWELL ANDERSON-LAURENCE STALLINGS play, "Buccaneer," which ARTHUR HORNBLOW will produce.

STEWART B. LAKE assigned to do original about Wells, Fargo days for WILLIAM LEBARON at Paramount. . . . FREDERICK HAZLETT BRENNAN coming here to do screen play for W. C. Fields' next, "Poppy," Paramount.

MICHAEL JACOBY is doing screen play for Warners' "Angel of Mercy."

+

Supervisor—SAM BISCHOFF will supervise "Sergeant Murphy," Warners.

+

Director—EDDIE WOEHLER signed by M-G-M as assistant director for "Romeo and Juliet."

+

Title Change—Warners change title of "Prison Farm" to "Road Gang."

+

Title Change — Warners again change title of DICK FORAN'S western. "Treachery Rides the Range" is now "Treachery Rides the Trail."

Pioneer Staff Complete

HOLLYWOOD, Dec. 29.—Pioneer has taken up the option of Paul Snell, director of publicity, and signed five technical aides, making the organization complete. Robert Cassidy and Albert Post, draftsmen; Helen King, shopper; Sandy Sandeen, wardrobe head, and Alberto Sergio, musical arranger are the additions.

"Dudley" and Show $13,800 In St. Louis

ST. LOUIS, Dec. 29.—A combination of "Your Uncle Dudley" and a revue on the stage furnished the only important first run business of the Christmas week slump. The take at the Ambassador was $13,800, over par by $3,800.

An M-G-M dual, "Splendor" and "The Bishop Misbehaves," was $250 up on a take of $9,250.

Principal opposition was a stage show at the American and some music attractions at the Municipal Auditorium.

Weather was seasonal and temperatures moderate.

Total first run business was $43,600. Average is $46,000.

Estimated takings for the week ending Dec. 19:

"YOUR UNCLE DUDLEY" (20th-Fox)
AMBASSADOR — (3,018), 25c-35c-55c, 8 days. Stage: Radio Revue. **Gross:** $13,800. (Average, $10,000)

"THE GREAT IMPERSONATION" (Univ.)
"CITY PARK" (Judell)
FOX—(5,038), 25c-35c-55c, 7 days. **Gross:** $7,350. (Average, $12,000)

"SPLENDOR" (U.A.)
"THE BISHOP MISBEHAVES" (M-G-M)
LOEW'S — (3,162), 25c-35c-55c, 6 days. **Gross:** $9,250. (Average, $9,000)

"MILLIONS IN THE AIR" (Para.)
"PERSONAL MAID'S SECRET" (W.B.)
ORPHEUM—(2,950), 25c-35c-55c, 7 days. **Gross:** $7,300. (Average, $8,500)

"MISS PACIFIC FLEET" (W.B.)
"HIS FAMILY TREE" (Radio)
SHUBERT-RIALTO—(1,723), 25c-35c-55c, 7 days. **Gross:** $6,000. (Average, $6,500)

"Cowboy" on Dual Leads Providence

PROVIDENCE, Dec. 29.—All the downtown houses with the exception of the RKO Victory took a beating Christmas week. "Cowboy Millionaire," heading a double bill at this house, brought the take up to a par $1,000.

Fay's was $200 down on a gross of $6,800 with "Whispering Smith Speaks" on the screen and "One Hour With You," a revue, on the stage.

Total first run business was $29,400. Average is $40,500.

Estimated takings for the week ending Dec. 26:

"CORONADO" (Par.)
"SCROOGE" (Para.)
STRAND—(2,300), 15c-40c, 6 days. **Gross:** $5,200. (Average, $6,500)

"WHISPERING SMITH SPEAKS" (20th-Fox)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "One Hour With You" revue. **Gross:** $6,800. (Average, $7,000)

"I FOUND STELLA PARISH" (W.B.)
"SOCIETY FEVER" (Chesterfield)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6,400. (Average, $7,000)

"THE MELODY LINGERS ON" (U.A.)
"ANOTHER FACE" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

"IF YOU COULD ONLY COOK" (Col.)
"KIND LADY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 6 days. **Gross:** $6,000. (Average, $12,000)

"COWBOY MILLIONAIRE" (20th-Fox)
"WHOM THE GODS DESTROY" (Col.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

Robert Levy Resigns

BOSTON, Dec. 29.—Robert Levy has resigned as assistant to Jack Granara, publicity manager for RKO Theatres in New England.

"Mutiny" Back At Capital Is Leader Again

WASHINGTON, Dec. 29.—Two return engagements were the outstanding grossers last week as theatres stumbled into the pre-Christmas slump. "Mutiny on the Bounty," playing its second week at Loew's Columbia (making the fourth downtown week), topped the first run average by $900, for a take of $4,500.

At the Metropolitan, a return engagement of "So Red the Rose" went to $5,500, or $1,200 over par.

In the big houses, stage shows helped to bolster pictures. At the Earle a personal appearance of Pat O'Brien with "Stars Over Broadway" received $18,000, or $400 under average. At Loew's Fox, Duke Ellington and his orchestra with "Whipsaw" took $20,000, or $900 under average.

Other first runs slumped, but "Mimi," at the Belasco went into a second week.

Total first run business was $62,000. Average is $76,700.

Estimated takings, exclusive of tax:

Five Days Ending Dec. 17:

"THANKS A MILLION" (20th-Fox)
LOEW'S PALACE—(2,370), 35c-77c, 5 days (on second week). **Gross:** $6,500. (Average, first week, $15,900)

Six Days Ending Dec. 19:

"THE GREAT IMPERSONATION" (Univ.)
RKO-KEITH'S—(1,836), 25c-55c, 6 days. **Gross:** $4,800. (Average, 7 days, $10,600)

Week Ending Dec. 19:

"STARS OVER BROADWAY" (W.B.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Pat O'Brien, Hazel Mangean Four, Sylvia Manon & Company, Helen Charleston. **Gross:** $18,000. (Average, $18,400)

"MUTINY ON THE BOUNTY" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement, second week). **Gross:** $4,500. (Average, first run, $3,600)

"WHIPSAW" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Duke Ellington & Orchestra, with Ivie Anderson, Four Stepbrothers, Jigsaw. **Gross:** $20,000. (Average, $20,900)

"SO RED THE ROSE" (Para.)
METROPOLITAN — (1,591), 25c-40c, 7 days (return engagement). **Gross:** $5,500. (Average, first run, $4,300)

Week Ending Dec. 20:

"MIMI" (First Div.)
BELASCO — (1,140), 25c-65c, 7 days. **Gross:** $2,700. (Average, $3,000)

Gain In Wired Houses

WASHINGTON, Dec. 29. — Wired [illegible] in Czechoslovakia have increased by 525 during the past two years, according to reports to the U.S. Department of Commerce from Commercial Attache Sam E. Woods at Prague. At the same time the total of theatres has dropped by 122 to 1,833, due to closings in small communities. Two hundred and ninety houses have daily showings and 715 from two to six times a week.

A total of 123 films, about 435,000 feet, was passed by the censors in October.

Dissolve N. O. Art Corp.

NEW ORLEANS, Dec. 29.—Stockholders of the Art Corp. have decided to dissolve the corporation and wind up its affairs out of court. Liquidators named are N. L. Carter, Mrs. E. V. Richards, and Harry K. Oliphant, all of whose addresses are [illegible] the Saenger headquarters.

Buy Radio Station

Lincoln, Neb., Dec. 29.—Purchase of 50 per cent of the stock in Central States Broadcasting Co. by the *Journal* and *Star*, Lincoln newspapers, gives the two sheets a strong hold on all advertising in this territory. The deal brings to a close one of the bitterest and longest press-radio battles in the middle west. Transfer will take place Jan. 1, 1936.

"Whipsaw" $5,500 Louisville Leader

LOUISVILLE, Dec. 29.—"Whipsaw" with "The Case of the Missing Man" took honors for the week at Loew's State, stacking up $5,500, or $1,000 over normal.

"Millions in the Air" and "East of Java" pulled a good $5,000 at the Rialto, up by $1,500.

"The Return of Peter Grimm" and "To Beat the Band" proved to be a weak dual at the Brown, grossing $1,900, or $100 below par. "Happiness C.O.D." at the National, assisted by Major Bowes' Amateurs No. 2, were responsible for a nice gross of $3,300, $300 over par. Considering the pre-Christmas slackening, this figure is not bad.

Chief opposition was Katharine Cornell who appeared as Juliet at the Memorial Auditorium, the gross reaching $3,500 for one performance. The weather was not pleasant. Several cold days hurt.

Total first run business was $20,800. Average is $18,500.

Estimated takings for the week ending Dec. 19:

"WHIPSAW" (M-G-M)
"CASE OF THE MISSING MAN" (Col.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

"MILLIONS IN THE AIR" (Para.)
"EAST OF JAVA" (Univ.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $3,500)

"SHOW THEM NO MERCY" (20th-Fox)
"YOUR UNCLE DUDLEY" (20th-Fox)
STRAND — (1,500), 15c-25c-40c, 7 days. **Gross:** $2,200. (Average, $2,500)

"RETURN OF PETER GRIMM" (Radio)
"TO BEAT THE BAND" (Radio)
BROWN—(1,400), 15c-25c-40c, 7 days. **Gross:** $1,900. (Average, $2,000)

"MISS PACIFIC FLEET" (W.B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $1,900. (Average, $2,500)

"HAPPINESS C. O. D." (Chesterfield)
NATIONAL—(2,400), 15c-25c-40c, 7 days. Stage: Major Bowes' Amateurs No. 2. **Gross:** $3,300. (Average, $3,000)

"KING SOLOMON OF BROADWAY" (Univ.)

"THIS WOMAN IS MINE" (Para.)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,000. (Average, $1,400)

Exchange Plans Office

SPRINGFIELD, O., Dec. 29.—The Gus Sun Booking Exchange, with headquarters here, will open an office in Buffalo about Jan. 15, and another in a location not yet decided upon, according to Bob Shaw, general manager. The local office is now booking unit shows through Ohio, and sections of Pennsylvania and Kentucky.

Plan New "Broadcast"

HOLLYWOOD, Dec. 29. — Paramount will make another "Big Broadcast" due to the success of the film produced this year by Benjamin Glazer. Lewis Gensler will produce "The Big Broadcast of 1937."

"Rainmakers" On Dual Only Pull on Coast

LOS ANGELES, Dec. 29.—Only one first run came through the Christmas week slump with a profit. It was the Pantages which showed "The Rainmakers" and "Another Face," and managed to get $3,500, up by $300. The same bill at the Hillstreet was less than half normal with $3,500.

"Whipsaw" and "Red Salute" were weak at both the Chinese and Loew's State," and "The Payoff" and "Personal Maid's Secret" fared badly.

Total first run business was $57,550. Average is $86,150.

Estimated takings for the week ending Dec. 25:

"WHIPSAW" (M-G-M)
"RED SALUTE" (U.A.)
CHINESE — (2,500), 30c-55c, 7 days. **Gross:** $8,000. (Average, $12,500)

"MAN WHO BROKE THE BANK AT MONTE CARLO" (20th-Fox)
4 STAR—(900), 30c-55c, 7 days, 3rd week. **Gross:** $2,800. (Average, $3,250)

"CRIME AND PUNISHMENT" (Foreign)
GRAND INTERNATIONAL — (750), 35c-40c, 7 days, 3rd week. **Gross:** $650. (Average, $1,200)

"THE RAINMAKERS" (Radio)
"ANOTHER FACE" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. **Gross:** $3,500. (Average, $8,000)

"WHIPSAW" (M-G-M)
"RED SALUTE" (U.A.)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $10,000. (Average, $14,000)

"THE RAINMAKERS" (Radio)
"ANOTHER FACE" (Radio)
PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,200)

"CORONADO" (Para.)
"NEVADA" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue. **Gross:** $13,800. (Average, $18,000)

"THE PAYOFF" (W.B.)
"PERSONAL MAID'S SECRET" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $14,000)

"THE PAYOFF" (W.B.)
"PERSONAL MAID'S SECRET" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $7,500. (Average, $12,000)

Lincoln Goes into Bad Xmas Doldrums

LINCOLN, Neb., Dec. 29.—Theatres took a terrific beating all along the line Christmas Week. Only one spot, the Orpheum, passed par, and this was done by shoving in a vaudeville program for three days with a dual bill, "Navy Wife" and "Scrooge," the other four. The $1,900 take was $200 to the good.

The Stuart made the worst showing of all, going $2,100 down with a $1,000 gross on "Metropolitan."

Total first run business for the short week was $5,450. Average is $9,850.

Estimated takings:

Week Ending Dec. 24:

"NAVY WIFE" (20th-Fox)
"SCROOGE" (Para.)
ORPHEUM — (1,200), 10c-15c-20c-25c, 5 days. Vaudeville, 3 days. **Gross:** $1,900. (Average, 7 days, $1,700)

"THIS IS THE LIFE" (20th-Fox)
LINCOLN—(1,600), 10c-20c-25c, 6 days. **Gross:** $1,700. (Average, 7 days, $2,200)

"METROPOLITAN" (20th-Fox)
STUART — (2,000), 10c-25c-40c, 5 days. **Gross:** $1,000. (Average, 7 days, $3,100)

"DICTATOR" (G. B.)
VARSITY—(1,100), 10c-15c-20c-25c, 7 days. **Gross:** $800. (Average, $1,700)

"SWIFTY" (Diversion)
"MAN OF IRON" (F. N.)
COLONIAL—(550), 10c-15c, 6 days. **Gross:** $550. (Average, 7 days, $850)

"Three Kids" Fair as K.C. Grosses Skid

KANSAS CITY, Dec. 29.—In spite of —probably it was a contributing cause—excellent weather, grosses faded sharply in the face of Xmas shopping.

"Whipsaw" did nicely at the Midland, taking $10,500 in seven days to lead the town. This was $1,000 under par. "Three Kids and a Queen," plus a stage show at the Tower, took $6,200, while "Stars Over Broadway" grossed $6,000 at the Newman. The former was under par by $800, the latter by $1,000.

"Transatlantic Tunnel" and "Music is Magic" grossed $2,400 in five days, compared with $2,800 average for the period. "Broadway Hostess" at the Mainstreet did $3,100 in six days, under par for the period by about $3,800.

Total first run business was $28,200. Average is $35,200.

Estimated takings:

Week Ending Dec. 17:

"BROADWAY HOSTESS" (F.N.)
MAINSTREET—(3,100), 25c-40c, 6 days. **Gross:** $3,100. (Average, 6 days, pictures only, $6,900)

Week Ending Dec. 18:

"WHIPSAW" (M-G-M)
MIDLAND — (4,000), 25c-40c, 7 days. **Gross:** $10,500. (Average, $11,500)

"TRANSATLANTIC TUNNEL" (G.B.)
"MUSIC IS MAGIC" (20th-Fox)
UPTOWN — (2,000), 25c-40c, 5 days. **Gross:** $2,400. (Average, 5 days, $2,800)

Week Ending Dec. 19:

"STARS OVER BROADWAY" (W.B.)
NEWMAN — (1,900), 25c-40c, 7 days. **Gross:** $6,000. (Average, $6,000)

"THREE KIDS AND A QUEEN" (Univ.)
TOWER—(2,200), 25c-35c, 7 days. Stage: Irving Edwards, Al Nord & Jeanne, Monroe Bros., Bernice Allen, John Paul Jones, mc. **Gross:** $6,200. (Average, $7,000)

Denver Hard Hit; Bookings Are Cut

DENVER, Dec. 29.—With a mixture of three-day runs and one-day revivals the downtown theatre situation was badly scrambled last week.

The Denham revived six old films for one day each, but even this failed to stir up much activity at the box-office. The weather was perfect.

Total first run business was $6,100. Average is $19,500.

Estimated takings:

Three Days Ending Dec. 24:

"YOUR UNCLE DUDLEY" (20th-Fox)
ALADDIN — (1,500), 25c-35c-50c-60c, 3 days. **Gross:** $800. (Average for week, $5,000)

"UNFINISHED SYMPHONY" (G. B.)
BROADWAY—(1,500), 25c-40c, 3 days. **Gross:** $300. (Average for week, $1,000)

"HERE COMES THE BAND" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 3 days. **Gross:** $1,500. (Average for week, $5,000)

"GUARD THAT GIRL" (Col.)
"NEW ADVENTURES OF TARZAN" (Burroughs)
PARAMOUNT—(2,600), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $2,500)

Week Ending Dec. 24:

"DESIGN FOR LIVING" (Para.)
"WE'RE NOT DRESSING" (Para.)
"LITTLE MISS MARKER" (Para.)
"DEATH TAKES A HOLIDAY" (Para.)
"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)
"RUGGLES OF RED GAP" (Para.)
DENHAM—(1,500), 25c-35c-40c, one day each—revival week. **Total gross:** $2,500. (Average for week, $4,000)

"THE PERFECT GENTLEMAN" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $5,000)

The CUP THAT CHEERS for the show of 1936



A toast to better showmanship—to a Happy New Year for both exhibitor and patron—through programs with laughter, spice and variety...programs with a kick but not a kick-back.

Presented by
E. W. HAMMONS

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by
20TH Century-Fox Film Corporation

C

THE LIBRARY OF CONGRESS

THE LIBRARY OF CONGRESS



LIBRARY OF CONGRESS
0 007 551 547 9